UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

No. 1:25-cv-10685-WGY

AMERICAN ASSOCIATION of UNIVERSITY PROFESSORS, et al,
Plaintiffs

vs.

MARCO RUBIO, in his official capacity as Secretary of State, et al,
Defendants

****

BENCH TRIAL DAY 1 - VOLUME 2

July 7, 2025
11:22 a.m.

BEFORE THE HONORABLE WILLIAM G. YOUNG
UNITED STATES DISTRICT JUDGE

United States District Court
District of Massachusetts (Boston.)
One Courthouse Way
Boston, Massachusetts 02210

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(Resumed, 11:21 a.m.)

MR. KANELLIS: Your Honor, William Kanellis for the Justice Department.

CROSS-EXAMINATION BY MR. KANELLIS:

Q. Let's start this off the right way. Hyska, Professor Hyska?

A. That's correct.

Q. Let's talk a little bit about your background. You are a professor of philosophy at Northwestern?

11:22

A. Correct.

Q. And you teach, among other things, about the philosophy of language?

A. I do.

Q. Okay. Continental school or analytic school?

A. Analytic.

Q. Analytic, so more Frege than Husserl?

A. Correct.

Q. Very good.

11:22

You talked about political propaganda, and I believe, if I have you correctly, you discussed that you teach about the mechanisms by which we get messages across to one another; is that right?

A. Sure, yes.

Q. That's one of the things that you teach about. And words

are among the things that we use to get messages across to one another, right?
A. Sure.
Q. I mean, you teach about semantics, so words are very important to you, correct?
A. Sure.
Q. Now, one of the words that was discussed in your direct examination was ideological deportation policy. Do you remember that discussion?
11:22 A. I do.
Q. And the ideological deportation policy, in your mind, and correct me if I'm wrong, is based upon your interpretation of events happening within the U.S. Government, right?
A. Events happening, you know, out in the world as well, insofar as these detentions are part of what I see as the expression of that policy.
Q. And that policy is manifested in words of various sorts, right?
A. It's partially manifested in words and also in actions.
11:23 Q. And what words do you refer to or do you mean to refer to in the thinking about what is this ideological deportation policy?
A. Well, I'm thinking about what I alluded to earlier, for instance, where there are statements made by officials within the Trump administration, statements using words that seem to

communicate that it was on the basis of speech that these high profile detentions were made, for instance. So those words I guess are part of the policy.

Q. Okay. And those words were words you read on the internet?

A. Correct.

Q. And those words were video reports of things that people said about what was said by the administration?

MR. BIALE: Objection.

11:24 THE COURT: Well, no. He may ask the question in that form.

A. If the question is was there an instance where it's a video of a Trump administration official that was the basis for my conclusion of that this policy was in place, I can't remember an exact instance where that would have been the case.

Q. Okay. What about executive orders; do you know what executive orders are?

A. I do.

Q. Have you heard about executive orders relating to what you 11:24 describe as the ideological deportation policy?

A. I'm not familiar with a specific executive order.

Q. Other than what you've read on the internet and what you may have seen in media, do you have any other basis to assign this ideological deportation policy to the U.S. government?

A. I just know what I see in reporting.

Q. You know what you see in reporting. You're not a member of the United States Government; you never have been, correct?
A. Correct.
Q. You aren't privy to the internal communications of the United States Government regarding the arrests and revocations of visas of students that you described in your direct examination, right?
A. That's correct. The only note I would make is that in one case that I can think of some internal communications was
11:25 reported on, so I know about it indirectly.
Q. Okay. Do you believe the United States has a legitimate interest in combatting antisemitism?
MR. BIALE: Objection.
THE COURT: I'm not clear what's meant by antisemitism here.
MR. KANELLIS: I can clarify. I can lay that foundation.
THE COURT: You go right ahead.
BY MR. KANELLIS:
11:25 Q. Do you have an opinion about what the word "antisemitism" means?
THE COURT: You're asking her view of what that word is.
MR. KANELLIS: Yes, sir.
A. Yeah. I mean, I take antisemitism to refer to hatred of

Jewish people.
Q. Okay. And if there was a U.S. Government policy that was attempting to combat antisemitism, would you have a problem with that personally?
MR. BIALE: Objection. I'll withdraw the objection.
THE COURT: It's withdrawn.
A. Well, to be clear, I have a great problem with antisemitism myself. I think it's of course an abhorrent ideology. I would of course have questions about what means
11:26 the U.S. Government was using to combat antisemitism.
Q. Of course. You indicate -- sorry. Did you have -- okay. You indicated that you are a member of the DSA?
A. That's correct.
Q. And that's the Democratic Socialists of America?
A. Correct.
Q. Bernie Sanders and AOC are both members --
A. Correct.
Q. You talked about, I think what I would characterize as your decision to restrict your involvement with the DSC in
11:27 March or so of 2025. Did I get that right?
A. Correct.
Q. Okay. And with respect to your decision, that was your decision. No one forced you to withdraw your participation in that organization, did they?
A. Certainly nobody told me I had to, but I did feel like I

was under pressure from external forces.

Q. You were under pressure from external forces.

Did anybody from the government write you a letter and express concern about your involvement with the DSC?

A. They did not.

Q. Did anybody from the government send you a message of any kind that would lead you to believe that you were being pressured to lessen your involvement with the DSC?

A. So certainly nobody from the government addressed a letter to me in which they said something like that. But if the question is do I feel like I was on the receiving end of messages from the federal government to that effect, I think I would say that I did.

What I have in mind here is, for instance, President Trump made publicly communicating on social media about how, for instance, Mr. Khalil's arrest was the first of many arrests to come.

Q. Okay. And do you have an understanding of the basis for Mr. Khalil's arrest?

A. I believe I have some understanding.

Q. You have some understanding. Do you have -- were you privy to any of the internal communications of the United States regarding why Mr. Khalil was arrested?

A. So I was not. But of course I did follow the trial concerning Mr. Khalil's eventual release from detention, in

which, as I understand it, the government had some reason to present what their reasons for his detention were, and in which, as I recall, the judge concluded that there was something to the idea that Mr. Khalil had been detained on the basis of his speech.

Q. And has that litigation been resolved to your understanding?

MR. BIALE: Objection.

THE COURT: He may have it. Just what she understands.

A. I understand that Mr. Khalil has been released from detention. I don't know whether -- I don't understand whether that is the full legal matter having been resolved.

Q. And with respect to the messages that were sent to you by the United States Government, what other messages did the U.S. Government send to you that caused you to lessen your involvement with DSC?

MR. BIALE: Objection. Misstates the testimony.

THE COURT: No. He's using it in the broadest sense, at least that's how I understand it. And if the witness understands it, she may answer.

A. So if the question is appropriately understood as what are the things that have been said publicly that I've taken as indications --

THE COURT: Actually, I'm interested in public or

communicated from peers or the like, that type of thing.

What things that you -- if I think he's asking and I'm interested, what things that you take are expressions of United States Government policy that got to you, affect you in the way that you've testified.

A. Right. So things that come to mind. First of all, there are like clusters of social media posts around the detention of Mr. Khalil. As I've mentioned already, President Trump's post on Truth Social. There were also posts by the White House's X account, in which they -- which said something similar. I believe the Department of Homeland Security also had an X account where they publicized Mr. Khalil's detention.

I'm also thinking, though, of like a kind of range of policies that the Trump administration is engaging in where I feel like their officials have communicated a kind of attitude toward noncitizen speech.

So what I have in mind here, for instance, is that over the last few weeks, as I understand it, the State Department has put into place a new additional set of screening mechanisms for international students and scholars who are applying for visas to come to this country. And in a message to, like, foreign diplomatic missions, I've read a reporting indicating that Secretary of State Marco Rubio instructed consular officials to screen students on the basis of whether they expressed, say, on their social media, hostility toward the

United States, which included hostility toward the United States Government and instructed them to vet on the basis of whether those students had engaged in political activism.

Now, that to me suggests that this administration is interested in using a wide range of tools at its disposal to prevent noncitizens from engaging in political dissent on a pretty wide range of topics, actually.

