

**2003-2007
Report on Hate Crimes
and Discrimination
Against Arab Americans**



REPORT ON HATE CRIMES AND DISCRIMINATION AGAINST ARAB AMERICANS 2003-2007

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The American-Arab Anti-Discrimination Committee (ADC) is a civil rights organization committed to defending the rights of people of Arab descent and promoting their rich cultural heritage. ADC, which is non-sectarian and non-partisan, is the largest Arab-American grassroots civil rights organization in the United States. Founded by former United States Senator James Abourezk in 1980, ADC's headquarters are in Washington, DC with chapters nationwide, and members in all 50 States. ADC welcomes members of all faiths, backgrounds, and ethnicities.

Former U.S. Congresswoman Mary Rose Oakar is currently ADC's president and Safa Rifka, MD, is Chair of the ADC National Board of Directors.

The ADC Research Institute (ADC-RI), which was founded in 1981, is a Section 501(c)(3) educational affiliate of ADC that sponsors a wide range of programs and publications on behalf of Arab Americans and of importance to all Americans. ADC-RI programs include research studies, seminars, conferences and publications that document and analyze the discrimination faced by Arab Americans in the workplace, schools, media, and governmental agencies and institutions.

- ADC is a civil rights organization committed to defending the rights of people of Arab descent and promoting their rich cultural heritage
- ADC is at the forefront in addressing discrimination and bias against Arab Americans wherever it is practiced
- ADC-RI programs include research studies, seminars, conferences and publications that document and analyze the discrimination faced by Arab Americans in the workplace, schools, media, and governmental agencies and institutions
- ADC-RI's intern program for undergraduate, graduate and law students trains a new generation of leaders.
- ADC-RI hosts a wide range of cultural programming such as art exhibits, film festivals, roundtable discussions, musical performances, and other events which celebrate the heritage of the Arabs
- **ADC and ADC-RI believe that their work is helping to pave the way for a better America for all Americans**

EXECUTIVE SUMMARY

During the period covered in this report, ADC makes the following findings regarding the overall situation facing Arab-Americans with regard to hate crimes and discrimination, civil rights and liberties, and defamation in our popular and political culture.

- The rate of violent hate crimes against Arab Americans continued decline from the immediate post 9/11 surge, to a level somewhat but not dramatically increased, over that seen in the five years leading up to the 2001 attacks.
- The same essential pattern applies to other major forms of hate crimes and discrimination.
- Despite significant pressure from some politicians and commentators, the government has not employed formal, systematic policies of ethnic or religious profiling in airport security.
- The “no fly” lists that are unworkably large, contain common names, and are not reconciled or harmonized between agencies continue to cause significant problems for many Arab and Arab-American passengers.
- Discrimination at airports based on stereotyping, over-zealousness or prejudice by airline personnel or even other passengers is now one of the main sources of discrimination facing Arab-American air travelers.
- Arab-American travelers face serious issues with border crossing detentions and delays, especially on the U.S.-Canada border.
- Preventative detention by pretext remains a concern, although there has been no repeat of the mass round-up of thousands of Arab or Muslim immigration suspects following the 9/11 attacks. 2003-2007 saw the increased use of misapplied material witness detentions as a pretext for preventative detention, but following greater public scrutiny prosecutors have employed it more sparingly.
- The discriminatory “special registration” program (NSEERS), while a complete counter-terrorism and immigration law enforcement failure and although currently suspended, has created serious hardships for numerous law-abiding individuals.

- Detainee abuse, and misconduct by federal, state and local law enforcement officers remain a serious concern.
- Thousands of Arabs have faced serious delays in naturalization and status adjustment.
- Arab-Americans continue to face higher rates of employment discrimination than in the pre-9/11 period, in both public and private sectors.
- Civil liberties concerns remain serious, including the some aspects of the discourse on a homegrown terrorist threat, the reauthorization of the PATRIOT Act, aspects of the REAL ID Act, secret evidence provisions, warrantless wiretapping and elements of immigration reform, among other issues.
- Arab-American students continue to face significant problems with discrimination and harassment in schools around the country.
- Arab-American students and faculty have faced increased levels of discrimination and political harassment campaigns, especially involving the Israeli-Palestinian conflict and efforts by right-wing groups to stifle debate on U.S. foreign policy in academia.
- Defamation in popular culture and the media remains a serious problem facing the Arab-American community.
- In spite of a far better record from the film and television industry in 2003-2007, defamation spread wildly in the non-fiction world of television, magazines, radio, newspapers and websites. A campaign of relentless vilification against Muslims and Islam has been the single biggest contributor to the collapse in American public opinion of Islam during this period, even though polling suggested no such antipathy in the immediate aftermath of 9/11.
- Arab Americans are more visible in the area of cultural affairs such as films, music, arts, entertainment to name but a few.
- Both the government and Arab-American groups such as ADC have explored and developed important new tools of communication and cooperation in 2003-2007.

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INTRODUCTION

When a tiny handful of fanatics launched terrorist attacks against our country on September 11, 2001, few large communities were more profoundly affected than the Arab Americans. As the twin towers in New York collapsed in on themselves one after the other, it seemed that several decades of slow, painstaking and woefully incomplete political and social organizing among Arab Americans were crumbling along with them. Many of the gains made in the previous quarter century of activism towards developing an engaged, empowered and fully normalized Arab-American community appeared to also be suddenly and unexpectedly reduced to rubble.

What remained was primarily a heightened self-consciousness (including a heightened sense of vulnerability) on the part of Arab Americans, and a much more widespread recognition in the rest of American society of the existence of these communities (although this recognition was to a very large extent accompanied by a degree of antipathy). Arab-American individuals and organizations would, for the foreseeable future, be placed under a microscope of intense scrutiny for disloyalty and covert sympathy with those who attacked the United States. There can be no question that the bulk of the blame of the problems facing the Arab-American community created or exacerbated by the 9/11 terrorist attacks outlined in this Report lies with the terrorists themselves and those who abetted and supported them.

As the scope and scale of both the attacks on their country

and the backlash directed against them became evident, Arab Americans were forced to deal with the national tragedy on multiple registers.

First, they shared the shock and outrage of their fellow citizens regarding the largest mass murder in American history.

Second, they had to face a new relationship with their fellow citizens, one that would inevitably reflect a greater increase in fear, suspicion, and hostility, and the hate crimes and discrimination that would inevitably follow. Plainly, it would take many years to heal such wounds, and repairing this damage remains the most important ongoing project for the organized Arab-American community.

Third, they had to recognize that their status in the United States and their relationship with their government and their fellow citizens not only could be, but actually had been decisively influenced by events, forces and actors completely beyond their control. It also meant confronting the prospect that all of the efforts required to heal the wounds, rebuild bridges, and remove the stigma that unfairly but inevitably followed in the wake of the atrocities could all be instantly undone by additional acts of madness by criminal lunatics based in other parts of the world. This is an ongoing anxiety that Arab Americans have been and are continuing to live with over the past six years.

Complicating and exacerbating this extraordinary sense of

vulnerability, which is in no way irrational, is the widespread understanding that the civic and political organizations representing the community's political interests have been and remain too small for the massive demands on their resources. They are relatively underfunded and pressed to adequately respond to the enormous challenges they face. Arab Americans found themselves, due to the relatively small numbers and insufficiently developed political clout, too much at the mercy of their fellow citizens and dependent on the good will of others for the protection of their fundamental constitutional and human rights. The intensive organizing efforts of ADC are a major part of the long-term project of redressing this problem and building national Arab-American institutions commensurate with the size, caliber and the accomplishments of the Arab-American community.

Fourth, they find themselves caught between American and Arab societies that seem to be drifting inexorably apart and sinking ever deeper into patterns of mutual hostility, re-creation, and violence. It is to the enormous frustration of many Arab Americans, both distinguished and ordinary citizens, that as yet, they have found limited opportunities to play a bridging role between the Arabs and the Americans. The truth is there is significant resistance on both sides of this divide to the kind of serious dialogue that could help offset the drift towards civilizational conflict that seems to pose a very real danger for the future of societal relations on a global scale.

Arab Americans find themselves at the center of the maelstrom. Their position is characterized by an exceptionally complex and problematic form of double consciousness. Arab Americans are not only acutely conscious of the dangers in the world around them, especially of the dangers of a "clash of civilizations" or generalized conflict between the Islamic world and the West, they also acutely feel the pain of both the Americans and the Arabs. They experienced the 9/11 attacks at least as viscerally as their fellow citizens, with all the pain, anger, and sense of profound loss that characterized the experience. At the same time, they share the outrage of the Arab world at Israel's treatment of the Palestinians, and our own government's tolerance of the Israeli occupation of Palestinian lands and the Golan Heights.

With rare exceptions, Arab Americans were deeply opposed to the invasion and occupation of Iraq, which many perceive as a misguided adventure, but are also profoundly disgusted by the beheading of Westerners and other atrocities by insurgents. As Americans they recoil at the growing intensity of

anti-American rhetoric in the Arab and Islamic worlds, but as Arabs they are deeply critical of the U.S. role in the Middle East and strongly sympathetic to Arab concerns regarding some American policies and the conduct of Israel. Too much insight can be a painful thing, especially when the prognosis is negative. At present, Arab Americans are possessed of a wealth of insight and understanding about the realities that lie behind the stereotypes that dominate Arab and American perceptions of each other, but at the same time have a yet to develop sufficient influence with either side or the appropriate vehicles to influence national policies.

The aim of this Report is to briefly examine why Arab Americans feel so vulnerable in their own country to abuses by both private and public forces, to derogations of civil liberties, and to a growing culture of hatred towards them. It follows not only a series of earlier reports on hate crimes and discrimination by issued by ADC since the early 1990s, but most specifically the *Report on Hate Crimes and Discrimination Against Arab Americans: The Post September 11 Backlash* (ADC, 2003), which covered the immediate aftermath of the terrorist attack on our country. This Report picks up where that left off, and traces the ongoing challenges and concerns facing the Arab-American community in the ensuing years.

