

US government brands DACA recipient Yaa'kub Vijandre a "terrorist" for opposing genocide in Gaza

Jacob Crosse
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New court filings make clear that the US government is now explicitly attempting to rebrand Yaa'kub Ira Vijandre, a resident of Dallas, Texas, as a "terrorist" on the basis of his political beliefs and speech opposing genocide in Gaza, prison abuse at Guantanamo Bay and the US police-military-intelligence apparatus.

Vijandre, 38, was seized at gunpoint by Immigration and Customs Enforcement thugs on October 7 of this year, one day after speaking at a Richardson, Texas City Council meeting in defense of another resident who had been abducted by immigration authorities.

Vijandre has lived in the United States for most of his life, first entering the country as a 14-year-old child. Until his abduction in October, he was protected under the Deferred Action for Childhood Arrivals (DACA) program. Those protections were revoked only after federal agents began scrutinizing his social media posts opposing the US-backed genocide in Gaza and condemning the mistreatment of prisoners labeled "terrorists" by the US government.

In November 2023, shortly after the start of Israel's US-backed genocide in Gaza, Vijandre was approached by FBI agents and pressured to become a confidential informant. He refused. His subsequent detention follows a well-established pattern in which federal law enforcement retaliates against individuals who decline to serve as informants and who persist in opposing US imperialist violence and repression.

In a reply brief filed December 8 in federal court in Georgia, Vijandre's attorneys state that the government has admitted that his detention is rooted in his beliefs and social media activity, not in any criminal act. An immigration judge acknowledged this directly, concluding that Vijandre was subject to mandatory detention because of his "belief that certain individuals accused of terrorism have been wrongfully imprisoned and that they are not having proper treatment," and because he expressed those views publicly. The brief emphasizes that the government has not identified a single post by Vijandre that meets the constitutional standard for incitement or criminal conduct under the Supreme Court's 1969 decision *Brandenburg v. Ohio*.

Brandenburg v. Ohio sharply limits the state's ability to punish political speech. The Court ruled that even extreme or unpopular speech is protected by the First Amendment unless it is "directed to inciting or producing imminent lawless action and is likely to incite or produce such action." Mere advocacy, expression of beliefs, or abstract support for ideas, including revolutionary perspectives, is constitutionally protected. As Vijandre's attorneys note, the government has failed to identify a single statement or post that meets the court standard.

Like the overwhelming majority of the more than 60,000 people now held in ICE concentration camps across the country, Vijandre has not been convicted of any crime and is not accused of committing one. The government's own filings concede that he is being held under a provision of immigration law that punishes individuals for "endorsing or espousing" certain views. When pressed in federal court, government attorneys have attempted to retroactively claim that his detention is based on "actions," however the only "action" they point to is an alleged social media post that does not exist and that would be constitutionally protected even if it did.

The government's evidentiary claims are described by Vijandre's lawyers as "shoddy and threadbare," consisting of Quranic verses, reposts about prison conditions, a martial arts training video clearly labeled as instructional, and general opposition to the incarceration of individuals accused of terrorism. The brief warns that if such material is sufficient to brand a longtime US resident a terrorist, then constitutional protections for speech no longer exist in practice.

Marium Uddin, Legal Director of the Muslim Legal Fund of America and a member of Vijandre's legal team, underscored the far-reaching implications of the case in a statement included in the filings:

Yaakub's detention does not exist in isolation. It reflects an evolving enforcement posture in which speed, geography, and bureaucratic discretion increasingly determine whose rights are meaningfully heard. The government admits Yaakub was arrested for

his beliefs—the immigration judge said so explicitly. It admitted he is detained because he believes certain prisoners were wrongfully convicted and mistreated. Now, facing a constitutional challenge in federal court, it's scrambling to recharacterize his detention as being about "actions," but the only "action" pointed to is speech. This case will determine whether the executive branch can bypass *Brandenburg* entirely. If Yaakub is detainable as a "terrorist," then many of us should consider ourselves on notice. We're just one social media post away.

Immigration attorney Eric Lee, another member of Vijandre's legal team, told the *World Socialist Web Site*:

If it is "legal" for the federal government to detain a DACA recipient for social media posts about Islam, prison conditions at Gitmo and resistance in Gaza, then tens of millions of Americans are next in line for domestic political detention.

The case lays bare the real function of the immigration Gestapo, which is not the protection of public safety from the alleged threats posed by immigrants, but the suppression of all political opposition to the real terrorists and criminals in the White House, Congress, Supreme Court and Pentagon.

Vijandre's continued imprisonment represents a direct assault on the First Amendment and underscores the necessity of building the independent political opposition in the working class that will defend the democratic rights of all, including immigrants, who fight against genocide, imperialist war and state repression.

After months of incarceration, judge orders Maryland father Kilmar Abrego Garcia released from prison

The criminal character of the entire US government, and specifically the Trump administration and all those involved in the "mass deportation operation," was further confirmed Thursday by US District Judge Paula Xinis, who ordered the immediate release of Kilmar Abrego Garcia from ICE custody.

Xinis wrote that the court "continued to press counsel about the existence of a removal order and was told plainly that none can be found."

In ordering Abrego Garcia's release, Judge Xinis made clear the US government lied to her in an attempt to get him deported. She wrote that lawyers for the Trump administration

"did not just" stonewall the court, but "affirmatively misled the tribunal."

Abrego Garcia, husband to a US citizen and father to US citizen children, has been in various prisons and immigration detention centers virtually every day for the last nine months. After Abrego Garcia was kidnapped by ICE in Baltimore, Maryland on March 12, he was illegally deported and jailed on March 15 at the notorious El Salvadoran "terrorism prison" known as CECOT, even though a judge had previously ruled he could not be deported to that country.

Abrego Garcia was one of nearly 300 people sent to the concentration camp in El Salvador under the Alien Enemies Act. In effectuating the flights, the Trump administration deliberately violated an order issued by a federal judge that flights containing Abrego Garcia and other immigrants be turned around. Defying court orders, the Trump administration kept Abrego Garcia and hundreds of other men at the prison for months.

The deportation of Abrego Garcia was one of several illegal ICE kidnappings that provoked mass outrage throughout the United States. Facing public pressure, declining poll numbers and a Supreme Court decision, on June 6 the Trump administration returned Abrego Garcia to the United States, but quickly sought to gin up new criminal charges in order to deport him to an African nation he never lived in or visited.

On August 22, Abrego Garcia was briefly released from jail but was taken into custody by ICE thugs three days later. From September 26 until December 11, Abrego Garcia was detained at the Moshannon Valley Processing Center in Philipsburg, Pennsylvania.

The Trump administration will continue to harass and attempt to deport Abrego Garcia in spite of the judges' ruling. On Thursday, Department of Homeland propagandist Tricia McLaughlin claimed the order lacked "any valid legal basis, and we will continue to fight this tooth and nail in the courts."



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