Q. All right. And with respect to the communications you feel were directed at you, other than that, you haven't received anything, a personal message from the government to tell you to withdraw or refrain from engaging in political speech of any kind; isn't that right?

A. No. Correct.

Q. Let's talk about social media. You have several social media accounts, don't you?

A. I do.

Q. Okay. And let's just go through a few. Well, before we get there, let's talk about your professional publications. You've described a few of them in your direct examination. The government hasn't in any way prevented you from publishing anything since 2025, has it?

A. Well, as I stated in my direct examination, I do feel that in a sense I was prevented from feeling safe in publishing this op-ed that I had drafted.

Q. And that's your feeling, correct?

A. That's my feeling based on statements made by government officials that have been reported on.
Q. Okay. But with respect to your professional publications, you've been quite active in 2025, haven't you?
A. I hope so.
Q. Things are going well for you, aren't they?
A. We'll see what the tenure committee thinks.
Q. Fair enough.
In January of 2025, you spoke about an article on "The politics of past and future: synthetic media showing and telling," isn't that right?
A. Can you repeat the question. Did I give a presentation on that in January of this year?
Q. Yes.
A. Forgive me. I'm just remembering the order of presentations. Can you remind me where I would have given that presentation?
Q. If you don't remember, ma'am, that's fine. We'll move on to some others.
In February you spoke at the University of Chicago, correct?
A. Oh, I was invited to give a talk at the University of Chicago in February. I in fact had to pull out at the last minute.
Q. Okay. Was that pulling out, did that have anything to do

with the Trump administration?
A. It did not.
Q. Okay. Now, in May of 2025, May of 2025 is after you claim you were aware of this ideological deportation policy, correct?
A. Correct.
Q. In May of 2025, you gave a public presentation at Virginia Tech, correct?
A. Correct.
Q. That relates to your professional work you do as a
11:34 philosopher, correct?
A. It does. I might mention that the work I was presenting there didn't strike me as particularly politically sensitive, though.
Q. Okay. In June you spoke at a Brown conference, correct?
A. I did.
Q. Brown University?
A. I did.
Q. And you spoke about deep fakes and political mobilization; isn't that right?
11:34 A. I did.
Q. Those are subjects that you spoke about publicly. And those subjects were, you addressed publicly after this ideological deportation policy came into effect in your opinion, right?
A. So while it is correct, I would just note that there's

public and then there's public, right? An op-ed in a major national newspaper is going to reach an audience of a different size than a talk to a small room full of students at Brown University.

Q. Did you talk to the people at Brown about who was or was not going to be admitted to the talk at Brown?

MR. BIALE: Objection.

THE COURT: Overruled.

A. Sorry. Can you repeat the question?

11:35 THE COURT: His question is did you have anything to say about who was admitted to the talk you gave at Brown.

A. No, I did not.

Q. Did you try to limit the participants in this talk you gave at Brown?

A. No, I did not.

Q. That was a few weeks ago, wasn't it?

A. Correct.

Q. Right. And with respect to any of the other presentations that you've given this year, did you try to limit the

11:36 participants in those conferences?

A. I did not.

MR. KANELLIS: Bear with me, Your Honor, my phone somehow disabled my line of questions.

THE COURT: It's happened to me, too.

Q. You have several internet accounts, correct? Internet

social media accounts, I apologize.
A. Correct.
Q. One of them is a Twitter account?
A. Or as well call it now an X account, yeah.
Q. An X account. And prior to 2025, you had not engaged in any messaging about Palestine or Israel on your X account, correct?
A. Correct. Though I'll just note that I haven't actively used my X account in some years on any topic.
11:37 Q. Okay. But you didn't, certainly if you haven't used it in several years, the conflict in Palestine goes back many, many years, correct?
A. Correct.
Q. And at no point in time --
MR. KANELLIS: I apologize, Your Honor. I don't know what's happening.
THE COURT: Cut to the chase, when he's asking the question, have you spoken about that conflict on any of your social media accounts?
11:37 THE WITNESS: I have not.
THE COURT: I mean before or after the matters you've testified about here.
THE WITNESS: Yeah. Neither before nor after was I in the habit of using social media to talk about this. I have hardly used social media at all in some years, I'll just note.

MR. KANELLIS: Your Honor, thanks for cutting to the chase.

BY MR. KANELLIS:

Q. That was exactly my point. You have a Bluesky account, correct?

A. Correct.

Q. You have a Facebook account, correct?

A. Correct.

Q. You have an X account and you have an Instagram account, correct?

A. That's correct.

Q. And on none of those accounts at any point in time have you referenced Palestine or Israel; isn't that correct?

MR. BIALE: Objection.

THE COURT: Overruled.

A. That's correct. In general, social media is not how I choose to engage in political speech on any topic.

Q. Okay. You do continue to engage in protests, though, don't you?

A. As I stated in my direct, I haven't attended a protest since early April.

Q. Early April. Well, in March of 2025, this year, that's when you became aware of the arrests of Khalil and Ozturk, correct; that's what you testified?

A. Correct.

Q. So you were aware of this threat that you described in March. And in March of this year, you attended a Unite and Fight meeting, correct?
A. I believe that what -- I believe that's correct. I don't remember whether the Unite and Fight campaign meeting was the end of March or beginning of April, but yes, that's correct.
Q. And that was after you became aware of these arrests that you've complained about your direct examination, right?
A. That's correct.
11:39 Q. And Unite and Fight relates to, was designed to mobilize chapter membership in some issues of particular relevance during the current presidential administration, including immigration and trans rights?
A. Correct.
Q. Right? Fair summary of this Unite and Fight movement that you've participated in?
A. The Unite and Fight campaign of Chicago DSA, yes.
Q. And that was, again, after the arrests that you claim frightened you?
11:39 A. Correct.
Q. You claim these arrests caused you to withdraw from a number of your political activities?
A. Correct.
Q. And yet you continued to attend a meeting that was specifically designed to fight against this administration and

its immigration policies, correct?
A. Correct.
Q. Okay. You attended meetings regarding Unite and Fight relating to the deportation of immigrants; isn't that right?
A. That was among the issues that would have been discussed, yes.
Q. And that meeting generally concerned ICE raids and deportation of immigrants that people were concerned with and concerned with planning to protest. That was the subject of
11:40 the meeting you attended after the arrests of Khalil and Ozturk, right?
A. That's correct.
Q. Okay. And your participation in political speech didn't end there. You attended book clubs and book club meetings, correct?
A. I certainly attended book club meetings in the early months of 2025. I can't recall the exact date of the last book club meeting right at the moment.
Q. Let's talk about the DSA and the, in your words, if I'm
11:41 characterizing them correctly, you mitigated your participation in DSA activities because of this ideological deportation policy. Fair summary?
A. What I would add is I've specifically pulled back from, like, leadership opportunities within the DSA. So ways of participating that I anticipated being high profile or

public-facing.
Q. And is it fair to say that your activity within the DSA, that was the political organization that you were most involved with of all the political organizations that you've described in your direct testimony?
A. I think that's fair to say.
Q. Fair to say. Not AAUP but DSA?
A. I think that's correct.
Q. Okay. Now, by contrast, your participation in AAUP has
11:41 not been very active. Is that a fair characterization of your --
A. While I have been mostly a sort of passive or dues paying but not meeting-attending member of the AAUP since I joined it in 2020, I have recently attended several AAUP meetings.
Q. You've recently attended in the spring of this year, correct?
A. Correct.
Q. That was after the arrests of Khalil and Ozturk, correct?
A. Correct.
11:42 Q. Okay. You have no leadership role in AAUP?
A. Correct.
Q. In fact, you spend now about 1.5 hours a month on activities relating to AAUP?
A. I'm assuming that this trial doesn't count, given that AAUP is the plaintiff --

Q. Other than your preparation for your testimony today, about 1.5 hours total per month is all the work you do for AAUP. Fair statement?
A. Fair.
Q. Okay. And now, one thing you have done with respect to AAUP is attempt to increase its membership. You were involved in a membership drive.
A. I've been involved, yes, in early discussions about a membership drive to take place in the future.
11:43 Q. Okay. You're trying to draw more members to AAUP?
A. Correct.
Q. Why do you do that?
A. I mean, AAUP is a membership-based organization. We're more powerful when we have more members.
Q. It helps AAUP if you have more members than less members. Fair statement?
A. Fair.
Q. It helps AAUP if you are drawing attention to AAUP, right, more publicity to AAUP. Would you say that's accurate?
11:43 A. I'm not sure I have an opinion on that.
Q. Okay. You don't have an opinion either way?
A. Correct.
Q. Let's talk about your scholarship a little bit and its relation to Palestine and Israel. Have you published anything in your public -- I think you said -- let me step back.