Methodologically, it differs from the last Report in that it focuses on description and analysis of those problems based on key specific examples, rather than presenting long lists of instances of such abuses. This approach is more consistent with the nature of ADC's work on civil rights and liberties which seeks to use certain egregious cases to highlight general areas of concern rather than address each and every instance of discrimination.

This Report outlines serious concerns regarding hate crimes and discrimination by private individuals and in educational institutions. It also examines abuses by police, law enforcement and other authorities, and challenges to civil liberties by new legislation and other government actions. It examines the growing problem of defamation, especially in the form of Islamophobia, that has been aggressively developing in American popular and political culture over the past six years, and which is probably the single greatest problem facing the Arab-American community at this time.

At the same time, experience has shown that the initial profound pessimism about the impact of the 9/11 terrorist attacks on the Arab-American community may not have taken

into consideration the some of the opportunities that may be accompanying the more obvious challenges they produced. This Report details serious and ongoing efforts at fostering cooperation between the government and Arab-American groups such as ADC. U.S. Government agencies have taken many proactive steps at constructive dialogue and communication in the past few years. ADC is proud of its role as active partners with law enforcement, sparing no effort at actively assisting with legitimate efforts in preventing terrorism and violent extremism while advocating change to unconstitutional, unlawful, misguided counter-productive or ineffective policies and practices.

Some of the unfortunate actions the government undertook in the days, weeks, and months following the 9/11 terrorist attacks continue to have a negative effect on the Arab, Muslim, and South Asian American communities. These include the NSEERS program, the FBI's "voluntary interviews," the "watch" and "no fly" lists, and the warrantless surveillance of electronic communication by American citizens. ADC acknowledges the U.S. Government for the proactive steps it has taken to fix the mistakes it created after 9/11, while at the same time calling upon its leaders and upon the U.S. Congress to do more.

It needs to be clearly stated that while this Report tracks a series of problems facing Arabs and Arab-Americans in the United States, it in no way stands as an indictment or generalized criticism of our country in general, its major institutions or its culture at large. Some critics have falsely accused ADC and earlier ADC *Reports on Hate Crimes and Discrimination Against Arab Americans* of condemning the United States as a racist or Islamophobic society in general. This is, it should go without saying, completely false.

What ADC is tracking is a set of serious and ongoing problems facing Arab Americans as a community, and they need to be taken seriously by everyone concerned with maintaining a free, fair and just society in our country as well as those interested in an effective counter-terrorism strategy. However, it should be stressed that the United States remains an excellent society for Arab Americans to live, work, thrive and prosper. Most Arab Americans have been personally unmolested following the terrorist attacks – although most also know friends or family who have faced civil rights or liberties problems – and there has been at least as much, if not considerably more, outreach and goodwill directed towards the community from our fellow Americans as there have been hate crimes, discrimination and defamation. That said, Arab Americans undoubtedly constitute a very vulnerable

community in the United States and the problems, concerns and challenges outlined in this report call for serious and sustained responses from both the community and our nation's government and major institutions. The Report concludes with recommendations to all main parties for how these concerns can and should be addressed.

SECTION I

HATE CRIMES AND DISCRIMINATION

In the period covered by this Report, 2003-2007, Arab Americans faced significant problems with hate crimes and discrimination, especially with regard to airline travel and border and customs issues, as well as employment discrimination in both the public and private sectors. This section of the Report demonstrates that while, for the most part, these figures are lower during the period it covers than in the immediate aftermath of the 9/11 attacks, serious incidents are occurring at much too high a rate and a greater frequency than during the late 1990s and 2000.

Serious violent hate crimes and threats of violence remained a significant problem for Arab Americans, in spite of considerable efforts by law enforcement at every level to prosecute offenders. Both ordinary citizens and prominent community figures remain the target of serious threats and hate speech from other citizens, including employees of the federal government in relatively senior positions, although it must be noted that the government has prosecuted several important instances of such abuse.

Airline discrimination, especially by officials of private airlines, remains a concern for almost everyone in our community, with several high-profile instances demonstrating that unfounded fears and baseless stereotypes continue to inform the perceptions of airline employees if not Transportation Security Administration (TSA) officials. While the government itself does not engage in any systematic profiling or stereotyping in airport security, as this Report demon-

strates precisely because of the need to provide effective security, officials of airlines and others continue to engage in stereotyping and discrimination causing serious difficulties for Arab-American passengers and those perceived to be Arab Americans. TSA and the other watch lists, however, do provide an ongoing source of government-generated anxiety and discrimination against Arab-American passengers and others caught up in the vague, unsubstantiated and improperly vetted lists, some of which have grown to unmanageable and irrational proportions.

Immigration discrimination, particularly unreasonable and unlawful delays in immigration procedures, especially naturalization processes, has affected thousands of people in this community. Negative consequences arising from the special registration process continue to haunt large numbers of Arab Americans and others who sought only to comply with an ill-conceived and badly managed immigration policy. During the period covered by this Report, the government has engaged in a number of immigration-related policies that are plainly discriminatory on the basis of national origin and, in effect, use national origin as a proxy for ethnicity and religious affiliation. It is worth noting that all immigration and immigration law enforcement policies based on stereotyping or simple ethnic, religious or national identities have proven absolutely useless as counter-terrorism measures, while creating damaging and unnecessary divisions between the government and the Arab-American and American Muslim communities. As David Cole and Jules Lobel, point out in

their excellent book *Less Safe, Less Free* (The New Press, 2007), “The bipartisan September 11 Commission’s staff concluded that all the administration’s immigration initiatives targeted Arabs and Muslims that it reviewed were a complete failure in identifying terrorists. In addition to the programs identified above, it found that a blanket 20-day hold place shortly after September 11 on visas issued to males aged 16 to 45 from 26 countries in the Middle East and North Africa, plus Bangladesh, Malaysia, and Indonesia, ‘yielded no anti-terrorist information and led to no visa denials.’ Similarly, it reported that the Visa Condor program, which required additional screening of these applications from 26 predominantly Muslim countries, had identified no terrorists, and that the CIA had withdrawn from the program because it had uncovered no significant information. And it found that the Absconder Apprehension Initiative, a program that selectively targeted foreign nationals from predominantly Muslim countries who had outstanding deportation orders, had identified no terrorists.”

Detainee and prisoner abuse also remains a serious concern, especially in private facilities outsourced by ICE to house immigration detainees. Arab Americans also face ongoing problems with misconduct by federal, state, and local law enforcement personnel, especially in relation to the deputizing of local officers in Joint Terrorism Task Forces (JTFs) around the country without sufficient training. The period covered by this Report also saw a rise and fall in a new form of disturbing preventative detention by pretext, involving misused material witness orders against persons the government wished to detain without probable cause, as in the notorious case of Brandon Mayfield.

The problems outlined in this section of this Report are illustrated by a selection of “case studies,” which are intended to demonstrate the nature and range of experiences attendant upon these challenges facing Arab Americans. The case studies are by no means exhaustive, and are selected in order to explain the nature of their impact on the Arab-American community. In many instances, names have been withheld in order to protect the privacy and legal privilege of those who have turned to ADC for legal assistance. Some cases are drawn from the media, and in some instances case studies reflect a combination of ADC’s research and legal work, as well as journalistic accounts of the same event. A very small number of case studies in this section of the Report, for example the material witness detention of Brandon Mayfield, involve American Muslims rather than Arab Americans as such. These cases have been held to a minimum and are included because, as in the Mayfield case, they are

invaluable illustrations of the problems associated with the various forms of hate crimes and discrimination outlined in this section of the Report.

There seems no doubt that the Arab-American community has made significant progress in addressing its concerns since the period covered by the last ADC *Report on Hate Crimes and Discrimination Against Arab Americans*, and almost all areas of concern are somewhat less onerous than during the 13 months immediately following the terrorist attacks on our country. However, this section of the Report demonstrates that these concerns remain noteworthy challenges facing both Arab Americans and our fellow citizens in the quest for a more equal, just and tolerant society.

1. VIOLENT HATE CRIMES

Violent hate crimes are defined for purposes of this Report as acts of violence or specific and credible threats of violence. In the aftermath of the 9/11 terrorist attacks, Arab Americans, and those perceived to be of Middle Eastern descent, were subjected to a wave of violent hate crimes and vigilante attacks. ADC documented over 700 violent incidents directed towards Arab American in the first weeks following the attacks, as outlined in the ADC’s *Report on Hate Crimes and Discrimination Against Arab Americans: The Post September 11 Backlash*. Though the violence dramatically declined by January 2002, the remaining months of 2002 witnessed incidents coming into the organization at a somewhat higher rate than that seen in the years of the late 1990s.

During the late 1990s, hate crime reports received by ADC numbered between 80 to 90 per year. In the period covered by this Report, the rate has been between 120 to 130 per year, a significant increase from the pre-9/11 period. Therefore, during the period 2003-2007, the rate of violent hate crimes continued to decline from the immediate post 9/11 surge, still remaining a higher rate than that seen in the five years leading up to the 2001 attacks.

Two clear and noteworthy patterns have emerged during this period.

First, the hate crimes did not always begin with a clear motivation of bias. Rather, they would develop in that direction as the altercation intensified. In numerous instances, racial,

religious or ethnic slurs would be employed not at the outset but after a dispute leading to violence or threats of violence had already begun.

Second, a surge in reports of hate crimes has been linked to certain events in the Middle East or the Islamic world involving both United States interests and citizens. When the first beheading atrocities committed by terrorists under the leadership of the late terrorist leader Abu Mussab Al-Zarqawi were committed, ADC noticed an increase in the incidence of reports of hate crimes. Similar increases were linked to the July 7, 2005 London bombings and other instances of violence and terrorism that produced a direct sense of fear and outrage among many Americans. Hate crimes and vigilante violence seems, therefore, to be clearly linked to a sense of collective guilt and a spirit of vengeance, as seen in the wake of the 9/11 terrorist attacks.

As documented by ADC, the Council on American-Islamic Relations (CAIR) and others, over the period covered by this Report, hate crimes, especially vandalism and the destruction of property, has been increasingly targeted at mosques and Islamic centers around the country.

