

Academics in Chicago sound the alarm on ‘viewpoint discrimination’ as government targets student protesters

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FULL TEXT

As President Donald Trump’s executive orders pave the way for the government to crack down on campus activism, including an order to deport international students who participated in pro-Palestinian protests, Madalin, an international doctoral student at Northwestern University said she’s keeping a watchful eye on the “horrors” being enacted by the administration. Madalin spoke to the Tribune on the condition that it would not disclose her full name as she wrestles with the fear of deportation.

“It took me some time to realize the (implications),” she said. “Soon I started to sit with the idea that this could actually be a very substantial material problem for me. I have a partner here; I have a life here.”

Madalin, originally from Italy, was hesitant to divulge the extent of her role in last year’s pro-Palestinian protests at Northwestern, one of 60 universities under federal scrutiny for what the Trump administration calls “antisemitic discrimination and harassment.”

Recent events have reinforced her sense of caution.

On Saturday, federal immigration authorities arrested Mahmoud Khalil, a Palestinian activist who was a prominent leader in Columbia University’s student protests against Israel, the first publicly known deportation effort under an executive order that pledges to detain and deport international students who joined such demonstrations on college campuses.

Khalil, who completed work on his master’s degree at Columbia, now faces possible deportation despite facing no criminal charges, though court documents show a federal judge has blocked the removal of Khalil from the country while weighing a petition challenging his arrest.

As Khalil’s arrest in New York casts confusion and unease, educators and international students in the Chicago area and beyond are sounding the alarm and bracing for unprecedented intellectual repression.

“Some of these universities have turned into collaborators in deporting their own students, censoring their scholarly communities and ultimately defunding their own institutions,” Madalin said, noting that Khalil is a green card holder and a legal resident of the U.S, and his pregnant wife is an American citizen. “If this campaign of fear (from the Trump administration) were to work, I do wonder who’s going to be left to defend critical thinking in American academia.”

Madalin said there are murmurs in smaller circles across the Evanston campus about how Trump’s executive orders could affect Northwestern.

“We will say things like ‘at least it’s a liberal university; maybe they will manage not to give names to ICE,’ ” Madalin said. “But if it comes to that—if they are pressured—I wouldn’t be shocked if they did. I don’t believe in the benevolence of this institution.”

Jacqueline Stevens, a political science professor at Northwestern University and director of the Deportation Research Clinic at the university’s Buffett Institute for Global Affairs, said Northwestern could and should challenge the Trump administration’s edicts.

“If Northwestern had any kind of reservations about implementing a policy that violated students and faculty, that

violated the community's rights to express our perspectives on —let's say U.S. foreign policy on Israel—they should go to court,” Stevens said. “They should say that the executive order violates the First Amendment and that as a private institution, they want the court to issue an injunctive order to prohibit these kinds of protocols from being enforced by the Trump administration.”

Hundreds protest arrest of Palestinian green card holder who helped lead Columbia encampment

Stevens recently co-authored an op-ed in the Daily Northwestern and a petition criticizing Northwestern's deference to Trump's executive order on Title VI, including its position on international students who participated in protests against Israel's attacks in Gaza. Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color and national origin in programs and activities receiving federal financial assistance.

“There's a real big disconnect between Northwestern's stated commitment in their public mission statement to diversity on the one hand, and then complacency when the government says that they want to deport people based on viewpoint,” Stevens said.

According to Genevieve Lakier, a University of Chicago professor specializing in freedom of speech and American constitutional law principles, the executive orders violate the First Amendment.

“If you're deporting people because you don't like the protests that they engage in, that is classic viewpoint discrimination,” Lakier said.

Lakier said Trump's orders are designed to instill fear and pressure universities to suppress student protests.

Despite the lack of direct orders to universities, she added, private groups are influencing school administrators to “fall in line,” creating a chilling effect on campus freedoms.

Although a government criminalizing speech based on viewpoint is against constitutional law, Lakier explained that the United States' plenary power doctrine has “doctrinal difficulties.” According to Lakier, the doctrine allows the government absolute authority over a specific area, often commerce and immigration.