You talked about a public face, I think earlier, and you talked about how you think it's important that a philosopher have a public face, right?

A. I did.

Q. And to speak out on issues that are pertinent to contemporary society. Fair statement?

A. Fair.

Q. Okay. Your public face is manifested through your scholarship and public writings. Fair statement?

11:44 A. Certainly those are among the things that compose it, yeah.

Q. I mean, the public is not going to see anything you write privately and don't share?

A. Sure.

Q. Let me ask you a question. Have you ever Googled yourself?

A. At some point I probably have.

Q. Have you Googled yourself recently?

A. I can't recall whether I have.

11:44 Q. Okay. Would you be surprised to learn that there are virtually no Google returns with your name associated with the word "Palestine"?

MR. BIALE: Objection.

MR. KANELLIS: I asked if she would be surprised, Your Honor.

MR. BIALE: What's the relevance?

THE COURT: Just a moment. First of all, I'm listening. I know what you asked. If I need argument, I'll request it. And I'll sustain that objection. Go ahead.

Q. Are you aware of how many public posts are available in Google, relating to your name and the word "Palestine"?

MR. BIALE: Objection.

THE COURT: Sustained.

MR. KANELLIS: What's the basis for the objection, Your Honor?

THE COURT: It's irrelevant.

MR. KANELLIS: It is relevant.

THE COURT: Well, you say so. I've made my ruling.

BY MR. KANELLIS:

Q. You don't have any professional writings that touch upon the subject of Palestine, do you?

A. While I'm not like an academic subject matter expert about issues related to Israel/Palestine, that's true. I believe in one paper I do in passing discuss some, like, media around the conflict in Israel/Palestine.

Q. Okay. That one instance, other than that one instance, do you recall writing anything else about the issue of Palestine in your professional scholarship?

A. No.

Q. You've never been detained by the government, have you?

A. No.
Q. You've never been arrested?
A. No.
Q. You've never been questioned by government officials?
A. Can you clarify.
Q. I can clarify. In the last six months, since the beginning of 2025, have you been questioned by a government official in any capacity?
A. Oh, I mean, like, when crossing back into the country in
11:46 early January, of course a customs official asked me where I was coming from, but aside from that, no.
Q. And besides from questioning about where you were coming from, have you had any other questions from the government about anything?
A. I personally haven't. I will note that my employer has been under heavy scrutiny from the federal government, and I don't know whether that would have concerned questions about me.
Q. I'm just asking you, in your experience because that's
11:47 what matters.
You discussed in your direct examination your writings and letters that you've written. Do you remember that?
MR. BIALE: Objection.
THE COURT: That question, he may have. Do you remember what you've testified to earlier.

A. I remember that I testified to writing a range of things. I was pausing at the word "letters," but if that refers to an op-ed, then yes, I recall that.
Q. Okay. You remember talking about public writings that you've had?
A. I do.
Q. And opinions that you've adopted that were shared publicly. That's what I'm referring to.
A. Yes.
11:47 Q. Okay. And I believe that you said in your direct examination that you did not publish that one particular op-ed because you thought you could be detained and deported?
A. Correct.
Q. And you said you were frightened and that, because you were frightened, this article sits on your computer, correct?
A. Correct.
Q. But in fact, Professor Hyska, you have not been afraid to speak out against the Trump administration since March of 2025; isn't that right?
11:48 A. Well, I have been afraid to speak out, as I testified earlier.
Q. Okay. You actually have engaged in public speech against the Trump administration and its immigration policies, haven't you?
A. Can you clarify what you're referring to?

Q. We're about to do that.

MR. KANELLIS: Your Honor, may I approach?

THE COURT: You may.

MR. KANELLIS: Let the record reflect, Your Honor, we have paper copies, so if you'll permit me, I have a copy for you. I have a copy for the witness. I have a copy for plaintiffs' counsel. May I approach?

THE COURT: You may.

MR. KANELLIS: Let the record reflect the witness has
11:49 been handed what has been identified as Exhibit GM.

BY MR. KANELLIS:

Q. Ms. Hyska, if you'll take a moment and familiarize yourself with this document. I have a few questions on foundation to lay with you. And when you're done, just please let us know.

A. Okay, I have briefly re-familiarized myself.

MR. KANELLIS: Your Honor, I'm going to note that I have a correction to make with respect to this exhibit that she's looking at. I realize that this exhibit contains -- part
11:50 of it is not supposed to be attached to this exhibit.

THE COURT: And is that the part that starts "Supporting"?

MR. KANELLIS: Yes, sir. My apologies.

THE COURT: All right. We'll take that off. Go ahead.

BY MR. KANELLIS:

Q. Professor Hyska, if you can go to the page that states "Supporting Dr. Steven Thrasher." We're not going to be referring to this at this juncture.

MR. BIALE: Your Honor, just to be clear, we're removing the last --

THE COURT: He isn't removing anything yet. He wants us to look at the GM, which I take it refers only to the Board of Trustees' chair letter.

11:51 MR. KANELLIS: That's correct.

THE COURT: All right. He may inquire. It's not in evidence yet.

Q. Professor Hyska, can you go to page 0020 and look to the center of that page.

A. Okay.

Q. Do you see your name?

A. I do.

Q. That name signifies your signature of this document, correct?

11:51 A. It does.

Q. That name signifies that you more or less adopted the contents of this statement in this letter as you wrote it, correct?

A. That seems fair, yes.

MR. KANELLIS: Your Honor, we move in, pursuant to

801(d)(2)(D) and (B), what has been identified as Exhibit GM.

MR. BIALE: Your Honor, I object. This exhibit was not listed on the defendants' exhibit list that they provided to us prior to trial.

MR. KANELLIS: Your Honor, we did provide a list that included this exhibit among the exhibits.

THE COURT: Well, sort it out. You can work that out before 2:00. He may, he can use it for impeachment in any event. He may ask about it. Whether it gets in evidence will turn on whether in fact it was given to the plaintiffs. Ask your question, Mr. Kanellis.

BY MR. KANELLIS:

Q. This is a statement you signed on to, correct?

A. Correct.

Q. And you read this before you signed on to it, right?

A. I did.

Q. There was no confusion about what was being said here?

A. Correct.

Q. And this, you understood when you signed this that this letter was going to be public; isn't that right?

A. No.

Q. You didn't know it would be public?

A. No, I did not. I understood this to be a letter that was addressed to the higher administration of my university from its employees. I was not -- I'm not aware, in fact, whether

this letter ever was made public with the signatures attached in any case.

Q. Well, the purpose of this letter, which is contained in the first full paragraph, is that you're an ad hoc group of concerned Northwestern faculty. Do you see that?

MR. BIALE: Your Honor, objection. Reading from the exhibit that's not in evidence.

THE COURT: Well, but --

MR. KANELLIS: This is an admission, Your Honor.

11:53 THE COURT: Just a moment. Whatever peripheral relevance this may have is not going to be disturbed by his references to the letter. I'm reading from it, too.

All right. And your question is? She said she wasn't sure whether it was to be made public.

BY MR. KANELLIS:

Q. But this was a statement that you signed on to, correct?

A. Correct.

Q. And it was written to the chair of the Northwestern's Board of Trustees, correct?

11:54 A. Correct.