Hate crimes have for the most part been thoroughly investigated by law enforcement authorities, particularly the civil rights division of the Department of Justice (DOJ). ADC commends local, state and federal law enforcement for their efforts to ensure that Arab Americans and those perceived to be Arab Americans are protected from such abuses and hate crimes.

CASE STUDIES

Woman pleads guilty to death threats against Arab-American family, Pennsylvania, 2007

In October 2007, Kia Reid, who was charged with a federal hate crime against her Arab-American supervisor, was sentenced to two years probation and eight months of incarceration. She was also sentenced to 200 hours of community service which must be completed at a mosque. Additionally, she was mandated to take anger management and diversity training classes. In handing down the sentence, Judge Gene Pratter said, "Our society cannot afford to dismiss this type of conduct."

The charges alleged that Reid sent a violent and threatening letter to her supervisor, Nina Timani, at their workplace, a Sheraton hotel. The DOJ and FBI investigated the incident as a civil rights violation because the threatening letter was an

attempt to interfere with the supervisor's federally protected employment activity, contained the threat of force, and was indicative of apparent bias involving race, religion, and ethnicity.

According to the DOJ, on October 2, 2006, Kia Reid, left an ominous and threatening letter in her supervisor's office at a Philadelphia hotel. The letter included the phrases "Remember 9/11," "you and your kids will die like dogs," "tie onto the fence," "death," and other references to death and hanging. The victim was fearful for her safety and the safety of her children. This case is particularly noteworthy since FBI statistics indicate that more than 30 percent of all reported hate crime offenses involve intimidation similar to this case.

Family Continues to be Repeat Target for Vandalism and Tire Slashing, Maryland, 2007

On the sixth anniversary of the 9/11 attacks, six tires on two vehicles belonging to the family of Samira Hussein in Gaithersburg, MD, were slashed. Ms. Hussein is a family service worker for Montgomery County schools, and has been an activist on combating stereotyping of Arab and Muslim Americans. She has frequently been a speaker at libraries and schools about Islam, the Arab world and Arab-American history. She also runs cultural sensitivity training programs for new teachers entering the Montgomery County school system.

The family has a history of being targeted in this neighborhood, dating back to the 1990s. *The Washington Post* reported that, "In 1994, someone put glue on the hubcaps, door handles and locks of their Chevy Impala. Three years later, the car's leather seats and tires were slashed, a swastika was scratched onto the hood and the word "pig" was etched on a window. At the same time, someone scratched "Go home" onto the trunk of their Chevy Caprice and slashed the seats, she said. During the same period, the Husseins often found garbage thrown over their back fence, and someone threw eggs at, and later smashed in, their glass back door, Hussein said. They found dead birds near their home and notes with ethnic slurs taped to their door. A former neighbor was ordered to serve five days in jail and two years of probation in 1998 after being convicted of vandalizing the Husseins' cars, according to news accounts." Police said that the neighbor was not a suspect in the 2007 attacks.

Arab-American Customer Shot, Alabama, 2006

The ADC Legal Department is working with the FBI in a case

where an Arab-American man was shot by another man who had been yelling racial slurs outside a Middle Eastern take-out restaurant in Alabama. Apparently, the suspect was inside the restaurant causing problems and acting in such a hostile manner that he had to be physically removed. He threatened to return and did so within an hour with a .22-caliber rifle. He then fired into the Arab-American customer's van that was parked outside the Middle Eastern restaurant. The victim, waiting with his family for their order, was shot in the head. The suspect, a 23 year old white male, was later arrested by police and both local and federal law enforcement are now involved in the investigation. ADC filed an administrative complaint with the U.S. DOJ Civil Rights Division and provided additional information to FBI Headquarters.

Forceful Eviction and Beating (New Jersey, 2005)

An Arab-American man in New Jersey had been renting a room although he had allegedly faced tensions with the landlord in the past. One rainy night, the man was locked out of his room and the landlord refused to let him in. He stayed out in the rain until 7am when a hooded man walked up to him and began to kick and beat him. He was dragged to the porch and the attacker yelled a number of insults including, "You ——— Arab, what the — do you think you are? This is my house! No Arabs allowed here." On the porch, the landlord got involved as well, as it turned out the attacker was his son. He later pulled out a knife and threatened the Arab-American man, and said he would kill him if he did not move out of "his house" within an hour. While local police did not seem to react, the ADC Legal Department contacted the FBI that looked into the matter but did not open an investigation.

Arab-American Pregnant Woman Wearing Hijab with Baby Physically Assaulted (Massachusetts, 2004)

An Arab-American Muslim woman, two months pregnant, who wears the hijab (Muslim headscarf) was walking with her ten-month old baby from a relative's house to her home in Massachusetts when a man and his dog approached them. When the woman asked the man to restrain his dog, he allegedly proceeded to curse at her and verbally harass her, calling her a terrorist. He allegedly continued to yell, followed her, and then pulled off her hijab and beat her until she was unconscious. The police found her attacker but allegedly did not arrest him. ADC filed a complaint with the FBI on behalf of the woman and her family and the FBI followed up with local law enforcement authorities in their investigation of the attacks.

Arab-American Student Bullied in School (Texas, 2006)

A mother reported that her son was subjected to verbal abuse and assaults as a result of a required reading selection that discussed a young boy being sodomized by another teenager named Assef. The mother reported that she informed the principal of the incidents of abuse but that no action was taken to address the issue. ADC worked with the family and the U.S. Department of Education Civil Rights Office on this case. As a result, a volunteer attorney with the ADC-Austin Chapter assisted the family locally in Texas and worked with the ADC nationally to remedy the situation.

Arab-American Man Assaulted by His Neighbors (Michigan, 2006)

A resident of Detroit was allegedly singled out and beaten by his neighbors due to his religious and ethnic background in front of his wife and children. He suffered a broken leg and seven stitches to his forehead after being beaten with a golf club, pieces of glass and a stick. No action has been taken by the police, even after the perpetrators were identified. After the brutal attack by the neighbors, the police only identified the case as a "neighborhood dispute." He and his family are still facing attacks and discrimination from the neighbors.

2. AIRLINE DISCRIMINATION AND PROFILING AT AIRPORTS

Racial Profiling Against Arab Americans

Racial profiling is a long-discredited American law-enforcement technique whereby police identify individuals as suspects based on their apparent race, ethnicity, age, and other simple identity criteria. Moreover, it was a central feature of many facets of discrimination and law enforcement abuse against African-American and Latino populations around the country, but is now disreputable, illegal in many circumstances, and has very few public defenders. The same is not applicable when Arab and Muslim Americans are concerned.

Following the 9/11 attacks, the U.S. government slowly pieced together a concerted response to the new security situation: a host of new and continuously evolving security policies in public spaces, especially airports, and the creation of new agencies such as the Transportation Security Administration (TSA), a subdivision of the Department of Homeland Security (DHS) to manage transportation security,

including at airports. Both the Department of Transportation and the TSA resisted calls to make ethnic, racial or religious profiling the focus or a major factor in post-9/11 airport security policies. Since 2002, bigoted commentators have condemned both this approach and the U.S. government's entire counter-terrorism strategy, for not engaging in racial profiling against Arab and Muslim Americans. Many of these proponents of discrimination argue that the government's generalized rejection of broad-based profiling strategies at airports and other circumstances is due to the Bush Administration's supposed capitulation to "political correctness," meaning an aversion from illegal forms of discrimination and moral and ethical objections to systematic and official bias against entire communities. However, it is not simply moral or legal arguments that have led law enforcement and security officials away from profiling, but practical considerations about the impracticability and ineffectiveness that would obviously characterize such policies.

While proponents of discrimination present their demands for profiling as expressions of self-evident "common sense," an encouraging number of law enforcement officials and counter terrorism experts have recognized, at least in theory, that this kind of information constitutes a false lead, and does not actually suggest anything relevant to the identification of a potential threat. Among other serious problems, profiling based on broad identity characteristics creates an impossibly large pool of "suspects," and plainly diverts attention away from potential threats that do not fit crude stereotypes while wasting limited resources on subjects about whom there is no actual reason to be concerned. It simply cannot be an effective tool of law enforcement or counter-terrorism. Only two approaches in dealing with mass groups of people make sense: comprehensiveness as at airports, or randomness as in many other public spaces. Anything in between serves less of a deterrent to terrorists and more as a tipping of the authorities' hand and a helpful hint to terrorists and any other would-be criminal for how not to get caught.

When U.S. airport security was based on a supposedly neutral, secret computer profiling system, from 1996 to 9/11, the evidence strongly suggested that it resulted in widespread discrimination against Arab and Muslim travelers, but it did not prevent the 9/11 attacks. This discrimination and disparate impact was clearly documented in the two ADC *Reports on Hate Crimes and Discrimination Against Arab Americans* covering the period from 1996-2002. The irony, therefore, is that when there was far less anxiety and concern about airport security, before the 9/11 attacks, the gov-

ernment was in fact engaging in policies that at the very least had a demonstrable disparate impact on Arab Americans, if not constituting systematic discrimination and outright profiling. The intensified post-9/11 airport security regime has been both more thorough and more equitable, despite the ongoing bureaucratic nightmare of the no-fly lists, as outlined in this Report. The counter-intuitive but undeniable fact is that there was more evidence of intentional discrimination against Arabs and Muslims in domestic air-travel before 9/11 than after. What proponents of profiling and others fail to recognize is that this is precisely because the U.S. government has had to accept that serious security threats require policies that do not boil down to crude stereotypes or rely on subjective judgments about ethnicity. In short, once people had to get serious about security, they were quick to abandon the folly of profiling.

