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European Languages

زبانهای اروپایی

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29.04.2025

Deporting Dissent: The Dangerous Precedent Set by the Persecution of Pro-Palestine Activists



Image by Hany Osman.

“Rights are granted to those who align with power,” Mahmoud Khalil, a Columbia University graduate student, eloquently wrote from his cell. This poignant statement came soon after a judge ruled that the government had met the legal threshold to deport the young activist on the nebulous ground of “foreign policy”.

“For the poor, for people of color, for those who resist injustice, rights are but words written on water,” Khalil further lamented. The plight of this young man, whose sole transgression appears to be his participation in the nationwide mobilization to halt the Israeli genocide in Gaza, should terrify all Americans. This concern should extend even to those who are not

inclined to join any political movement and possess no particular sympathy for – or detailed knowledge of – the extent of the Israeli atrocities in Gaza, or the United States’ role in bankrolling this devastating conflict.

The perplexing nature of the case against Khalil, like those against other student activists, including Turkish visa holder Rümeyşa Öztürk, starkly indicates that the issue is purely political. Its singular aim appears to be the silencing of dissenting political voices.

Judge Jamee E. Comans, who concurred with the Trump Administration’s decision to deport Khalil, cited “foreign policy” in an uncritical acceptance of the language employed by US Secretary of State Marco Rubio. Rubio had previously written to the court, citing “potentially serious foreign policy consequences” stemming from Khalil’s actions, which he characterized as participation in “disruptive activities” and “anti-Semitic protests”.

The latter accusation has become the reflexive rejoinder to any form of criticism leveled against Israel, a tactic prevalent even long before the current catastrophic genocide in Gaza.

Those who might argue that US citizens remain unaffected by the widespread US government crackdowns on freedom of expression must reconsider. On April 14, the government decided to freeze \$2.2 billion in federal funding to the University of Harvard.

Beyond the potential weakening of educational institutions and their impact on numerous Americans, these financial measures also coincide with a rapidly accelerating and alarming trend of targeting dissenting voices within the US, reaching unprecedented extents. On April 14, Massachusetts immigration lawyer Nicole Micheroni, a US citizen, publicly disclosed receiving a message from the Department of Homeland Security requesting her self-deportation.

Furthermore, new oppressive bills are under consideration in Congress, granting the Department of Treasury expansive measures to shut down community organizations, charities, and similar entities under various pretenses and without adhering to standard constitutional legal procedures.

Many readily conclude that these measures reflect Israel’s profound influence on US domestic politics and the significant ability of the Israel lobby in Washington DC to interfere with the very democratic fabric of the US, whose Constitution’s First Amendment guarantees freedom of speech and assembly.

While there is much truth in that conclusion, the narrative extends beyond the complexities of the Israel-Palestine issue.

For many years, individuals, predominantly academics, who championed Palestinian rights were subjected to trials or even deported, based on “secret evidence”. This essentially

involved a legal practice that amalgamated various acts, such as the Classified Information Procedures Act (CIPA) and the Immigration and Nationality Act (INA), among others, to silence those critical of US foreign policy.

Although some civil rights groups in the US challenged the selective application of law to stifle dissent, the matter hardly ignited a nationwide conversation regarding the authorities' violations of fundamental democratic norms, such as due process (Fifth and Fourteenth Amendments).

Following the terrorist attacks of September 11, 2001, however, much of that legal apparatus was applied to all Americans in the form of the PATRIOT Act. This legislation broadened the government's authority to employ surveillance, including electronic communications, and other intrusive measures.

Subsequently, it became widely known that even social media platforms were integrated into government surveillance efforts. Recent reports have even suggested that the government mandated social media screening for all U.S. visa applicants who have traveled to the Gaza Strip since January 1, 2007.

In pursuing these actions, the US government is effectively replicating some of the draconian measures imposed by Israel on the Palestinians. The crucial distinction, based on historical experience, is that these measures tend to undergo continuous evolution, establishing legal precedents that swiftly apply to all Americans and further compromise their already deteriorating democracy.

Americans are already grappling with their perception of their democratic institutions, with a disturbingly high number of 72 percent, according to a Pew Research Center survey in April 2024, believing that US democracy is no longer a good example for other countries to follow. The situation has only worsened in the past year. While US activists advocating for justice in Palestine deserve unwavering support and defense for their profound courage and humanity, Americans must also recognize that they, and the remnants of their democracy, are equally at risk.

“Our defense is in the preservation of the spirit which prizes liberty as the heritage of all men, in all lands, everywhere,” is the timeless quote associated with Abraham Lincoln. Yet, every day that Mahmoud Khalil and others spend in their cells, awaiting deportation, stands as the starkest violation of that very sentiment. Americans must not permit this injustice to persist.

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APRIL 28, 2025