

The US Government is Targeting Nonviolent Activists: Judge Refuses to Dismiss “Baseless” Charges Against Palestinian-American

"US federal government is intentionally targeting and prosecuting Arab American citizens"

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[Rasmea Odeh](#) had her first hearing in open court on Thursday in front of the new judge who will preside over her trial on immigration fraud charges scheduled for next month.

As the Palestinian-American community leader and her lawyers sat at the defense table, supporters, many of whom had made the five-hour drive from Chicago, packed the Detroit federal courtroom.

Odeh had hoped that Judge [Gershwin Drain](#) would rule favorably on a defense motion to dismiss the charges against her, but the judge declined to do so, ensuring that the trial will go forward.

Illegal fruit

[Michael Deutsch](#), Odeh’s lead attorney, argued that the indictment of Odeh was the “fruit of an illegal investigation” by the government targeting the [Arab American Action Network](#) (AAAN), the Chicago community organization at which Odeh is associate director.

Last October, Odeh was arrested and indicted for allegedly lying on her US citizenship application a decade ago by failing to disclose her conviction in an Israeli military court for allegedly participating in two bombings in Jerusalem in 1969.

Odeh has pleaded not guilty to the US immigration fraud charge and says the Israeli convictions were obtained in the unfair Israeli military court system based entirely on a confession extracted through [prolonged, brutal torture including sexual assault](#).

If convicted Odeh could face prison time, as well as being stripped of her US citizenship and deported.

Deutsch told the judge that Odeh was selectively investigated because of her protected First Amendment activities educating people about the situation in Palestine, and that it was based on evidence from the four-year-old investigation of the “Anti-War 23.”

In 2010, US authorities raided the homes of several anti-war activists, including Hatem Abudayyeh, AAAN’s director, and summoned two dozen activists before a federal grand jury.

Deutsch said the investigation had been a “fishing expedition” – none of those summoned to the grand jury testified. After four years no one had been charged with any crime and all the papers and property seized in the raid have now been returned.

“As far as we know, there is no ongoing investigation,” Deutsch told the court.

Deutsch argued that US authorities in Chicago had nonetheless passed information from the investigation on to federal prosecutors in Michigan, who indicted Odeh.

Government prosecutor Jonathan Tukel told the judge that Odeh’s attorneys had not shown evidence that their client had been singled out.

But the judge also denied Deutsch’s request to compel US attorneys in Chicago and Detroit to reveal their communications over the matter to the defense.

Speaking to reporters and supporters after the hearing, Deutsch expressed disappointment that the judge had allowed only ten minutes for oral arguments.

However, he said that he was not surprised that the judge declined to dismiss the charges “because the law is very restrictive on that.”

“I just wanted him [the judge] to hear about the history and about the context of this case.”

(Deutsch can be seen commenting on the hearing in the video at the top of the post).

This week the American-Arab Anti-Discrimination Committee (ADC) added its voice to the calls on the US to drop the charges.

In a [letter to US Attorney General Eric Holder](#), ADC called the charges against Odeh “baseless,” and said that the case “plays into the belief and perception that the US federal government is intentionally targeting and prosecuting Arab American citizens.”

ADC is “outraged that the federal law enforcement agencies continue to waste resources by targeting nonviolent social activists such as Ms. Odeh, but have yet to bring charges against the Israeli suspects in the terrorist attack that killed Palestinian-American Alex Odeh in 1985,” the letter adds (Odeh [was killed by a bomb](#) left at the ADC office which he ran in Santa Ana, California).

Torture expert

Judge Drain did not issue a ruling on a second motion – a defense request to allow Mary Fabri, an expert on torture, to testify in the trial.

Fabri, a clinical psychologist at the world-renowned Kovler Center, [already submitted](#) an affidavit on 18 July detailing Odeh’s torture and subsequent post traumatic stress disorder (PTSD).

Deutsch argued that Fabri’s testimony would provide the jury with crucial information about the long-term impact of Odeh’s torture that would help them to judge her state of mind when she allegedly failed to disclose the military court conviction in her citizenship

application.

“This is at the heart of our defense,” Deutsch told the court. “The expert should be allowed to testify, and the jury should decide what it means.”

Drain’s ruling, which he promised within a week, will hinge on his reading of whether the law requires that a person had a “specific intent” to defraud the government at the time of their alleged crime.

Defense attorney Jim Fennerty told the court that the US State Department had handed over dozens of boxes of records the defense had been seeking, which a defense researcher was currently sorting.

Odeh’s lawyers believe the records could shed light on what the US government knew about the torture of Odeh, her father and others after their arrests by Israeli authorities.

Another hearing is scheduled for 21 October, with the start of the trial set for 4 November.

Rally and police harassment

As on previous occasions, Odeh’s supporters rallied outside the US Courthouse on Detroit’s Lafayette Street before and after her hearing.

Sarah Martin, one of the Anti-War 23 who had traveled from Minneapolis, Minnesota, told supporters that solidarity rallies were being held simultaneously in Minneapolis, San Jose, California and Tampa, Florida, as hundreds of people telephoned prosecutors urging them to drop the charges.

“We’ll be back here for the trial,” Martin added, “and we’ll fill that courtroom.”

Since a [hearing in September](#), some officers of the Department of Homeland Security police who protect federal facilities have taken a more aggressive stance toward the rallies.

Early on Thursday morning, this writer was briefly questioned by one officer for taking this photo of the courthouse, an entirely legal activity.

I’m in Detroit today for the latest preliminary hearing in the case of Rasmea Odeh pic.twitter.com/wiTh37F679

— Ali Abunimah (@AliAbunimah) [October 2, 2014](#)

The incident was reported to National Lawyers Guild legal observers present on the scene. After the hearing, Muhammad Sankari, a member of the national Rasmea Defense Committee, was told by police that he could not lead chants with a bullhorn on the sidewalk in front of the building.

Police tell Muhammad he’s not allowed to use bullhorn in front of courthouse pic.twitter.com/XJV9QyEhrB — Ali Abunimah (@AliAbunimah) [October 2, 2014](#)

So now he's across the street. [#detroit #rasmea pic.twitter.com/VOnkdA0pgO](#)
— Ali Abunimah (@AliAbunimah) [October 2, 2014](#)

He continued to lead chants from across the street. There is no sign that such petty harassment will deter Odeh's supporters. "We obviously believe that justice was not served today. Too many of our leaders, like Rasmea, are being targeted by the Justice Department for their activism in support of Palestinian liberation," Sankari said in a press release from the Rasmea Defense Committee. "This case is clearly going to be an indictment of Israel and its brutal policies. We will continue to make that argument as we work to get the charges dropped," Sankari added.

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