

As federal court holds first hearing on illegal detention

Trump administration pursues deportation of Mahmoud Khalil while admitting he has committed no crime

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Attend the IYSSE's public meetings this week, "Free Mahmoud Khalil!": Friday, March 14 at 6:30 p.m. at The Center (208 W 13th St., Room 310, New York City) and online Saturday with the Educators Rank-and-File Committee. Click here to register for the online meeting.

As a federal judge held the first court hearing Wednesday on the arrest and detention of Palestinian activist Mahmoud Khalil, the Trump administration effectively admitted that Khalil had committed no crime and was being targeted for detention and deportation solely because of his expressed opposition to US foreign policy in relation to the Israeli war in Gaza.

A statement from Secretary of State Marco Rubio cited his authority under the 1952 Immigration and Nationality Act (also known as the McCarran-Walter Act, a notorious piece of McCarthyite legislation), to order the revocation of a legal US resident's "green card" if that person's continued presence in the country "would have serious adverse foreign policy consequences for the United States."

Khalil entered the US legally in 2022 on a student visa, taking classes as a graduate student at Columbia University's School of International and Public Affairs. A Palestinian born in a refugee camp in Syria, who now holds Algerian citizenship, Khalil subsequently married a US citizen and received a green card, making him a permanent legal resident. He completed his work on his master's degree in December and expected to graduate in May.

At the hearing Wednesday, while over a thousand supporters demonstrated outside the courthouse in support of Khalil, Federal District Judge Jesse Furman offered to allow Khalil's attorneys to argue the merits of their *habeas corpus* request immediately, but they declined because the immigration authorities have refused to allow them to consult privately with their client.

Attorney Ramzi Kassem argued in court that Khalil "was

targeted for his advocacy for Palestinian rights." Removing him to Louisiana and monitoring his phone calls "impedes our ability to defend him," he said. Authorities at the private prison, run by GEO Corp., said that a private phone call to Khalil would not be available until March 20, nearly two weeks after his arrest.

Judge Furman ordered that Khalil's attorneys be given private access to him both Wednesday and Thursday, and set Friday for a further hearing on the schedule for dealing with the major constitutional and legal issues posed in the case. The judge previously ordered the government not to deport Khalil pending the resolution of the case before him.

Assistant US attorney Brandon Waterman, representing the Trump administration, conceded that Khalil could not be deported until after the federal case was decided. But he argued for a change of venue to a federal court either in New Jersey, where Khalil was first taken after his arrest, or in Louisiana, where he is now being held, in a transparent effort to separate him from the community in and around Columbia University, where his wife and supporters live.

Immigration and Customs Enforcement (ICE) indicated it was going ahead with a deportation hearing before an immigration judge, separate from the federal *habeas corpus* proceeding. The deportation hearing is now set for March 27.

At a news conference after the brief court hearing, Kassem declared:

What happened to Mahmoud Khalil is nothing short of extraordinary and shocking and outrageous... He was taken by US government agents in retaliation, essentially, for exercising his first amendment rights, for speaking up in defense of Palestinians in Gaza and beyond, for being critical of

the US government and of the Israeli government.

Khalil's removal to Louisiana was "further retaliation," the attorney added.

Khalil played a prominent role in anti-genocide protests at Columbia last April, but was never arrested or charged with any crime. He served as an interlocutor between the students who set up a tent encampment on the campus and the university authorities.

The blatantly political character of his arrest has provoked widespread condemnation from civil liberties and immigrants' rights groups. Baher Azmy, legal director of the Center for Constitutional Rights, said in a statement:

The arrest, detention, and attempted deportation of a prominent Palestinian human rights activist for his constitutionally protected activity that the administration disagrees with is not only patently unlawful, it is a further dangerous step into modern-day McCarthyist repression. The courts must stop this lawlessness before this chilling form of repression expands further.

The brazen attack on free speech has produced two different reactions within the Democratic Party—or rather, a division of labor among the Democrats as they seek to head off the threat of mass protests developing in the direction of an outright revolt against ICE, the Department of Homeland Security (DHS), and the Trump administration as a whole.

A relative handful of congressional Democrats, including Senator Chris Murphy of Connecticut and Representative Rashida Tlaib of Michigan, have issued denunciations of the arrest of Khalil as a threat to the democratic rights of all Americans. Tlaib, the only Palestinian-American in Congress, issued a letter of protest calling the arrest a "attempt to criminalize political protest" and a "direct assault on freedom of speech." But this was co-signed by only 13 other representatives out of the 215 in the Democratic caucus.

The congressional Democratic leadership, headed by Senate Minority Leader Chuck Schumer and House Minority Leader Hakeem Jeffries, both from New York, issued mealy-mouthed statements that began with denunciations of the campus protests against the Israeli genocide in Gaza, and of Khalil's political views.

Schumer wrote on social media Tuesday that, while he may "abhor many of the opinions and policies that Mahmoud Khalil holds and supports," his arrest and

detention might not be justified. "If the administration cannot prove he has violated any criminal law to justify taking this severe action and is doing it for the opinions he has expressed, then that is wrong," he wrote.

Jeffries suggested that Columbia University, rather than immigration authorities, should carry out the repression of Khalil. "To the extent his actions were inconsistent with Columbia University policy and created an unacceptable hostile academic environment for Jewish students and others, there is a serious university disciplinary process that can handle the matter," he said. Unless the DHS could "produce facts and evidence of criminal activity," the arrest was "wildly inconsistent with the United States Constitution."

The front-runner for the Democratic nomination for mayor of New York City, former governor Andrew Cuomo, issued a vitriolic denunciation of the campus protests as "antisemitism," adding that "I unequivocally condemn it." He would only advise that the Trump administration move cautiously: "The rule of law matters and we must never forget that regardless of the political view expressed, however abhorrent."

The viciously right-wing character of the Democratic Party response only underscores that American society has reached a turning point. As the *World Socialist Web Site* editorial board warned after Khalil's arrest:

No one should underestimate the scale of this assault on democratic rights. This is the rule of the oligarchy in action.

The greatest mistake would be to place any faith in the Democratic Party or the trade union apparatus. The fight to free Mahmoud Khalil is an inseparable part of the broader struggle against the dictatorship of the financial oligarchy. The working class must intervene with its own independent strength to defend democratic rights and oppose the turn to war and dictatorship.



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