Q. And this related to an emergency with respect to what you perceive are issued threats to higher education, right?

A. Correct.

Q. You signed on to that, correct?

A. Correct.

Q. Now go down to the bottom of the page because that references speaking with one voice, correct?
A. Which page am I on?
Q. The first page.
THE COURT: The first page of the document.
Q. And in that third paragraph that you signed on to, you state that the Trump administration is breaking laws and trampling on government norms. That's what you said, right?
MR. BIALE: Objection.
11:54 THE COURT: Overruled. She signed on to this. If that's her view, again, she's entitled to her view and she may be asked about it.
THE WITNESS: Can you repeat the specifics of the question?
THE COURT: This part right here, he wonders do you in fact adopt that statement. He asked you whether you read this. Is that your view, that sentence there?
THE WITNESS: Yes, I think this describes my view.
BY MR. KANELLIS:
11:55 Q. "The Trump administration is breaking laws and governing norms as fast as possible."
THE COURT: And "trampling on government norms."
MR. KANELLIS: My apologies, Your Honor.
Q. "Trampling on government norms," that's your view?
THE COURT: And she answered yes. Let's move on.

Q. You describe the administration's actions as wildly illegal, didn't you?
A. So the drafters of the letter drafted it this way, and I signed on, which signaled that I agreed, yeah. I just want to make it clear I didn't myself draft the letter.
Q. You didn't draft the letter, but you signed on to it?
A. Correct.
Q. Let's go to what has now been marked as Exhibit 67.
MR. KANELLIS: And this, Your Honor, we have marked
11:55 this as Exhibit 67. It's been introduced in the direct examination. Our copy is going to be a paper copy of that exhibit, and our copy is denominated GN.
THE COURT: Well, it's Exhibit 67. Let's not complicate things.
MR. KANELLIS: I'm just noting the copy I'm giving you is different.
THE COURT: Right, fine.
MR. KANELLIS: May I approach?
THE COURT: You may.
11:56 MR. KANELLIS: Do you have a copy?
MR. BIALE: Yeah.
BY MR. KANELLIS:
Q. You testified this is another letter you signed on to, correct?
A. Correct.

Q. This was published on April 24, 2024. Okay? And in this letter you're making note of your disagreement or your desire to have students peacefully protest on campus?
A. Correct.
Q. This letter doesn't mention anything about Palestine, does it?
THE COURT: Well, it says what it says, and it's in evidence, and I'll read it.
A. I would have to take a moment to revisit the letter to
11:57 remember precisely what it says.
THE COURT: We're going to move on in the interest of time.
MR. KANELLIS: Your Honor, may I approach?
THE COURT: You may.
MR. KANELLIS: Let the record reflect that I am handing the witness what has been marked as Exhibit GQ.
BY MR. KANELLIS:
Q. Ma'am, please take a moment and look at that documents.
Have you had an opportunity to -- do you recognize this
11:58 document?
A. I do.
Q. Okay. And this document is entitled "Supporting Steven Thrasher," correct?
A. Correct.
Q. Let's go to page -- I'm laying the foundation.

Let's go to page, at the bottom right you'll see enumerated AAUP 00038.

A. Okay.

Q. And do you see your name written on this page?

A. I do.

Q. Okay. So you signed this document as well?

A. I did.

THE COURT: What's the relevance of this? These are people who are disappointed that a professor didn't get tenure.

11:58 MR. KANELLIS: That's correct, Your Honor, the relevance is these are public statements.

THE COURT: What is it?

MR. KANELLIS: Public statements of the witness after the ideological deportation policy.

THE COURT: I've allowed, as I think I should, the hostility to the policies of defendants in this case. What in here pertains to anyone involved in this case?

MR. KANELLIS: Your Honor, this relates to the professed injury that was discussed on direct examination. The

11:59 witness has testified that she was afraid of making public statements after the arrests.

THE COURT: This is a public statement that has nothing to do with this case or any of the issues in this case.

MR. KANELLIS: Well, it does, Your Honor, because it shows her participation in public statements about a

demonstration, supporting students in a demonstration about Israel and Palestine. It's 100 percent related.

THE COURT: Where is that?

MR. KANELLIS: Well, that's what underlies the facts; that's the purpose of this letter. The witness will testify, I'm confident --

THE COURT: Well, we'll see.

MR. KANELLIS: -- that Professor Thrasher was involved in a student protest relating to Palestine and Israel, 100 percent.

12:00

THE COURT: Well, let's go there rather than --

MR. KANELLIS: That's what I'm getting to.

THE COURT: Let's go there.

Q. You understand that Professor Thrasher was denied tenure at Northwestern; isn't that right?

A. I do.

Q. And you believe that Professor Thrasher, a Northwestern professor, was denied tenure because of his support of students protesting the issues in Palestine and Israel, among other things, correct?

12:00

A. I think that was probably related to his tenure denial, yes.

THE COURT: Now that I'm coming up to speed, that's the second paragraph in the letter. So that's why -- I understand, Mr. Kanellis. All right.

MR. KANELLIS: It's Kanellis, Your Honor. Thank you.
BY MR. KANELLIS:
Q. And this letter was published or was written on March 20, correct?
A. I see that date at the top of the letter, yes.
Q. March 20 of this year?
A. I see March 20, 2025 written at the top, yes.
Q. And March 20 of this year is after the arrest of Mr. Khalil; isn't that right?
12:01 A. Correct.
Q. It was after you were aware of this alleged ideological deportation policy, correct?
A. Correct.
Q. And you thought it was wrong. You were speaking out on behalf of this professor's right to defend students who are engaged in protests relating to Palestine and Israel. That's what you were doing here; isn't that right?
A. I was taking issue with a decision made by the institution that employed me with respect to Professor Thrasher. That much
12:01 is correct.
THE COURT: You're offering this, Mr. Kanellis?
MR. KANELLIS: Yes, Your Honor.
THE COURT: Any objection?
MR. BIALE: Yes, Your Honor. I object.
THE COURT: Overruled, overruled. It's Exhibit 68.

MR. BIALE: Your Honor --

THE COURT: What? This has not been disclosed?

MR. BIALE: Correct. It was not included on their exhibit list.

MR. KANELLIS: Your Honor --

THE COURT: Just a moment. It's included on yours, isn't it? I have it down here as Exhibit G. I'm admitting it. It's admitted, Exhibit 68.

(Exhibit 68 admitted into evidence.)

12:02 Q. There were a number of people who signed this letter, correct?

A. Yes.

Q. And your opinion is that after the ideological deportation policy that you've described was put into effect, you were fearful and scared of being deported for making public statements. Is that your testimony?

A. I was fearful of deportation on the basis of high profile public speech that expressed dissent with the Trump administration or its policies. That's my testimony.

12:03 Q. And the policies include Israel, its policies on Israel and Palestine. Fair statement?

A. Fair.

Q. Okay. Now, there were over a thousand people who signed this document, correct?

A. I'm double-checking but that sounds right.

Q. If you look at the last page --
A. Yes, I see that.
Q. 1,968 people signed this document.
And you believe, it's your testimony that you were fearful that you would personally be singled out for your public speech as a result of the Trump administration's ideological deportation policy?
A. I was fearful that the forms of speech like writing an op-ed and like being a very public-facing leader of Chicago DSA activities, for instance, is the kind of thing that could result in retaliatory immigration enforcement.
MR. KANELLIS: Your Honor, may I approach?
THE COURT: You may.
MR. KANELLIS: Let the record reflect I am handing the witness what has been marked as GW.
Q. Please take a moment and review this document. Let me make sure it's the right one. Here we go.
A. Thank you.
Q. Professor Hyska, have you had an opportunity to look at this document?
A. I briefly skimmed the first two pages.
Q. Do you recognize this document?
A. I do.
Q. In fact, this is another document that you signed, isn't it?

A. That's correct.
Q. You adopted the contents of this document when you signed it, correct?
A. I endorsed in broad strokes the message in this document.
Q. You endorsed it?
A. Yeah, in broad strokes. I didn't draft it.
Q. You didn't draft it, but you read it before you signed it, correct?
A. I did.
12:05 MR. KANELLIS: Your Honor, we move into evidence Exhibit GW and ask for an exhibit number for identification purposes. I believe, Your Honor, just for housekeeping purposes, I don't know that we assigned a number to the prior exhibit.
THE COURT: The prior exhibit I marked as Exhibit 68.
MR. KANELLIS: 68, I apologize.
THE COURT: And this one, any objection?
MR. BIALE: No objection.
THE COURT: No objection. This one I'll admit, Exhibit 69.
(Exhibit 69 admitted into evidence.)
Q. Professor Hyska, you're aware of something called a National Day of Action, correct?
A. I believe so, yes.
Q. What is your understanding of a National Day of Action?