While all ethnic and racial profiling is a false lead, profiling of Arab Americans is particularly silly. Many Americans are used to thinking in simplistic and binary terms about race and ethnicity, of living in a world divided between "black" and "white" people in which identity is obvious from appearance and skin pigmentation, and can be discerned at a glance. Proponents of profiling have proven amazingly resistant to understanding that identifying Arab and Muslim Americans based on appearance is simply impossible. Those who urge the government to ask law enforcement and security officers to engage in profiling of Arab-Americans and Muslims based on appearance are not only advocating something degrading and pointless—they are asking for the impossible. Leaving aside the fact that more than half of the Arabs in the United States are Christians, Arabs simply do not possess to any set of physical characteristics that either plainly bind them together or set them apart from many other American communities. Arabs are a very diverse ethnic group who can resemble almost any group of southern Europeans, Latin Americans, Central and South Asians or Africans. The government, through the Census, has made no serious effort to distinguish, count, classify or otherwise identify Arab Americans, thus triggering a significant debate and speculation as to the number of Americans of Arab heritage. Moreover, no identity documents contain information regarding ethnicity as such.

Beyond that, senior government officials have made it clear that after careful consideration, they understand that al Qaeda and similar groups do not in fact have an ethnic profile. Tom Ridge, Former Secretary of Homeland Security, explained when he was in the office, "There was a legitimate concern right after 9/11 that the face of international ter-

rorism was basically from the Middle East. We know differently. We don't have the luxury of kidding ourselves that there is an ethnic or racial or country profile." Obviously after the experiences with the "shoe-bomber" Richard Reid, the "dirty bomber" Jose Padilla, John Walker Lindh, Adam Gadhan, and so many more, no serious security official would place much stock in a system that boils down to an ethnic stereotype.

In addition to the irrationalities attached to any form of broad identity profiling, the generalized religious profiling of Muslims makes particularly poor sense given:

The pool of targets is so preposterously large – more than six million Muslims in the United States, and more than 1.2 billion worldwide.

There are no religious identification markers in any U.S. document. How will Muslims – who are a community defined mainly by religious belief, practice and opinion – then be identified by enforcers? Demagogues who call for profiling against Arab and/or Muslim Americans need to drop the pretence that this could be based on appearances or names. It would require Americans to carry identity documents confirming their official ethnic or religious designation, imposed on them by the government. No proponent of profiling has ever suggested a solution to this problem to ADC's knowledge.

About one third of American Muslims are African Americans – how would any such policy not constitute simply another means of justifying and reintroducing in a new guise the profiling of African Americans?

It is, of course, not any form of so-called "political correctness," that has led the TSA and other authorities away from profiling towards more serious policies that might actually enhance the security of Americans. Rather, the factors behind such move were the practical and serious considerations such as the ones enumerated above coupled with the obvious moral and legal problems associated with any program of systematic discrimination by the government.

As outlined in the last *ADC Report on Hate Crimes and Discrimination against Arab Americans*, in the wake of the 9/11 attacks, one of the worst problems facing Arab-American travelers and those perceived to be Arab Americans was their removal from flights after passing through security and boarding the planes due to unfounded concerns from fellow passengers and crew. ADC was aware of at least 80 instances

of this kind of illegal discrimination, involving persons such as Arab-American Congressman Darrell Issa (R-CA) and an Arab-American secret service agent on his way to protect President George W. Bush at his home residence in Crawford, Texas. ADC was also a party, represented by the American Civil Liberties Union, to a number of lawsuits demanding that airlines cease and desist from the practice. Eventually, the government itself brought suit against several airlines for the same illegal practices, which have subsequently become much more rare, though a number of notorious incidents demonstrate that the problem continues to exist. However, this important improvement has not meant that Arab-Americans and others do not continue to face serious forms of discrimination during air travel.

In general the TSA, which is in charge of airport security, does not use any systematic policies involving discrimination or ethnic or religious profiling. Most travelers are subjected to the same rigorous screening before boarding flights and those who are singled out for additional scrutiny are chosen for numerous reasons, including random checks. ADC is not aware of any evidence that the TSA has decided to use profiling as a significant element of its approach to airport security, and believes that this is due to the fact that the government is well aware that, in spite of the fatuous claims of proponents of profiling, such policies are unworkable and completely ineffective.

However, in spite of the rejection of racial or religious profiling as policy for airport security by the TSA, security is always enforced by individuals who are informed at times by a cultural climate that does promote irrational fear and suspicion of Arabs and Muslims based on perceived ethnicity and religious affiliation. This overall cultural climate may account for some of the instances of discrimination that continue to plague some Arab-American and Muslim travelers as outlined below.

In addition to continued incidents that do not reflect systematic discriminatory policies, Arab-American and Muslim travelers and others continue to face significant difficulties due to the TSA and other security watch lists as outlined in this section of the Report.

A further source of concern is the TSA's new policies regarding head wear such as the hijab headscarf worn by some Muslim women and turbans worn by some Sikh and Hindu men for religious reasons. Since August 4, 2007, an individual wearing cowboy hats, baseball caps, turbans and hijabs/headscarves can be subject to additional screening. The TSA

explained that it changed its policy because of concerns that non-metallic items including explosives could be hidden under head coverings. Individuals are liable to be assigned to additional screening if security cannot determine that the “head area is free of a detectable threat item,” according to a TSA statement. Passengers will receive a pat-down search and if the issue remains unresolved, the individual may then be offered “the opportunity to remove the head covering in a private screening area.” This new policy raises potential issues of both modesty and suspicion based solely on protected religious practice.

The Sikh community has expressed particular concern about possible discriminatory effects of the policy, but the TSA insists that it has been working with Sikh and Muslim groups to ensure that the policy is enforced in a respectful and non-discriminatory manner. However, in September 2007, Congressman Tom Lantos (D-CA), chairman of the House Committee on Foreign Affairs, wrote to TSA Administrator Kip Hawley expressing concern about instances in which Sikh Americans were ordered to remove their turbans, which represent a fundamental article of their faith, in full public view. More than 50 such incidents have been reported since the policy was instituted. Lantos’ letter stated that, “It is apparent to me that these incidents demonstrate how the inconsistent application of this flawed policy has led to religious profiling and discrimination and the humiliation of ordinary Americans.” Similar incidents, but less frequent, have been reported regarding the new TSA policy and its impact on Muslim women wearing headscarves.

CASE STUDIES

August 2006, New York City, NY

On August 12, 2006, Raed Jarrar, an American Permanent Resident, attempted to fly on JetBlue from John F. Kennedy International Airport to Oakland, California, where he lived at the time. JetBlue and the TSA official, identified as “Inspector Harris,” would not allow Jarrar to board his flight at John F. Kennedy Airport based solely on the Arabic message on his t-shirt and his ethnicity. They allegedly refused to allow him on the flight until he agreed to cover his t-shirt, which read “We Will Not Be Silent” in English and Arabic script. Although Jarrar successfully cleared two security checkpoints, he was approached by Inspector Harris while waiting at the boarding gate. Harris then brought Jarrar to the JetBlue counter and told him that he would have to remove his shirt because other passengers were not comfortable with the Arabic script. According to the complaint, Harris also told Jarrar that it is impermissible to wear an Ara-

bic shirt to an airport and equated it to a “person wearing a t-shirt at a bank stating, ‘I am a robber.’”

The American Civil Liberties Union and New York Civil Liberties Union have filed a federal civil rights lawsuit in this case charging that a Transportation Security Administration (TSA) official and JetBlue Airways illegally discriminated against Jarrar.

“It is a dangerous and slippery slope when we allow our government to take away a person’s rights because of his speech or ethnic background,” said Reginald Shuford, a senior staff attorney with the ACLU’s Racial Justice Program. “Racial profiling is illegal and ineffective and has no place in a democratic society.” “It was clear that Mr. Jarrar was not a security threat and was singled out solely because of his ethnicity and the constitutionally protected speech on his t-shirt,” said Aden Fine, an ACLU senior staff attorney who represents Jarrar. “Rather than censor Raed, the TSA official and Jet Blue should have assured any uncomfortable passengers that there was absolutely no public safety or security risk. We hope this case sends the message to TSA officials and to airlines that they cannot discriminate against passengers because of their race or the content of their speech.”

Jarrar attempted to assert his constitutional right to wear the t-shirt, but became intimidated after he was surrounded by Harris and several JetBlue officials. He worried he would miss his flight or be arrested and detained indefinitely. The lead JetBlue customer service crewmember stated that she would buy Jarrar a new shirt to wear on top of his own t-shirt as a “compromise.” Left with no other choice, Jarrar reluctantly agreed, and was allowed on the plane only after the JetBlue agents ripped up his boarding pass and changed his seat from the front of the plane to the very back of the plane. He was then forced to board the plane first, even before disabled passengers and those traveling with children.

The ACLU stated that Jarrar’s case is part of a disturbing pattern of discriminatory acts at airports against individuals perceived to be Arab, especially those engaged in expressive activities that visibly display their ethnic background or religious faith. According to the Department of Transportation, it has received complaints of discrimination by air carriers every month from January 2002 to June 2007, the last month for which statistics are available. Several of those discrimination complaints have been lodged against JetBlue.

ADC filed two complaints regarding this case with the Department of Homeland Security and the Department of

Transportation. ADC received on March 19, 2008 an update concerning the pending administrative complaint against JetBlue with the U.S. Department of Transportation, Office of Aviation Enforcement and Proceedings. The letter from Samuel Podberesky (U.S. DOT Assistant General Counsel for Aviation Enforcement and Proceedings) indicated, “Based on the information ADC provided us and our review of JetBlue’s reponse, it appears that the carrier subjected Mr. Jarrar to discrimination in violation of Federal anti-discrimination statutes, 40 U.S.C. sections 40127, 41702, and 41712 by re-seating Mr. Jarrar in the rear of the cabin. Our investigation leads us to believe that JetBlue’s decision to move Mr. Jarrar from his originally assigned seat near the cockpit to a seat near the rear of the aircraft was not based on a reasonable belief that Mr. Jarrar would present a security threat.” This outcome clearly highlighted the pattern of discriminatory act carried out by Jet Blue. ADC still awaits the results of administrative investigation carried out by the TSA and the DHS Office for Civil Rights and Civil Liberties (DHS CRCL).