It makes everything more worrisome for international students, Lakier said, noting that critics of the plenary power doctrine argue that it has been used to oppress groups based on race, ethnicity, national origin and culture.

“We have no idea where we're headed, but it's possible to imagine a world in which maybe very few students actually are deported, but there's a lot of publicity around the few who are or whose visa status is challenged,” Lakier said. “That instills fear in everybody else. I think it's important to not only think about how many people are kicked out of the country, but the clear aim to affect what happens inside the country in an ongoing way.”

On Jan. 30, the White House announced the president's steps to “combat antisemitism,” referring to student protesters as “ Hamas sympathizers” and warnings that officials will “find you, and we will deport you.”

Lakier said the meaning of “ Hamas sympathizer” is ill-defined and leaves many students at risk as they also weigh the potential repercussions of speaking up.

A recent University of Chicago graduate from India who is now pursuing a postdoctoral opportunity in another state spoke to the Tribune on condition of anonymity because she is worried identifying herself will impact her visa renewal status.

The student with Optional Practical Training work authorization will soon be applying to renew her F-1 student visa. The OPT, a benefit for F-1 visa holders, allows international students temporary employment directly related to their area of study. For the UChicago grad, if approved, the renewal will allow her an additional three years in the U.S. because of her type of degree.

While at UChicago, the student participated in pro-Palestinian protests and supported the encampment at the Hyde Park campus.

“My cousin back home sent me the news (of threats to deport international students) with a bunch of question marks, and I did have to do a bit of an assessment of are there things we should actually be doing to protect ourselves or just fine to kind of ignore it,” she said.

She started switching her public social media accounts to private, while some in her network hurriedly spoke to legal experts about what to expect.

The student said the news lately makes her feel like she's “living in a fascist regime.”

Axios reported last week that the U.S. State Department will use artificial intelligence to revoke the visas of international students who appear to be “pro-Hamas.”

On Friday, the Department of Justice and the Department of Education announced the government would be revoking \$400 million in federal grants and contracts to Columbia University “due to the school’s continued inaction in the face of persistent harassment of Jewish students.”

The U.S. Department of Justice did not respond to requests for comment.

A few days earlier, Trump announced he would cut the federal funding of colleges that allow what he called “illegal protests,” though he didn’t define what constitutes an illegal protest.

On Monday, Trump boasted about Khalil’s arrest on social media, saying, “This is the first arrest of many to come. ...We know there are more students at Columbia and other universities across the country who have engaged in pro-terrorist, anti-Semitic, anti-American activity.”

Louise Cainkar, a social and cultural science professor at Marquette University, said the rhetoric used by the Trump administration is dangerous and might, in fact, boomerang into dividing Jewish communities “who are historically very pro-civil liberties and beacons of social justice.”

“The proportion of the U.S. population that is aware of the Palestinian situation has significantly increased,” Cainkar said. “These Trump efforts are bound to fail in their objectives, and in my view they are an insult to the Jewish people.”

At Northwestern, Madalin and Stevens said the school is requiring its students and staff this year to complete mandatory antisemitism training. Stevens said the training “further perpetuates the mischaracterization that criticizing Israel is antisemitic” because the training modules were created in response to protests. Madalin agreed. In an email, Northwestern spokesperson Jon Yates said the school began new, yearly mandatory training for students this year covering antisemitism as well as anti-Muslim, anti-Palestinian and anti-Arab discrimination.

“Discrimination and intimidation have no place at Northwestern and these trainings are critical tools as we strive for a campus where all members of the community feel welcomed,” Yates said.

Yates did not comment on inquiries about Northwestern’s position as a private institution with international students or the concerns raised by Madalin or Stevens.

Madalin, who spent many years studying in the U.S. with hopes of cultivating a career in academia, said she’s now having second thoughts about her future.

“I don’t understand anymore what I would be doing in a university —it’s fully emptied out,” she said. “A lot of us are considering changing jobs because this is not the job we signed up for. I’m a political philosopher or a critic of society. This is supposed to be what I’m doing. But at the moment, as an international student, I cannot even talk freely without worrying what could happen.”

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