A. Can you clarify? Is the question in general or about a specific National Day of Action?
Q. I'll ask you about your understanding of a specific National Day of Action.
A. Which specific day of national action?
Q. Are you aware that there was a National Day of Action that occurred across universities across the United States on April 17, 2025?
A. Yes, I'm aware of that.
12:06 Q. In fact, Northwestern itself had an event focused on the National Day of Action, correct?
A. I believe so. I wasn't in attendance.
Q. Okay. And you understand this is also, this letter is dated April 17, 2025?
A. Yes.
Q. Okay. And this letter relates to certain steps that were being taken urging other signers, urging Northwestern to take steps about attacks on higher education, correct?
A. (Nods.)
12:06 Q. And among those attacks on higher education were attacks on what you perceived to be students for their participation in political protests, correct?
A. Is there a passage in particular where it says that?
THE COURT: The only thing I see is on the second page, paragraph three on the first page and then the fourth

line down talking about detention and/or deportation.

THE WITNESS: Okay, yes, I do see that.

THE COURT: Students and scholars. That's the reference.

MR. KANELLIS: Yes, sir.

Q. In fact, you were urging on April 17, 2025, you were urging people to avoid voluntarily cooperating with ICE, correct?

A. I'm again just looking at the precise words that are used here to see if that exact expression is used.

Q. I can help by pointing you to the top -- sorry, the bottom of page three --

A. Yes.

Q. Sorry, on page one going on to the top of page two?

A. Okay. Yes, I do see and I did endorse at the time the statement that asks the university to avoid voluntary cooperation with ICE.

Q. You're also advocating that people not share information with ICE, correct?

A. Yes, I believe that's among the things that the drafters of this letter included.

Q. And you're also advocating that people stop cooperating with other federal agencies, correct?

A. I'm just taking a moment again to find the passage. Could you point me to where it mentions other federal agencies?

Q. The very top line of page two.

THE COURT: Actually, it's modified by "other federal agencies charged with facilitating deportation or other forms of immigration enforcement," up to the comma. That's what he's asking.

A. Yes, that seems accurate, yes.

Q. That was written in April of 2025?

A. Correct. It was written in this letter which was addressed to the higher administration of my institution.

12:09 Q. And that was a public letter, wasn't it?

A. No. To my knowledge, this was not designed to become public, not with the signatories, at least.

Q. Okay. And there are hundreds of signatures on this, correct?

A. It appears so, yes.

Q. And this was written three months into the Trump administration, correct?

A. Correct.

Q. You're exercising your right to protest here, aren't you?

12:09 A. Certainly what I would qualify my answer with is that this was speech that I understood myself to be undertaking addressed to my employer. As I said, I didn't understand this to be public political speech. So I regarded this as quite different in kind from, for instance, publishing an op-ed in a major newspaper.

Q. Okay. Did you hear my question, ma'am?
A. Can you repeat it back to me.
Q. Yeah. My question was, you were exercising your right to protest here, weren't you?
MR. BIALE: Objection. Asked and answered.
THE COURT: He may have it a second time. You understood that's what you were doing.
A. Yes, I think that's fair.
Q. Okay. You're fighting the power here, aren't you?
12:10 MR. BIALE: Objection.
THE COURT: He may have that question. Is that what you thought you were doing?
A. I'm not sure I would put it that way. Look, what I'm in the first place objecting to here or urging here is a set of conduct from my university. And it's true of course that that conduct is related to conduct of the federal government. But it's in the first place my university administration's conduct that I sought to kind of like affect here.
MR. KANELLIS: Your Honor, we tender the witness.
12:10 THE COURT: Nothing further.
MR. BIALE: Very brief redirect, Your Honor.
THE COURT: Very well.
REDIRECT EXAMINATION BY MR. BIALE:
Q. Ms. Hyska, you were asked some questions on cross-examination about your academic publications. Do your

academic publications contain political advocacy?
A. I think that would be fair to say.
Q. How would you characterize it?
A. Well, my academic publications discuss a variety of political topics related to social organizing, social movements. Although they are generally more sort of abstract in character than something like an op-ed would be, they certainly touch on politics, and I think a political perspective could be discerned in them.
12:11 Q. And with respect to the talks that you gave at Virginia Tech and Brown University that you were asked about, were those talks about philosophy or politics?
A. They were talks about political philosophy.
Q. Let me ask you, you were asked about a meeting you attended regarding Unite and Fight. Was that meeting a public protest?
A. No.
Q. Was it a public meeting?
A. In the sense that, like, the door wasn't barred to
12:12 anybody. I suppose members of the public could have come in, but I didn't attend it with the understanding that anybody but other DSA members would be there.
Q. And then you were asked also about AAUP meetings that you attended. Were those meetings forms of public protest?
A. No.

Q. Were those public meetings?
A. Again, there was no policing, kicking people out, but I attended with the expectation that only a small group of AAUP members of the university would be there.
Q. And then, finally, you were asked at the end of the cross-examination about several letters that you signed on to after the arrest of Mr. Khalil, and we looked at some of those.
Why did you feel safe signing your name to those letters?
A. So there were two things that affected my decision here
12:13 that I might highlight. One is, as I mentioned, I didn't understand these letters to be public statements. I understood them to be addressed to the administration of my university, so to my employer from its employees.
That's very different in kind from something like an op-ed, for instance, so that made me feel more comfortable. I think probably there was also a sort of strength-in-numbers principle that I had in mind.
As was mentioned, there are hundreds and in some cases thousands of signatories to these letters. That meant by
12:13 signing on them to them that was very different from my name being alone on a byline, which is what I worried about in the case of an op-ed.
MR. BIALE: If I could just have one moment to confer, Your Honor.
THE COURT: You may.

MR. BIALE: No further questions.

THE COURT: Nothing further for this witness. Thank you. You may step down. Call your next witness.

MR. BIALE: Your Honor, plaintiffs call Nadje Al-Ali.

THE COURT: The witness may be called.

NADJE AL-ALI, Sworn

COURTROOM CLERK: Can you please state your full name and spell your last name for the record.

THE WITNESS: Nadje Al-Ali, A-l, hyphen, A-l-i.

12:15 COURTROOM CLERK: Thank you.

MR. BIALE: May I proceed?

THE COURT: You may.

DIRECT EXAMINATION BY MR. BIALE:

Q. Good afternoon, Professor Al-Ali.

A. Good afternoon.

Q. Where do you --

THE COURT: Let me interrupt. Be comfortable in the chair but pull that microphone a little closer to your mouth. That's better. It amplifies it. Go ahead.

12:15 Q. Where do you teach, Professor?

A. I teach at Brown University.

Q. And what's your title there?

A. My title is Robert Family Professor of International Studies and professor of anthropology and Middle East studies.

Q. And where did you teach before Brown?

A. Before Brown I taught at the University of London.
Q. And when did you come to the United States?
A. In January of 2019.
Q. Tell us a little bit about your personal background. Where are you from? Where did you grow up?
A. I grew up in Germany, with a German mother and an Iraqi father. I went to school in Germany. I spent three years doing my undergraduate degree in the States in Tucson, Arizona. I worked in -- I studied in Cairo and then I lived in London
12:16 for 25 years prior to coming to the States.
Q. Has growing up in Germany informed your political views at all?
A. Very much so. I mean, I grew up, I mean, in the '60s and '70s as many people of my generation much with the awareness, the historical awareness of the Holocaust in Nazi Germany, so that has very much informed my thinking, my interest it in terms of academia and my morals, especially in terms of this kind of knowledge that being silent could mean complicity in certain situations.
12:17 Q. Let me ask you about, you just mentioned your academic interests. What's your area of study?
A. So I'm an anthropologist by training, but I work in an interdisciplinary manner across history, politics, cultural studies, and I'm particularly interested in the way that women in the context of the Middle East struggling for greater

justice, equality and also against gender-based drives, how these struggles are linked to wider struggles for democracy, for human rights and also against authoritarianism and sectarianism. And I've done that particularly with reference to Egypt, Iraq, Turkey, Lebanon and the Kurdish regions.