November 2006, Saint Paul, MN

Among the most notorious incidents involving airline discrimination is the case of six Muslim imams being removed from a US Airways flight at Minneapolis-St. Paul International Airport on November 20, 2006 and questioned by police for several hours before being released. The six men were also denied travel on another US Airways flight the next morning, but used another carrier without incident. They were returning from a conference in Minneapolis of the North American Imams Federation.

The facts of the case are hotly disputed, and will likely be adjudicated during the civil suit brought by the imams against US Airways, the Metropolitan Airports Commission and certain unnamed “John Does” accused of filing false reports with the police. The imams claim they were merely praying before boarding in the lounge. Their accusers, mainly unnamed, have accused them of praising Saddam Hussein, criticizing the United States, chanting *Allah* loudly in Arabic, exchanging seats for no reason, requesting seatbelt extenders (supposedly for no reason and without using them, the implication being that they were potential weapons) and, most implausibly, of mimicking the “9/11 hijackers’ seating patterns.”

Certainly, it is possible that a mix-up and misunderstanding occurred in that boarding area, and that passengers and airline personnel along with the authorities misunderstood or overreacted to the men’s behavior, some of which could possibly have been unintentionally unnerving to skittish non-

Muslim Americans. It is further conceivable, though this is likely to be decided in a court of law, which is the proper venue for trying such claims, that all or at least most of the parties involved were acting in good faith and were caught up in a unusual set of circumstances during an unusual moment in which events took on a life of their own and spiraled out of anyone’s control.

However, following the thorough investigation at the scene by authorities which uncovered no evidence whatsoever that the imams presented a threat in any way to the flight, there is no reasonable explanation why US Airways refused them passage the next morning. Furthermore, the insistence of Islamophobic and pro-profiling commentators that there was, nonetheless, something sinister about the imams’ behavior joins the case to patterns of paranoia in contemporary American Islamophobia. Many media commentators continued to condemn the imams in spite of their full clearance by a thorough and somewhat abusive investigation in which they were handcuffed and interrogated for hours, as well as denied service on subsequent flights.

Many critics seized on the fact that the discrimination lawsuit originally included as defendants certain unnamed “John Does” accused of filing false reports, although this aspect of the suit has been dropped. This has been interpreted by some uncharitable, if not simply Islamophobic, observers as a threat to security at airports because it would supposedly discourage people from reporting their concerns to the authorities at airports. Such voices do not consider how falsely accused individuals can protect themselves without availing themselves of the usual protections against false accusation in civil courts. The imams claim that they were singled out unfairly and falsely accused, yet many would deny them the ability to prove their case in a court of law and seek damages for unjust and unfair treatment that would be actionable under any other circumstances.

There are many who have been attempting to deny access to the courts to travelers facing false accusations to the authorities from unnamed and unidentified fellow travelers or crew. In 2007 a group of Republicans in the House of Representatives, who introduced H.R. 1401, the Rail and Public Transportation Security Act of 2007. This bill provides blanket civil liability immunity to anyone reporting suspicious behavior in the transportation system and is specifically retroactive to activities that took place on or after November 20, 2006, the date of the imams removal from the flight in Minneapolis-St. Paul. In the fall of 2007, the “John Doe” component of the lawsuit was dropped as a consequence of

the new legislation.

December 2003, Flushing, NY

A husband and wife of Middle Eastern descent experienced discrimination when an airline ticket agent at LaGuardia Airport searched their bags confiscating a nail-clipper, already allowed to be taken onboard based on the FAA regulations. When the husband inquired as to why the nail clipper was not allowed on board when the FAA guidelines allowed it, the agent replied that he has the capacity to go above and beyond the FAA regulations at his discretion. When a concern was raised that some passengers may be subject to discrimination because of this general policy, he replied with a threat to “kick him off the flight.” ADC filed an administrative complaint with the U.S. Department of Transportation.

June 2006, Phoenix, AZ

An Arab American checking in for Southwest Airlines allegedly experienced discrimination when a check-in clerk used discriminatory language due to a general misunderstanding over the number of bags being checked in. The check-in clerk used phrases like, “you’re in America and you should learn how to treat women” and “you should go back to the country you came from until you learn how to treat women right” after the customer did not include his wife’s bags at the check-in counter. Once a supervisor was contacted, Southwest Airlines deemed the incident as a “bad customer service” and proceeded to compensate for the situation by offering two free Southwest Airline tickets to the couple.

July 2005, Amman, Jordan

An individual contacted ADC concerning an airline incident that caused him to be “blacklisted” from flying with an airline despite no wrongdoing on his part. He and his father, both U.S. citizens, were allegedly mistreated by an airline representative in Amman, Jordan—the representative had been rude and had left his position behind the ticket counter to confront the individual in a physically threatening manner. After the individual and his father departed the check-in area and called the airline customer service concerning the incident, he discovered that his ticket had been cancelled because he “threatened the airline employee,” though no evidence was provided of any such allegations. Furthermore, he was told that he was “blacklisted” from flying on the airline. The airline never compensated him for the loss of his ticket. ADC contacted the airline to resolve the matter and filed a complaint with the U.S. Department of Transportation which did not find discrimination.

July 2005, Boston, MA

An individual contacted ADC about an incident that occurred after his flight on July 4. He and his friend were aboard a flight, which proceeded without incident other than strange stares from one of the male flight attendants. Upon landing, the two men were approached in the baggage claim area by two men who claimed to be Air Marshals. The Marshals said that the flight attendant had been “intimidated” by the two men during the flight and felt “uncomfortable.” The two men explained that they had no interaction with this particular flight attendant other than a “hello” upon boarding. The Air Marshals asked where the two men were from. One of the men responded that he is from Lebanon; the other responded that he is an American of Lebanese origin. The Air Marshals left and then quickly returned asking to see their ID. The men complied, though they were given no reasonable explanation. When asked their names and badge numbers, the Air Marshals refused to comply with the request. ADC has filed an inquiry with the DHS Office of Civil Rights and Civil Liberties, and the case is still active.

3. BORDER DETENTIONS AND DELAYS

Since the 9/11 terrorist attacks against our country, problems facing Arab Americans at points of ingress and egress from the United States have significantly increased. These problems include issues with watch lists (dealt with in a separate section of this Report), inexplicably prolonged stops, and the apparently arbitrary nature of many detentions and delays. Most of these problems involved officers with the Customs and Border Protection (CBP) services. Problems have been particularly noteworthy for Arab-Americans on the U.S.-Canada border, particularly the border crossing near Detroit, Michigan, home to one of the largest Arab-American communities in the United States, as outlined in many of the case studies below.

Among the ongoing problems with CBP activities has been a relative lack of outreach from the service itself to the general public. Very few travelers have any understanding of CBP procedures and regulations, and therefore those caught up in enforcement procedures often experience heightened levels of alarm and even panic. In addition to this damaging lack of outreach, CBP has no office where civil rights, or any equivalent, to which grievances can be addressed. This is in contrast to the TSA, DOJ, DHS and most other federal security and law enforcement agencies.

Anecdotal examples seem to suggest that Arab, Muslim, and South Asian Americans are more likely to be flagged by CBP and DHS authorities either when traveling by air domestically or when returning from international travel to the United States by land or airport. This includes visitors, as well as immigrants, permanent residents, and most importantly, U.S. citizens. Although the U.S. Government's position states that it does not profile individuals based on race, ethnicity, or religion, the "watch" and "no fly" list challenges have created a tremendous level of mistrust and the perception of ethnic and religious profiling on the part of the Arab, Muslim, and South Asian American populations in the United States. A major difficulty encountered by many Muslims and Arab-Americans are various problems with CBP upon returning home from travel abroad, as demonstrated by some of the case studies below.

DHS has recently initiated a program to address concerns and problems at the border including denied or delayed airline boarding, denied or delayed entry into and exit from the U.S. or those continuously referred to secondary screening. Individuals who have experienced detentions or increased scrutiny during their travel can now file a complaint and seek resolution via the Department of Homeland Security Travel Redress Inquiry Program (DHS TRIP).

CASE STUDIES

July 2004, Toronto, Canada

A U.S. Customs Officer at the Pearson International Airport in Toronto, Canada stopped an Arab-American and his family on their way back to the United States for further inspection. After he had handed in his Customs Declaration Card and passport, he was told to wait while the officer consulted a supervisor and proceeded to take his driver's license while they waited. It was approximately 30 minutes later when the supervisor emerged and asked some questions eventually allowing them to proceed to the gate. By the time the plane landed in Detroit, Michigan, an announcement was made that "all passengers are to remain in their assigned seats and show their identity." Four U.S. Customs officers boarded the plane and proceeded to his seat and asked to have his identity shown. After some questioning, the officers escorted the family off the plane. When asked what was going on, one of the officers proceeded to explain that there was a mix-up with names and additional questioning and inspection would be conducted. Throughout the questioning and inspection a number of officers would take turns inspecting the family's luggage and ask questions about his citizenship

status. Eventually, plain-clothes officers from the Department of Homeland Security entered continuing the questioning procedure, asking questions related to his past travels, national origin and religion. After three hours the family was let go without an explanation or apology.

August 2006, Detroit, MI/ Windsor, Canada

ADC was contacted by Mr. Abe Dabdoub, and his wife, both U.S. citizens who live in a Cleveland, Ohio suburb in August 2006. Mr. Dabdoub has been detained more than a dozen times by the U.S. Customs and Border protection agents at the U.S.-Canada border. He said he has been detained over a dozen times at Michigan's border with Canada since last August. Dabdoub, who works for an electronics manufacturing company, said he has even begun to keep a spreadsheet and sometimes calls ahead of time to let the Customs officers know that he or his family are coming through. The first four times, he said, he was handcuffed. Once, his wife had to plead with the agents not to handcuff him in front of their 5- and 7-year-old boys, he reports. Now, after such frequent stops, agents recognize him and refer to him by his first name. His children were even given Easter baskets during Easter by CBP agents, according to a CNN report. Each time he is stopped he asks why, but is told by Customs officers that "We can't tell you for national security reasons."

