

# Commentary

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## What to Do with a Bad Guest

Jewish Commentary

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**T**ONY BLAIR, THE FORMER PRIME MINISTER OF GREAT BRITAIN, CLOSES THE preface to his memoir with an anecdote about America. He tells of a Jewish friend of his whose mother had emigrated to the United States decades before. When this friend's mother died, her son discovered, among her small trove of possessions and jewelry, a lockbox that clearly seemed to preserve some sort of treasure—though this woman had never been wealthy, and it was unclear what sort of invaluable object the box could contain:



There was no key. So they had to drill it open. They wondered what precious jewel was in it. They lifted the lid. There was wrapping and more wrapping and finally an envelope. Intrigued, they opened it. In the envelope were her U.S. citizenship papers. Nothing more. That was the jewel, more precious to her than any other possession. That was what she treasured most. So should America today.

As we read this story, we realize that this is not only a tale of this woman's love of America; it is also an explanation for why she deserved to be embraced by America, why America was right to allow her to make this country her home, and ultimately to accord her all the rights of an American.

It is with this in mind that we may ponder the controversy surrounding Mahmoud Khalil, a green card holder whom the Rubio State Department is seeking to deport. We are hearing from many that this amounts to a criminalization of free speech solely for his views regarding Israel. The problem with this description is that it is doubly incorrect.

First: To deport a radical pro-Hamas activist is to do so in the knowledge that those representing such positions on college quads not only dislike Israel. They also hate America. Indeed, the very organization Khalil represented, Columbia University Apartheid Divest, has openly stated that it seeks “the total eradication of Western civilization.” The sympathy with Hamas is the symptom; hatred of the West is the disease.

As the pro-Israel activist Ben Badejo has noted, Khalil—like all others fighting deportation relating to these statutes—has issued many public declamations through his lawyers, but he has never, as part and parcel of their public defense, put forward two simple statements: that he hates Hamas and that he loves America. The refusal to state the former, of course, is linked to his inability to express the latter. This is not, first and foremost, a matter of one’s views regarding the Middle East. For the secretary of state to cite statutes allowing deportation of those who espouse support for terror, and who pose a threat to America’s foreign policy, is to emphasize the fact that individuals like Khalil seek the end of America itself.

The second mistake—that deportation is a criminalization of speech—follows from the first. Khalil is being detained only because he has been told to leave these shores and he has refused. As the Supreme Court has clarified, ordering a noncitizen to leave your country is not a criminal punishment. This was made clear by Justice Robert Jackson in 1952, in *Harisiades v. Shaughnessy*, a case about an individual deported on the grounds of being “a member of an organization which advocates overthrow of the government by force.” Jackson insisted that it had been “considered closed for many years” that “deportation, however severe its consequences, has been consistently classified as a civil, rather a criminal procedure.” He then went on to cite an earlier Supreme Court decision that explained the matter quite simply:



It is thoroughly established that Congress has power to order the deportation of aliens whose presence in the country it deems hurtful. The determination by facts that might constitute a crime under local law is not a conviction of crime, nor is the deportation a punishment; it is simply a refusal by the government to harbor persons whom it does not want.

And when we ponder the point, it is actually obvious: How is it a punishment to order a guest in your country—or a green-card holder like Khalil, who is here because of the graciousness of the United States—to leave a land he hates? Indeed, how is such an order anything other than a country reflecting basic self-respect and self-preservation for its own future?

Cases like Khalil's will wend their way through the courts, and this litigation will hopefully provide us with the opportunity to ponder a clarifying question: Why would a country that rightly welcomed a fervently patriotic immigrant like the Jewish woman in Blair's story—and Secretary Rubio descends from such immigrants—willingly ladle out visas to those who hate it? This is, in other words, another opportunity, as we approach the 250th anniversary of America's founding, to ponder the meaning of America and of what binds us as Americans. In an address delivered on July 4, 1858, Abraham Lincoln contemplated the fact that many living in America did not descend from those who fought in the Revolution. Yet, he said, their love of America, and of the ideas embraced at the Founding—is what bound the newcomers to Americans like himself:



When they look through that old Declaration of Independence they find that those old men say that "We hold these truths to be self-evident, that all men are created equal," and then they feel that that moral sentiment taught in that day evidences their relation to those men, that it is the father of all moral principle in them, and that they have a right to claim it as though they were blood of the blood, and flesh of the flesh of the men who wrote that Declaration, and so they are. That is the electric cord in that Declaration that links the hearts of patriotic and liberty-loving men together, that will link those patriotic hearts as long as the love of freedom exists in the minds of men throughout the world.

Lincoln, of course, could not have imagined an age in which the most elite academic institutions in the land teach that the Founding and the country it produced are an embodiment of evil. But he would not have asked us to welcome and embrace such individuals, and to ask them to stay in America. And American Jews like me, who descend from immigrants like the mother of Blair's friend, should be first and foremost in explaining why this is so.

*Photo: [Diane Krauthamer/Flickr](#)*

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