Q. Have -- sorry, withdrawn.

Have you published academic books?

A. Yes, I've published books.

Q. How many books?

12:18 A. Three single-authored books, two co-authored, and I think five edited volumes.

Q. And how about scholarly articles?

A. Yeah, I've published many.

Q. Okay. I won't ask you to count them.

A. I don't know the number.

Q. Has any of your academic work, whether research or writing, related to the issues of Israel and Palestine?

A. There has been a little bit of an overlap. So one edited book looked at Women and War in the Middle East, and it mainly

12:18 drew examples from Iraq and Palestine.

And I also had one article published, which is actually based on a roundtable discussion, about feminist approaches to BDS, that's the Boycott and Divestment and Sanctions movement.

Q. And let me just ask you about that for a moment. Are you a supporter of the BDS movement?

A. I am.
Q. And have you publicly declared your support for that movement?
A. I've signed several statements to that extent, yes.
Q. And why do you support the BDS movement?
A. Because I believe this is a non-violent form to resist the systematic oppression and marginalization of Palestinians and I believe in non-violent strategies.
Q. Can I ask you just briefly about the courses that you
12:19 teach at Brown.
A. Yeah. So I'm teaching a number of undergraduate courses. One course on gender in the Middle East. Another course on gender migration and diaspora that doesn't focus specifically on the Middle East but draws heavily on empirical case studies from the region. I'm focusing, teaching a course on the anthropology of the Middle East.
Then in terms of credit courses, I'm doing a master's course in the anthropology department as well as a course on transnational feminism.
12:20 Q. Now, you stated that you came to Brown in 2019. Is that when you moved to the United States?
A. That's correct.
Q. And where did you live before that?
A. I lived in London for 25 years, and before that in Cairo for five years, and before that in Tucson for three years, and

before that I grew up in Germany, in Krefeld.
Q. And what's your citizenship status?
A. So I'm a German citizen and I have green card here in this country.
Q. Okay. When did you obtain your green card?
A. In October 2021.
Q. Now, separate from your teaching and your professorship, have you held any other roles at Brown University?
A. I was, for years I was directing the Center for Middle
12:21 East Studies at Brown University. It was a three-year post originally, but I agreed, I volunteered when I was asked to extend it for another year.
Q. And approximately what were the years that you were the director of the Center For Middle East Studies?
A. So from 2020 to 2024.
Q. And just tell us briefly, what does the Center for Middle East Studies do?
A. The center is both a research and teaching unit that inhabits a concentration in Middle East studies for
12:21 undergraduate students. About 40 faculty who are based in different departments at Brown contribute to both the teaching and the research in Middle East studies, so across different disciplines and different approaches. And the center is both -- oh, it's also very much trying to connect graduate students who are based in different departments but are working on the

Middle East.

And aside from providing sort of a center for those activities and concerns on campus, the Center for Middle East Studies is also trying to engage a wider public in national/international academic contexts, so events, conferences, workshops, teachings and so on, online and in person.

Q. I want to ask you one more question about the Center for now. Did the Center For Middle East Studies' activities change at all from before October 7, 2023 to after October 7, 2023?

A. Yes. I mean, on one level it was consistent, but there were additional events and responsibilities. In terms of content, there was a shift towards more focus and attention towards Palestine and Israel.

And also the Center, particularly myself and other colleagues, we started to play a role as well in terms of providing pastoral care for students, so particularly students of Middle East background who felt, you know, quite concerned, worried, stressed by the situation and they didn't feel that there was a specific space they could go to. So as a result I decided, you know, my colleagues, the committee, we decided to organize lunch events for students, gatherings, more social gatherings at which students could express their concerns.

Q. Okay. And are those the kind of activities that you think of when you use the term pastoral care?

A. Yes, yes, as opposed to focused on strictly academic advising and mentorship, a more holistic approach to the welfare of students.

Q. And you mentioned some events that the Center had after October 7. What was your role in those events?

A. I was involved in organizing them, conceiving them and deciding, or deciding alongside other colleagues, who would be invited. And I also chaired these events, which meant like I introduced them. I welcomed everyone, and I also facilitated

12:24 the discussion after the contributions.

Q. Turning to a different topic, are you a member of any organizations?

A. I'm a member of the Middle East Studies Association of North America, MESA. Been for long time, since I'm a graduate student. More recently I joined AAUP. So I think it's sort of a couple of years after I arrived in the States. I'm also a member of the Association of Middle East Women's Studies, which is an affiliate organization to MESA. Oh, and on and off, I'm still a member of the British Middle East Studies Association.

12:25 Q. Let me ask you about the first organization that you mentioned, the Middle East Studies Association of North America, which I'll call MESA. You mentioned you joined as a graduate student. Why did you join MESA?

A. Because MESA, while being based in the U.S., is really the largest international organization that focuses on Middle East

studies. And I knew that this would be, in terms of my academic development, would be an important context to attend on conferences, listen to colleagues, but also network, get to know people. And I know that it is also for graduate students often a way to start to meet publishers and get advice about how to find jobs.

Q. And over the years -- and I'm going to talk now about prior to January 2025. So before that, over the years, what are some of the activities that you've participated in as a member of MESA?

A. I attended most of the annual meetings, even though I was based outside. I mean, I would try to come at least for that once a year to the U.S. I think I missed one when it was in Alaska. But I was also, for a couple of years -- I don't exactly remember the time, but it was around 2012, '13, '14, for two years I was an elected board member of MESA.

Q. Okay. And then you mentioned an organization, and I apologize. You'll have to remind me of the name. You said it's an affiliate of MESA?

A. Yeah, it's the Association of Middle East Women's Studies, AMEWS.

Q. Tell us just a little bit about that organization.

A. So that organization focuses specifically on the Middle East with reference to women's studies, gender studies. And I joined that also early on because many of the scholars whose

work I've been reading as a graduate student were members, and I would get to know them at meetings. And I also got involved, I was an elected board member, and I was also president of AMEWS for a couple of years. This was also prior to moving to the States.

Q. Okay. And I want to ask you about AAUP. I think you said you joined AAUP shortly after you moved to the United States?

A. It wasn't immediate. It was a few years afterwards. I don't recall exactly, but I am pretty sure that I've been a

12:28 member for at least two or three years now.

Q. Okay. And why did you decide to join AAUP?

A. Well, first of all, in principle, as someone who grew up in Germany where unions are very much part of society, I respected that. And I was actually chair of the union at the University of London. And then I also noticed that AAUP was quite active in terms of academic freedom and rights with respect to academics, and I thought it was important for me to support them and signal that I'm supporting their work.

Q. Okay. I now want to move us forward to this year, to

12:28 January 2025.

A. Okay.

Q. Can you tell us a little bit about what you were doing in January 2025 in terms of your research agenda, your plans to attend conferences and other academic activities?

A. So this academic year, including January 2025, I was on a

sabbatical following my four years as director. And my main plan was to spend time in both Beirut and Baghdad to engage in research. This was part of a larger project on women artists and gender-based violence and war in the Middle East. And I had received funding from the Watson Institute at Brown to do so. And I couldn't go in the fall because it was too dangerous in terms of, I mean, one couldn't travel to Beirut, and I didn't want to go to Baghdad, but I was planning to go in the spring of 2025.

12:29 In fact, I had a fellowship postponed from October, November of 2024 to May and June of 2025. This was a fellowship in Beirut at the German Orient Institute. During that time I was supposed to attend two conferences. And then I thought I would combine my research trip to Baghdad with Beirut. I have family in Baghdad, so I was going to stay with relatives. That was one thing.

And then the other thing, in January I was thinking in terms of writing that I -- I had been thinking quite a bit about sort of this question of is there space for a feminist's 12:30 critique of Hamas, so I started to think about it and started to do some reading.

Q. And can you tell us a little bit about, when you say "a feminist's critique of Hamas," what did you have in mind?

A. Well, I had in mind that, you know, the debates, including the feminist debates about Israel, Palestine and Gaza and

Hamas, were extremely polarized, so people, you know, talking about the allegations of sexual violence and gender-based violence on the 7th of October during the devastating attack on civilians.