March 2006, Sterling, VA

A U.S. citizen and journalist, with extensive work in the Middle East, encountered a number of troubling allegations of questioning upon entry into the United States from international travel at separate periods of time. The interviews conducted were given to him after his entry to the United States. In March 2006 when arriving at the Washington Dulles Airport in the metropolitan Washington, D.C. area, the individual was taken aside by an airport uniformed officer and two Immigration and Customs Enforcement officers to an office for questioning. Prior to his arrival, he was searched at London Heathrow Airport by British Airways security officers. Other incidents of a similar nature occurred in August 2005 and December 2004.

April 2006, U.S.-Canada Border

A permanent U.S. resident of Lebanese origin was detained and handcuffed for 4 hours at the U.S.-Canadian border by the U.S. Canadian border patrol.

May 2006, Detroit, MI/ Windsor, Canada

The wife of a prominent member of the Arab-American community was crossing the border from Canada to return home to Michigan. The border crossing guard was unprofessional

and made inappropriate comments towards the woman. Most disturbing and appalling was the officer's outright blatant insinuations that the married woman was dropping off a male friend who she is "probably having an affair with." After she politely denied these allegations the officer had her pull over for a more thorough search by other officers.

September 2006, Detroit, MI/ Windsor, Canada

A Canadian immigrant and full time student commuting to Wayne State University was barred from entry to the United States for five years. The student, who was working on his MS in civil engineering, was questioned and intimidated by the border authority. The student was asked to sign a document that he was not allowed to read, and then denied access to a supervisor.

September 2006, New York City, NY

Employees of U.S. Customs and Border Protection at New York's JFK International Airport mistreated a mother and her children, returning from a family vacation in Jordan. They were made to wait two and a half hours until called for questioning. The incident allegedly came from a decision by CBP authorities at JFK to hold and question all or most passengers on flights arriving from Arab countries, including U.S. citizens.

March 2007, Detroit, MI

An Arab American was at NWA McNamara terminal to pick up his wife and children. As he was pulling his car up an officer ordered him to move his car forward. He followed these orders, but as he was pulling up, the officer approached his car and hit the side of his car with his hand. The officer then opened his passenger side car door, and assaulted the man with a barrage of extremely abusive language and curse words in front of the man, his wife and children. The individual remained calm and asked the officer to not use such language in front of his family. The officer replied by accusing this American citizen of being an illegal foreigner and demanded that he present his green card. The officer continued with his abusive language in front of his family after several requests to not use such offensive language.

September 2005, Charleston, WV

A prominent doctor and American citizen, on his way home to the U.S. after visiting the Middle East, was called during his stopover in Europe by his airline agent. The airline agent informed him that the DHS wanted to interview him. While he waited for the interview, which never occurred because the DHS officials never appeared, he missed his flight and

his family was forced to leave without him. He stayed overnight at a hotel at his own expense. The next day, he took the same flight back to the U.S. Upon his arrival to the U.S., two uniformed officers were waiting for him. They took him to a checkpoint and where they asked him a number of questions with the primary focus of their questions on his money and remittances. After three hours of questioning the doctor was finally permitted to leave. However, when the doctor took his family on vacation outside the U.S., he was again subjected to questioning by DHS officials upon his return. Again, while his family waited, the doctor was questioned for two and a half hours then fingerprinted by DHS officials before being permitted to return home.



4. DEPARTMENT OF HOMELAND SECURITY WATCH LISTS

ADC continues to receive reports from Arab American travelers who are routinely stopped and detained upon entering or re-entering the United States by U.S. Customs and Border Protection (CBP) agents. This is a common problem that members of the Arab-American community encounter due to "false positive" challenges associated with the various government "watch lists." The U.S. government has developed various "watch lists" as part of national security and law enforcement efforts.

After 9/11, the Terrorist Screening Center (TSC) was created through a Presidential Directive. TSC is to be administered by the FBI, DOJ, in cooperation with the departments of Homeland Security, Defense, State, Treasury, and the Central Intelligence Agency. The purpose of the TSC is to consolidate the terrorism-based watch lists into a central database and make that data available for use in screening. Intelligence and law enforcement agencies nominate individuals to be put on the watch list based on established criteria. The No Fly list and the Selectee list are two kinds of subset watch lists. The "No Fly" list includes individuals who are prohibited from boarding an aircraft. The "Selectee" list includes individuals who must undergo additional security screening before being permitted to board an aircraft. The lists are established based on information from various sources, but problems have risen because little is known about the procedures in place to verify or update the information. The government claims that these lists are necessary for identifying and tracking suspected terrorists.

The lists have included mistaken identities and often have incomplete information. Individuals with foreign or Arab sounding names are particularly vulnerable when traveling. Moreover, the U.S. Government has yet to effectively address the name confusion and misidentification of individuals whose names might be similar to ones located on one of the Government's "watch" or "no fly" lists. Few details are known about how the system functions, how many people are detained or turned back from borders, or the criteria used to classify suspects. There is no way to verify whether an individual's name is on the list.

A 2007 DOJ Inspector General's Report on the lists found that inconsistent methods were used by the FBI and other agencies in selecting names to be placed on the watch list. *The Washington Post* noted that the Report cited "several violations of FBI policy. Agency field offices, for instance, have submitted names of people who are not subjects of terrorism investigations directly to the National Counterterrorism Center. In doing so, they bypass the required headquarters review that could catch errors." The Report found that nominations from field offices were "often incomplete or contained inaccuracies." The Report also found that "although DOJ components are heavily involved in watchlisting and actively share terrorist information, these activities have been developed independently and are not coordinated by DOJ."

It has recently been revealed that the largest list grew by the end of 2007 to include almost 900,000 names, an unmanageable number by any standards. As Tim Sparapani, ACLU Senior Legislative Counsel, pointed out "If finding a terrorist is like finding a needle in a haystack, the Terrorist Screening Center has been hard at work creating a bigger haystack, by adding thousands of new names with no end in sight. The terrorist watch list is not a serious security tool. At the rate it's been growing, eventually all 300 million Americans will be on the terrorist watch list."

CASE STUDIES

The ACLU compiled the following invaluable list of false positives associated with various government terrorism watch lists (this list is available on the ACLU website at: <http://www.aclu.org/privacy/spying/watchlistcounter.html>).

Robert Johnson - *60 Minutes* interviewed 12 men named Robert Johnson, all of whom reported being pulled aside and interrogated, sometimes for hours, nearly every time they go to the airport.

Alexandra Hay - a college student with a double major in French and English at Middlebury College in Vermont in 2004, when she joined an ACLU lawsuit due to problems she was having with the airline watch list.

Sarosh Syed - a naturalized U.S. citizen from Pakistan working for the ACLU of Washington in Seattle also had problems flying.

9/11 Hijackers - While certainly these were individuals we all wish had been watched out for, they are, in fact, dead. Yet, the names of 14 of the 19 hijackers from 9/11 were on a copy of the list obtained by *60 Minutes*. More evidence that the list is poorly maintained and full of junk names that will only serve to ensnare the innocent.

Evo Morales - President of Bolivia. Name found on list obtained by *60 Minutes*.

Gary Smith - Another name that is extremely common in the United States, found on the no-fly list by *60 Minutes*.

John Williams - Yet another common name found on the airline watch list by *60 Minutes*.

U.S. Senator Edward Kennedy (D, MA) - After repeated delays at airport security, the senator had trouble getting removed from the airline watch list despite calls to Homeland Security and eventually a personal conversation with the Secretary of DHS.

Representative John Lewis (D, GA) - Hero of the Civil Rights Movement yet, his name can be found on the aviation watch lists.

Akif Rahman - Founder of a computer consulting company from suburban Chicago, he was detained and questioned for more than two hours by U.S. customs officials on four separate occasions when crossing the Canadian border. On one occasion he was held for 5 ½ hours, shackled to a chair, and physically searched. He was also separated from his wife and children (who were forced to wait in a small dirty public area without food or telephones).

Marine Staff Sgt. Daniel Brown - Blocked from flying while on his way home from an 8-month deployment in Iraq. He was listed as a suspected terrorist due to a previous incident in which gunpowder was detected on his boots, most likely a residue of a previous tour in Iraq.

Asif Iqbal - A rochester, NY, management consultant and University of Texas graduate who flies weekly to Syracuse for business, he has been detained and interrogated by local law enforcement because his name is shared by a former Guantánamo detainee (who was himself released from the extrajudicial detainment, presumably because of lack of evidence of terror involvement).

James Moore - author of a book critical of the Bush Administration, *Bush's Brain*. Since publication he has had problems flying.

Yusuf Islam (Formerly Known as Cat Stevens) – Popular singer and pop star formerly known as Cat Stevens. Author of the song “Peace Train.” His flight from London was diverted and forced to land in Maine once the government realized he was aboard and he was barred from entering the United States.

Catherine (“Cat”) Stevens – Mrs. Cat Stevens is the wife of Senator Ted Stevens (R, Alaska). Problems flying.

Major General Vernon Lewis (Ret.); a recipient of the Army’s highest medal for service, the Distinguished Service Medal who served in the Korean and Vietnam wars, had problems flying.

Captain Robert Campbell - U.S. Navy-retired, Commercial Airline pilot of 22 years; problems flying.

David Nelson - Attorney David C. Nelson is one of many men named David Nelson around the U.S. who have been caught up on the list, including a former star of the television show “Ozzie and Harriet.”

John William Anderson - age 6; problems flying. Among those caught up by the no-fly list are many infants and small children.

Rep. Don Young, (R, AK) - Problems flying.

Sister Glenn Anne McPhee - The U.S. Conference of Catholic Bishops’ secretary for education. Sister McPhee sought redress and removal from the watch list for nine months in 2004 and 2005 and it wasn’t until she was able to elicit help from White House connections (Karl Rove) that DHS addressed her problem.

Congresswoman Loretta Sanchez, D-CA - Problems flying.

Michelle Green, Master Sergeant, U.S. Air Force - Green was a plaintiff in the ACLU suit in 2004.

ADDITIONAL CASE STUDIES

June 2004, Unknown City, CA

A family was made to miss their flight to Milwaukee, Wisconsin because their five-year old’s name appeared on a “watch list.” A TSA representative told him that it was not a security case for them and that it was an issue with the airline. Eventually, about an hour later, the family approached a different airline representative and the issue was resolved and the family was given breakfast vouchers and was booked on a new flight.

