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JUDGE THROWS OUT CHARGES IN 20-YEAR-OLD PALESTINIAN DEPORTATION CASE

LOS ANGELES - In a decision received today, Los Angeles Immigration Judge Bruce J. Einhorn ordered an end to deportation proceedings against Khader Hamide and Michel Shehadeh, members of the “Los Angeles Eight” (LA8). The two have faced deportation for their alleged political associations with a faction of the Palestine Liberation Organization for more than twenty years.

In his decision, Einhorn said that the proceedings must be terminated because of the government’s refusal to disclose evidence favorable to the immigrants in compliance with his June 2005 pre-trial order to disclose evidence regarding Hamide and Shehadeh’s alleged support for the Popular Liberation Front for Palestine.

Hamide and Shehadeh have been in deportation proceedings for 20 years and their case has reached every level of federal court, including the U.S. Supreme Court. The government has been seeking to deport Hamide and Shehadeh since January 1987 based on their alleged support for the PFLP, a group within the Palestinian Liberation Organization. The decision comes just after the January 26, 2007 20th anniversary of the arrest of the Los Angeles Eight.

Judge Einhorn wrote in an 11-page opinion that begins with a poem that “the attenuation of these proceedings is a festering wound on the body of respondents and an embarrassment to the rule of law.” He held that the government violated Hamide and Shehadeh’s right to due process by subjecting them to a 20-year deportation proceeding, while at the same time being unprepared to prosecute the case.

Since 1987, the government has argued that Hamide and Shehadeh’s activities protected by the First Amendment like distributing newspapers, participating in demonstrations and organizing humanitarian aid fund raisers for Palestinians in the Middle East warrant deportation

San Francisco attorney Marc Van Der Hout of the law firm of Van Der Hout, Brigagliano & Nightingale, who has been representing the LA8 on behalf of the National Lawyers Guild since the case began in 1987 stated:

“Judge Einhorn’s decision is important not only for Hamide and Shehadeh but for all immigrants in this country who want to be able to express their political views. The decision makes clear that the government cannot blatantly refuse to comply with an immigration judge’s orders and that the government cannot continue to try to deport these permanent residents who did nothing but try to advocate for Palestinians right to a homeland—hardly a revolutionary belief in the 21st century.”

David Cole, of Georgetown Law School who has been, along with Van Der Hout, co-lead counsel for the LA8, on behalf of the Center for Constitutional Rights, since the case began, stated:

“For twenty years the government has been attempting to deport these individuals for political activities that would clearly be protected if they were U.S. citizens. We hope that the government will now move on and focus its efforts on real terrorists and not political activists.”

Ahilan T. Arulanantham of the ACLU of Southern California, also co-counsel on the case, stated:

“The message from this decision is clear: The government should spend its resources on genuine threats to our national security instead of targeting law-abiding immigrants who have done nothing wrong.”

Leonard Weinglass of Chicago Seven fame, has also been representing the LA 8 since 1987.

Late last year, Aiad Barakat, another member of the LA8, was sworn in as a U.S. citizen in Los Angeles after a 20 similar 20- year battle against the government’s attempts to deport. Three other members of the LA8 have also obtained their permanent residency.

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