And then, on the other hand, people speaking about the gender-based violence and sexual violence that Palestinian political prisoners are experiencing in Israeli prisons. And I really wanted to see if it was possible to engage in a nuanced critique that would both point to the structural and systemic
12:31 oppression and inequalities based on the Israel occupation while also being critical of the ideology, especially the gender ideology, but the militarism linked to Hamas.

Q. And on that project, I think you said you had begun to research it. Can you tell us what had you begun to do? What had you read to start developing this project?

A. Well, I mean, I'm an anthropologist, so one element of my research is sort of engaging people. So I started to informally talk to people, but then I started to read -- I mean, a couple of colleagues at Brown, I had been in constant
12:32 conversation with them, and I started to read more specifically about the, you know, very polarized positions that I was describing.

Q. Can you just give us specifically any of the sources that you were looking at for this project?

A. Okay. That's a bit challenging. What comes to mind

immediately, people like Nada Elias, who has written quite extensively on, in her perception, the false allegations of sexual violence in terms of what Hamas and Hamas-affiliated men did.

Nadera Shalhoub-Kevorkian had a very much more sort of nuanced approach. I also read several reports by Israeli human rights organizations that listed the alleged sexual violence.

Q. Okay. So we talked about the fellowship that you were planning to do in Beirut and in Baghdad and this research project. Did there come a time when those plans changed?

12:33

A. Yes, definitely. So as I said, I was supposed to go to Beirut in May and June. I wasn't sure whether I would go to Baghdad just before in April or afterwards. But definitely following the arrest and the detention and the threat of deportation of several students, graduate students, and also I think one post doc, I mean, most prominently Mahmoud Khalil but others as well, I started to think that it is not a good idea. I felt that it was too risky for me to do research in the Middle East, come back, and then my pro-Palestinian speech would be flagged. And as a green card holder and also as a prior director for the Center For Middle East Studies that had been under attack, and there are a lot of sort of false allegations about, I felt very vulnerable.

12:34

Q. Okay. I'm going to ask you to break that down a little bit. So first, just tell me what did you hear about or see

regarding the arrest of Mr. Khalil and the other individuals you mentioned?

A. I left the U.S. on March 8 to go to Germany to see my mother, who is in a care home and had a stroke and wasn't well, and it was her birthday. I arrived in the morning of March 9 to come to then see the news about the arrest of Mahmoud Khalil and immediately felt, oh, my God, I just left the country, what's going to happen when I get back?

I don't know exactly when I saw the pictures of him being arrested at home. I know that there was this controversy whether he resisted or not. But I remember then later in the month when Rumeysa Ozturk, I think the graduate student at Tufts -- yeah, the graduate student at Tufts was detained on the street. I mean, seeing that was also very scary. I mean, everywhere I looked you saw this -- not everywhere I looked but I mean, I saw it several times.

Q. When you say seeing that with regard to Ms. Ozturk, did you see a video of her arrest?

A. Yes.

Q. And around when did you see that?

A. I mean, shortly after she was arrested. So I can't remember, I can't give you a date, but it was shortly after.

Q. That's fine. And you also mentioned pictures of Mr. Khalil's arrest. Do you recall if you saw a video of that arrest?

A. Yes. I think initially it was just pictures, but at some point a video emerged where that showed that he did not actually resist arrest.

Q. And how did hearing these stories and watching these videos affect you?

A. I mean, it was very scary, and I thought, Okay, here we go. I mean, it's not that it was entirely surprising because I don't know exactly when but already I think in 2024 when now President Trump was candidate, there was some statements to the 12:37 extent that people who engaged in pro-Palestinian speech and protest might be targeted. So that was on my mind.

And I'm pretty sure that by the time people got arrested, I had heard that that was what was on the agenda. So I thought, Okay, this is now actually happening, but it was still -- although kind of it wasn't like a total shock, it was still shocking to see the pictures, especially someone in broad daylight being picked up from the street.

You know, I'm someone -- you asked me about Germany. I also have the Iraqi side, so I know about dictatorship and 12:38 repression and my relatives in Iraq lived with that fear of being picked up from the street, so it really reminded me of that.

Q. And did you feel targeted in any way by these actions of the government?

A. Although these were students, I felt like, Okay, next in

line will be faculty, and so I definitely felt vulnerable and targeted as a result.

Q. Are you aware of any faculty members who have been targeted?

A. I mean, this was a slightly different issue, but a colleague at Brown who is a doctor, Lebanese, she was not able to enter the country, but I think it's on a slightly different issue. Then there was one post doc amongst the people who was detained and threatened with deportation and who was actually teaching, a faculty member as well.

Q. Do you remember that person's name?

A. Sorry, I --

Q. No problem. So you mentioned, so you were out of the country when you heard about Mr. Khalil's arrest. And you said that that made you scared about your return?

A. Yeah, that made me scared about my return. And I was thinking whether I should come back right away, but as I said, my mother was not in a good way. My father passed away actually now a year ago exactly today. And I felt like I had to see her, and so I did.

And then I had a couple of talks scheduled in Switzerland. So it was also back and forth, should I go, should I not go, and I ended up going and I gave those talks. And then the last part of my trip was supposed to be the fun bit where I was going to go cycling in Sicily with friends, and I decided that

I couldn't do that. I felt like if something was going to happen at the border and I would have to say that I just came back from a cycling trip to Sicily, that would just not be good.

So yeah, I canceled that trip and I came back, but I was scared and I, for the first time ever, contacted an immigration lawyer to track me as I was coming back.

Q. Can I just ask you, what were you scared was going to happen when you came back into the United States?

12:41 A. I was scared that I would be called into secondary interrogation and that they would start Googling and would find reports of allegations against the Center and me as a director and associating me with pro-Palestinian speech, and worse than that, not just pro-Palestinian speech but that often these days gets translated into antisemitism or support for Hamas.

Q. Let me just ask you to break those down a little bit. So with respect to pro-Palestinian speech available about you on the internet, did you have specific things in mind?

A. Well, in terms of my scholarship, as I said, there was the 12:41 roundtable discussion, the feminist approaches to BDS, then there was the book, the edited book. But to be honest, I wasn't so much worried about that. I was more worried about reports by I would say sort of extreme organizations, most prominently CAMERA, that had written reports about me in my role as director of the Center for Middle East Studies and made

allegations about me and my politics and the Center more broadly as well.

Q. And those allegations, those reports have accused you of antisemitic speech or antisemitic conduct?

A. Yes, and also Hamas, in support of Hamas.

Q. Sorry, what is CAMERA?

A. Yeah. CAMERA is an organization, and I don't even know what the acronym stands for, but it's what I would call like an extreme pro-Israel organization that has a long history of

12:43 targeting media, I mean, including CNN, the UN, academics, universities, in terms of their pro-Palestinian positions and also making accusations of support for terrorism or Hamas.

And I should say that the main person, I think his name is David Litman who has been writing all these reports. He was recently fired from CAMERA, but I don't know what the reason is; I have no idea.

Q. Okay. And these reports that it sounds like accused you of both antisemitism and support for Hamas and other jihadist organizations, would you like to respond to those allegations

12:43 and tell us what your views are on those topics?

THE COURT: Here?

MR. BIALE: Well, yes. I'd like -- she said there was false allegations, so I would like to hear what her position is on those.

THE COURT: That's not at issue in this case.

MR. BIALE: Understood. I'll move on.
Q. Now, so you mentioned that was your concern when coming back into the country. So you canceled the bike trip and came back to the country. And then what happened next?
A. Well, then I after some thinking, reflection and close observation of what was going on and the speech around it, I mean, I think following the arrest of Mahmoud Khalil, President Trump -- and I don't know exactly when, but I do remember reading, I think it was in the New York Times, the quote by him
12:44 saying this is one of many.
So at some point I think in April I decided that it was too dangerous for me to travel to the Middle East and do research there. Not because -- at this point not because I was worried about what would happen in Beirut or in Baghdad, but I was worried that upon re-entry to the U.S. which stems from those countries that that would raise red flags and would make me more suspicious.
Q. So did you cancel those trips?
A. Yeah. I mean, I canceled those trips. I canceled the
12:45 fellowship. I did not participate in the conferences, the two conferences in Beirut.
Q. Let me show you what's been marked for identification as Exhibit I.
MR. BIALE: Mr. Kumar, if you can pull that up, please.