August 2005, Sterling, VA

Upon entry to the United States at Washington Dulles Airport, a U.S. citizen and practicing Cardiologist in West Virginia experienced two incidents of mistreatment by the employees of U.S. Customs and Border Protection. On his way to the U.S. from Syria (via Austria), he was told to wait at the Vienna airport for an interview with the Department of Homeland Security only to find no one available to conduct the interview. Upon his arrival to Dulles Airport, he was met by two officers for questioning.

September 2006, Toronto, Canada

An American citizen went through additional “random screenings” when the Department of Homeland Security Desk scanned his passport at the Toronto Airport. As the DHS officers lead him to the DHS suite offices, they confiscated his driver’s license and business card along with his boarding pass and passport at separate intervals. Another DHS officer eventually appeared and informed the professor that due to procedures, a “random screening” was required. Escorted to a room by two DHS officers, the professor was then asked a series of questions about the purpose of his trip to Canada and based on the officer’s web search of his name, was asked an “internet line of questions.” The interrogation then proceeded to include a search of all his personal items at hand. Once the interrogation was over, he proceeded to wait until he was let go only ten minutes before his flight departure.

2006-2007, Detroit, MI/ Windsor, Canada

The Federal Government faces confusion over names in the multiple “watch lists” used by many agencies. One case involves an Arab-American physician, who was detained over

a dozen times in 2006 and 2007. The gentleman, who reentered the U.S. after visiting a close family relative in Canada, was repeatedly stopped by U.S. Custom and Borders Protection (CBP) officers for fingerprinting, questioning, and a body search. The delays lasted at least three to four hours, and he has yet to be given any reason for this treatment.

One example of his detention occurred in April 2007 where he was stopped and handcuffed. He was detained for over four hours, and then permitted to return home with no reason given for his detention. On another visit earlier in April, the physician called ahead to the local CBP office to advise them of his travel plans. A CBP supervisor told him that he should advise the border officers of his past experiences, and provide documentation of his identity. He was also given the name and phone number of the supervisor on-duty at the border entry point should he face difficulties. However, when he attempted to follow these suggestions, he was again detained and questioned. When he made attempts to provide the information of the CBP supervisor with whom he spoke, he was ignored. ADC has filed a complaint with the Department of Homeland Security (DHS) in Washington, DC. An investigation is now pending and ADC continues to follow-up with DHS to see whether additional legal steps are necessary.

5. PREVENTATIVE DETENTION BY PRETEXT

In the United States, unlike in some allied western states such as the United Kingdom and Australia, there are no formal legal mechanisms for preventive detention of persons considered potentially dangerous, due to a number of well-established constitutional protections. However, both historically, and in the aftermath of the 9/11 terrorist attacks, several legal mechanisms have been employed by the government to detain and hold without charge persons who may have been suspected of connections to terrorism or who were simply Arabs or Muslims in violation, sometimes in the most minor sense, of immigration law.

In the immediate aftermath of the attacks, several thousand foreign nationals mainly from Arab and/or Muslim majority nations were arrested and held, often under conditions of extremely dubious legality. Following the eventual release or deportation of virtually all of the detainees included in this mass arrest, law enforcement agencies turned on occasion to preventative detention on spurious material witness or-

ders. Both of these practices appear to have largely ceased, but preventative detention by pretext remains as a major concern for the Arab-American and Muslim communities and for ADC.

A. MASS IMMIGRATION DETENTIONS

The informal but wide-spread policy in the immediate aftermath of the 9/11 attacks of detaining any and all foreign nationals from Arab or Muslim states with even the most minor immigration status issues was thoroughly documented in the last ADC Report on Hate Crimes and Discrimination against Arab Americans. It is estimated that approximately 5,000 individuals falling into this category were detained in the weeks following the attacks, and almost all were either deported or released within two years at the latest.

It is highly unlikely that the Justice Department and other U.S. government agencies involved in this massive round-up viewed this program as a form of preventive detention, in the sense that there was most likely no real suspicion that the vast majority of these detainees were in any way involved in or had information about terrorism or other forms of political radicalism. It would seem that it was more broadly motivated by a lack of other well-developed counter-terrorism mechanisms that could be seen as a proactive response to the 9/11 attacks and provide a sense of activity on the part of the government and a form of reassurance to the public that something, even if completely irrational or ineffective, was being done in the name of security.

Whatever the actual thinking of the government at the time, in reality it is very difficult not to see the program as, in effect, a form of mass preventative detention of persons due to their immigration status and national origin. In fact, few of the detainees would have been incarcerated for their alleged immigration violations prior to the 9/11 attacks or had they been foreign nationals from other parts of the world. In effect, therefore, the post-9/11 default for a period of months was simply to arrest and detain anyone from Arab and/or Muslim states with any immigration issues as a potential terrorist even if there was no actual suspicion against the individual in question. The fact that this practice was largely phased out as the detainees were deported or released in the months and years following the mass detentions suggests that there was never any confidence that this constituted a serious counter-terrorism tactic and that as new policies that reflected some actual consideration of what would enhance security, leaving aside the question of

the effectiveness and/or legality of some of these measures, the mass detention of immigrants was recognized to be an ill-considered and knee-jerk reaction to an unprecedented security crisis.

Insofar as the detentions were ever in any serious sense considered a real counter-terrorism measure by the government, or presented to the public as such, they can only be seen as an embarrassing failure. The entire program was shrouded in extraordinary and unjustifiable secrecy, with the authorities absurdly citing the privacy rights of detainees as a rationalization for holding many of them in secret, even without contacting their relatives or the consulates of their countries of origin. Many deportation proceedings and subsequent actual deportations themselves were also conducted in secret. As Michael Welch, Associate Professor of Criminal Justice at Rutgers University, New Brunswick, New Jersey pointed out, “Imposing secret hearings and secret detentions is undemocratic. We should demand that the government be accountable and tell us who they’ve locked up.”

Summarizing the policy as anti-terrorism measures of preventative detentions such as these mass arrests and other policies based on stereotyping or ethnic, national or religious criteria, Georgetown Law Professor David Cole and University of Pittsburgh School of Law Professor Jules Lobel noted in their important book *Less Safe, Less Free* (The New Press, 2007), “the administration called in 80,000 foreign nationals for fingerprinting, photographing, and ‘special registration,’ simply because they came from predominantly Arab or Muslim countries, sought out another 8000 young men from the same countries for FBI interviews, and placed more than 5000 foreign nationals here in preventative detention. Yet as of January 2007, *not one of these individuals stands convicted of a terrorist crime*. The government’s record, in what is surely the largest campaign of ethnic profiling since the Japanese internment of World War II, is zero for 93,000.”

In addition to these glaring injustices and practical inadequacies, there were numerous instances of abuse, illegalities and irregularities associated with the round-up. These included numerous well-documented instances of prolonged detention without charge, denial of bond and bond hearings, interference with detainees’ right to legal counsel and unduly harsh conditions of incarceration were outlined in the last ADC *Report on Hate Crimes and Discrimination Against Arab Americans*.

B. MATERIAL WITNESS ORDERS

In the wake of the 9/11 attacks, over 70 individuals have been held as “material witness” detainees under circumstances that do not correspond with the original intention of such detention orders. This policy of using material witness orders as a pretext for preventative detention was introduced when then-Attorney General John Ashcroft told a press conference in October 2001 that the “aggressive detention of lawbreakers and material witnesses is vital to preventing, disrupting, or delaying new attacks. It is difficult for a person in jail or under detention to murder innocent people or to aid or abet in terrorism.”

Material witness detentions were designed to allow the authorities to hold persons whose testimony was considered crucial to ongoing prosecutions but who were considered flight risks. This applies especially to professional criminals and others who might attempt to disappear in order to avoid testifying against other criminals, whether allies or rivals in criminal enterprises. Under the current law, the government is allowed to incarcerate those having information considered “material” to a criminal proceeding but would possibly flee if subpoenaed. Such crucial witnesses can be held only for such time as is required for them to testify or be deposed in these proceedings.

The post 9/11 “material witness” detentions that do not fit this model are the most disturbing form of government efforts to circumvent constitutional protections of due process and incarcerate people considered potential threats without process and without the normal standards for detentions in criminal cases. Thus, they constitute, in many instances, clear cases of preventative detention of potential suspects while avoiding well-established constitutional protections, for indefinite periods of time and without demonstrating probable cause that crimes had been committed by the detainees. They are not efforts, as the law allows for, by the government to ensure testimony in existing cases, and not only circumvent constitutional protections of due process, but also the intention and purpose of the 1984 law. Instead it has been used to detain potential suspects in an essentially unlawful manner.

Among these 70-plus detainees, at least a third were detained for more than two months, several for over half a year, and in at least one case for over a year. According to a report on the practice by Human Rights Watch, “Forty two were eventually released without any charges being filed against them. Another 20 were, after long periods of de-

tention as material witnesses, ultimately charged with non-terrorism related criminal misconduct or immigration violations.” As with the mass immigration round-up, these material witness detentions have been shrouded in as much secrecy as the government has been able to secure, including closed hearings, sealed documents, gag orders, and in some cases even withheld the detention affidavits from the detainees and their attorneys. However, following the debacle surrounding the detention of Portland attorney Brandon Mayfield the practice came under serious scrutiny and disrepute, and has therefore become much less appealing to law enforcement agencies concerned about possible future scandals of the same magnitude.

CASE STUDIES

Brandon Mayfield is a practicing and noted attorney in Portland, Oregon, and a convert to Islam. In May 2004, he was detained as a “material witness” related to the terrorist attacks in Madrid, Spain, in the run-up to the Spanish elections in March of that year. The government argued that a fingerprint found in the van abandoned by the terrorists matched Mayfield’s, although Spanish authorities apparently never agreed that there was any significant match. Mayfield was detained for three weeks based on this erroneous assumption, and was never given any opportunity to defend himself or answer these suspicions in any meaningful way. He was held as a “material witness” even though no criminal arrest in the case had been made or any grand jury impaneled.