Q. Do you have that?
A. Yes.
Q. Do you recognize this document?
A. Yeah. That was a quite recent email that the director, the German director of the German Orient Institute sent to me, you know, to express his regret that I wasn't there but also asking me if I would contribute to a publication based on the conference that I did not attend.
Q. Just to be clear, this is one of the conferences that you
12:46 were just testifying about?
A. Yes, yes.
MR. BIALE: Okay. Your Honor, we offer Exhibit I.
THE COURT: Any objection?
MR. KANELLIS: Your Honor, objection, hearsay.
THE COURT: Sustained on that ground.
MR. BIALE: Okay. You can take that down.
BY MR. BIALE:
Q. Let me ask you, so that was the fellowships. You also talked about your research project that you had begun to
12:47 undertake. What became of that?
A. Well, so the two research projects, one was a project about female artists in context of war and conflict and how through the artwork and cultural expressions that deal with this -- I'm sure you don't want the details. So that project I had to put on hold because I wasn't able to go to Beirut and

Baghdad.

And then in terms of the article that I had started to think about, I also felt that it was too risky because even though the focus was supposed to be a feminist's critique of Hamas, as part of it, I would have also provided a feminist critique of Israeli government policies, especially in relation to what's happening in Gaza, and so I felt that was too risky.

Q. And when you say it was too risky, what was the risk that concerned you?

12:48 A. Well, in the current context I thought that that would increase my visibility and profile and the risk that I would be associated with pro-Palestinian speech and hence targeted.

Q. Targeted for what?

A. Well, targeted for attacks. But then more concretely, you know, threat of deportation, be detained, and also along the line, I mean, I was thinking to get citizenship at some point. I thought that I don't want to risk that as well. So the initial was deportation threat.

Q. Okay. So did you abandon that research project?

12:48 A. Yeah, for now, yes.

Q. Just going back in your career, are there other research projects that you can think of that you've begun where you abandoned them because you were afraid to publish on the topic?

A. No, no, never, never. I mean -- okay -- yeah. No, I've never had that situation before.

Q. Now, we talked a little bit about your affiliation and involvement with some of the organizations like MESA. Did the events that we've talked about, Mr. Khalil's arrest and other arrests, affect your involvement in those organizations?
A. Well, I'm not involved in terms of the -- I'm not on the board anymore, but I was planning every year to attend the annual meeting. And following the arrest I started to worry a bit in terms of going to a conference in which you would have like a large gathering of Middle East scholars. And then a
12:50 colleague posted on Facebook, who is a citizen himself who is American, I mean, not even naturalized, but he said, Well, if I was a green card holder I would not go to MESA because that would be a great way to just target a whole bunch of people on green cards.

And so then I thought, Well, I have to think about that carefully, and I did I think share that at some point with the president of the organization that I have this fear.
Q. And who is the president of MESA?
A. Asli Bali.
12:50 Q. And what typically happens at the annual meeting?
A. So mainly it is different panels. So papers are given along, I mean, based on a particular theme. Some are formal panels, and there are roundtables, but you also have meetings of the association. So, for instance, the Association of Middle East Women's Studies would have their board meeting and

would have a reception. So aside from attending academic papers and interventions, it's also a chance to meet each other and catch up.

Q. Okay. And I think you testified that you've attended pretty much every year except for once when it was in Alaska.

A. Maybe one more year. But I mean, I tried to go almost every year, yes.

Q. And have you ever declined to attend MESA's annual meeting before because of fear of government retaliation?

12:51 A. No, no.

Q. Okay. And you do have that concern now, correct?

A. Yes.

Q. Let me ask you, with respect to the Women's Association of Middle East Studies, have you done anything differently with respect to your role with that organization?

A. Well, I was very active with them for a while, and then as I moved to the States and was dealing with the transition, I kind of moved out. And then I thought it would be good for me to be involved again.

12:52 And they approached me at some point, I think it was around February of this year, 2025, and they asked if I would chair the human rights committee. And it's the kind of work that under different circumstances I would be very interested in doing, but I declined because I thought, again, it would be too risky to chair a human rights committee that would

definitely deal with cases linked to academic freedom, pro-Palestinian speech, allegations of antisemitism and so on.

Q. And have you taken on any role with the association?

A. Well, I ended up becoming chair of the membership committee, which is very boring.

Q. Let me just ask you a few other topics. Have there been any public protests that you wanted to attend in the last few months?

A. There were a few I would have ideally liked to attend, yes.

Q. And which specific protests come to mind?

A. So the one that comes to mind, I mean, two come to mind immediately. One was the DOGE Elon Musk cuts. It was taking place in different cities. And I think I was in New York at the time, and I would have liked to participate but I was worried that I would be caught on camera. Then more recently the No Kings protest. And there were a couple of protests in Providence that I would have liked to attend that I did not.

Q. Okay. And just for clarity of the record, why did you not attend those, the No Kings protest and the other protests in Providence?

A. Again, because I was worried that my identity would be captured as part of the protest and that I would be risking increasing my vulnerability in terms of being targeted.

Q. And again, I apologize, but targeted specifically for

what?
A. Well, targeted in terms of associating -- I mean, looking into my profile, making allegations about my pro-Palestinian positions being equated to antisemitism or, even worse, support for Hamas, and that would then translate into me being held at the border or detained on the street and threatened with deportation, yes.
Q. Let me ask you briefly about social media.
A. Mm-hmm.
12:55 Q. Did the events that we are talking about affect your activity on social media at all?
A. I mean, I'm not a very active social media person. I mainly use social media to check news and read what others are posting. But I guess there are two instances. They're kind of minor, but one is that on Facebook I had put -- I had changed my profile picture to just black, a black square in October of 2023. And when I was traveling back after visiting my mother and going to these talks in Switzerland in March of 2025, before entering the country, I changed the profile picture to
12:56 put a picture of my mother and my daughter because I thought that, you know, if my social media is checked, that that might raise red flags, having the black picture.
And the other thing that I did is, you know, although I'm not posting on Palestine myself, I have lots of just news streams, like The Guardian, New York Times, I mean, all kinds

of news that would bring up things about Palestine. I was so worried that by the time I entered the U.S. in March returning back, my Instagram feed was all dogs, cats and recipes. I mean, everything else was deleted.

Q. And let me ask you one more question, and then I will look to the court to see if we're ready for a break.

Other than what we have talked about so far, have the events of March 2023 and the arrests and detentions of Mahmoud Khalil and others, has that affected you in any other way?

12:57 A. Yeah. I mean, what we've talked about so far is kind of quantifiable. But I mean, I'm generally a quite disciplined and focused person, and this is for the first time in my academic life or life in general that I feel I can't focus on my work, that I'm, you know, constantly checking the news. It has really had a detrimental impact on my ability to engage in research and focus.

THE COURT: Thank you. You suggested this was a good time to stop?

MR. BIALE: Yes, Your Honor.

12:58 THE COURT: Have you got more for this witness?

MR. BIALE: I've got maybe 15 or 20 minutes.

THE COURT: Fine. We'll stop at this point, and you may step down. Thank you.

Total elapsed time is, the plaintiff has used up two hours and 15 minutes, the defense has used up one hour and 15

minutes. Each trial day is figured at three and one and a half hours.

On Wednesday we're going to have to stop at 12:00. We'll take a shorter recess to keep on track. We will resume but not on the clock at 2:00 p.m., not taking evidence but handling housekeeping matters, and I have a couple of I guess housekeeping orders to enter. Thank you. We'll recess until 2:00. We'll stand in recess.

(Recess, 12:58 p.m.)

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CERTIFICATE OF OFFICIAL REPORTER

I, Kelly Mortellite, Registered Professional Reporter, Registered Merit Reporter and Certified Realtime Reporter, in and for the United States District Court for the District of Massachusetts, do hereby certify that the foregoing transcript is a true and correct transcript of the stenographically reported proceedings held in the above-entitled matter to the best of my skill and ability.

Dated this 7th day of July, 2025.

/s/ Kelly Mortellite

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Kelly Mortellite, RPR, RMR, CRR

Official Court Reporter