Building on the spurious suspicions that he was somehow connected to the Madrid bombings, Mayfield was detained under the flimsy pretext that because he did not possess a current valid passport – he had not traveled outside of the country in over ten years – and therefore, the government argued, might be in possession of a forged passport and thus, should be considered a flight risk. In addition to the false fingerprint identification, the Justice Department justified his detention to the court based on “miscellaneous Spanish documents” found during a search of his home, which turned out to be his children’s Spanish language homework.

Mayfield was finally released when Spanish law enforcement was finally able to convince the FBI that there was no match between his fingerprints and the partial print from the suspects’ van. The whole affair was so embarrassing and indefensible that the FBI issued a formal apology to him. For his part, Mayfield was convinced that his religious affiliation was

a crucial factor in his mistreatment, stating, “I am a Muslim, an American, and an ex-officer of the U.S. military. I believe I was singled out and discriminated against ... [because I am] a Muslim.” Much of the media expressed deep outrage at this egregious fiasco, with the *New York Times* opining that, “The Justice Department and the Federal Bureau of Investigation ought to hang their heads in shame” over the incident, and the *Washington Post* stating plainly that “an apology is not enough.” The incident was such a profound embarrassment that it may have resulted in a much greater reluctance on the part of the government to detain potential suspects as material witnesses in its aftermath.

Abdallah Higazy (case summary excerpted from *Witness to Abuse: Human Rights Abuses under the Material Witness Law since September 11*, a report by Human Rights Watch and the American Civil Liberties Union)

Higazy, an Egyptian graduate student, was in the United States in September 2001 on a grant from the U.S. Agency for International Development (USAID) to pursue graduate studies at Brooklyn Polytechnic. On the recommendation of USAID, he stayed in the Millennium Hotel in New York City, located near the World Trade Center during his orientation. He happened to be there on 9/11, while waiting for his permanent housing. When a hotel security guard claimed (falsely it turned out) that he had found a pilot’s air-land radio in a safe in the room where Higazy had stayed, Justice Department officials believed that Higazy might have sent transmissions to the hijackers who attacked the World Trade Center or received transmissions from them.

In December 2001, the government arrested Mr. Higazy – not as a criminal suspect – but as a material witness. He was kept in solitary confinement for more than a month. After an extended interrogation period, the government extracted a false confession that the radio was his and he was then charged for lying to the FBI for initially denying ownership. When a pilot later returned to the hotel to claim the radio, Mr. Higazy was finally cleared of any wrongdoing and released. He had been held for 34 days.

Abdullah Tuwala (case summary excerpted from *Witness to Abuse: Human Rights Abuses under the Material Witness Law since September 11*, a report by Human Rights Watch and the American Civil Liberties Union)

In 2001, the DOJ arrested Mr. Tuwala, a scholarship student at Marymount University in Arlington, Virginia, on the allegation that he had information material to the grand jury in-

vestigation of Saleh Ali Almari, another student who had been briefly enrolled at Marymount. The FBI connected Tuwalah to Almari because Tuwalah had met Almari through the Arab social club on campus. Although counsel for Tuwalah repeatedly informed the federal attorneys handling the case that he was ready to testify, the government refused to present him to the grand jury. Instead, according to his attorney, “the government just kept interviewing him.” According to his lawyer, “[t]he FBI interrogated him seven times and it was clear from the beginning that he was cooperative. He said that he would come in voluntarily and would cooperate during interviews. I’ve never seen interview questions like this. The questions would go like this: the FBI would not even ask questions they would just say ‘well he knows something’ and we’d respond ‘he knows what?’ and then the FBI would come back and say ‘he knows.’ The interviews were ridiculous.” Tuwalah was eventually released after six weeks in detention. He was never brought before a grand jury to testify and never charged with a crime. He has since returned to Marymount to complete his studies.

6. IMMIGRATION DISCRIMINATION

The problems facing Arab Americans during the period covered by this Report involving immigration issues have been wide-ranging and complex. No doubt the most significant of these issues have involved the “National Security Entry-Exit Registration System” (NSEERS), which has proven to be a complete failure from a counterterrorism and law enforcement standpoint, but which has created immigration nightmares for numerous Arabs and Arab Americans, which is outlined in this section. Additional problems involving entry and exit to our country such as customs and border protection issues, involving the abuse of immigration detainees are discussed later in this Report. In addition to these problems, Arabs and Arab-Americans have faced unjust denials of or delays in permission to enter the United States.

A. NSEERS

In June 2002, citing existing but rarely enforced legislation dating from the late 1940s, the DOJ created a “National Security Entry-Exit Registration System” (NSEERS), also known as “special registration,” touted as a counter-terrorism program. It required male visitors, age 16 and over, from certain

countries—and others whom, according to an immigration inspector, meet certain secret criteria—to be fingerprinted, photographed, and questioned by immigration officers. ADC has learned that lawful permanent residents and U.S. citizens faced, and continue to face, such fingerprinting, photographing, and questioning each time they attempt to return back home from overseas travel. A December 2003, interim rule issued by the Department of Homeland Security, which inherited the immigration law enforcement functions formerly held by the DOJ, suspended the enforcement of the NSEERS program. However, many onerous residual requirements remain in place.

The most controversial part of this program, known as the “domestic call-in” phase, required men from twenty-five predominantly Muslim and Arab countries to report to immigration offices around the country for fingerprints, photographs, and lengthy questioning by officers. There are criminal and civil penalties associated with NSEERS, including arrest, detention, monetary fines and/or removal from the United States. Although initially portrayed by the DOJ (and, in turn, understood by those who voluntarily complied with the program), as a tool to combat terrorism following the devastating terrorists attacks against our nation on 9/11, NSEERS apparently became just another tool used in immigration law enforcement, and law enforcement more generally—raising serious constitutional issues since the program discriminates on the basis of national origin. It is ADC’s understanding that NSEERS data is submitted as part of the National Crime Information Center (NCIC) database maintained by the FBI and that is accessed by all local and state law enforcement agencies throughout the United States.

Ironically, in most cases, it was those complying with NSEERS who were subject to penalty. Nearly 14,000 men who complied with call-in registration within the U.S. were placed in removal proceedings. If a goal of special registration was to track possible terrorists, deporting those who complied with the program undermines this aim by reducing future compliance. Because of the poor implementation of NSEERS, thousands of men who were required to register failed to do so—many no doubt due to lack of notice—and are therefore now vulnerable to NSEERS penalties. Although the NSEERS program was modified by DHS in December 2004, many elements remain and are subject to abuse, including: departure registration, registration at ports of entry, as well as the potential for the re-initiation of domestic “call-ins” and enforcement action based on information collected through the program. With the dissolution of the Immigration and

Naturalization Service (INS) under DOJ, and the transfer of functions to DHS, NSEERS is now administered by Immigration and Customs Enforcement (ICE) which is a component agency of DHS.

It should be noted that the perceived injustice of singling out people based on national origin (and ultimately religion) and, in turn, penalizing them for their cooperation with a government program, may have significantly harmed the relationship of trust between law enforcement and the Arab, Muslim, and South Asian American and immigrant communities—a relationship that is vital to the national security of the United States and the safety of those communities. The ill effects of this program continue to reverberate and exacerbate the negative perception of the United States in the Middle East, thus, adding hostility and apprehension in a region of the world where we most need friends and allies.

ADC has diligently sought to cast a public light on the NSEERS program and has maintained a dialogue with DOJ and DHS in hopes of curbing abuses of the program and ultimately seeing it retired. However, ADC's repeated efforts to obtain information on implementation and use of the NSEERS program and resulting databases have been rebuffed, and multiple FOIA requests have gone unanswered either under the guise of the "law enforcement exception," or have simply been ignored.

Further, ADC has requested that Congress, DOJ, and DHS conduct an extensive and thoughtful oversight of the NSEERS program as initiated by the Justice Department, implemented by ICE, and used by the FBI as part of the NCIC or more generally.

CASE STUDIES

August 2005, Unknown City, Texas

An Arab physician in Texas applied for a green card, for which he was qualified. The physician and his attorney were told by immigration authorities that his "special registration" (NSEERS) number does not match his name. Apparently, this was a mistake made when the physician, a Syrian citizen, initially complied with the special registration requirements back in 2002. He was on vacation in his native country during the summer of 2005 when this mistake was discovered by U.S. authorities. He was told that it was corrected prior to his re-entry into the U.S. Unfortunately, when his immigration attorney contacted U.S. Citizenship and Immigration Service (USCIS) later during the summer, he was told that the matter was referred to U.S. Immigration and Customs

Enforcement (ICE) for "clearance."

For seven months, the Arab physician's situation did not change while awaiting the clearance. His attorney was unable to get any progress from anyone at the Department of Homeland Security (DHS) on why there seems to be such a delay. The ADC Legal Department filed an inquiry with the appropriate officials at ICE Headquarters in Washington, DC. The physician's case was cleared within three weeks.

June 2005, Unknown City, New Jersey

An individual contacted ADC regarding his pending deportation. ADC verified with ICE that his detention and deportation was a result of the NSEERS special registration program. The individual, who is Egyptian, filed for his labor certification under the LIFE act in April of 2001. His labor certification was pending, but when he registered under NSEERS, he was detained and placed under investigation. This stalled the labor certification process, and the company sponsoring his visa has since gone out of business. As a result, he cannot get his labor certification and will be issued an order of voluntary departure in the near future. He has a wife and three children who are U.S. citizens.

B. ICE ABUSE

CASE STUDIES

November 2005, Cleveland, OH

A seven year-old national of Syria experienced difficulty retrieving a visa to the United States for emergency medical purposes. The U.S. Embassy in Damascus, Syria, delayed granting the visa allegedly due to questions surrounding her last visit to the U.S. and whether she departed the country prior to the expiration date of her previous U.S. visa. Her passport, however, showed that she left the U.S. for Syria prior to the expiration of her last visa.

2004, Unknown City, MA

ADC came to the aid of a Muslim-Arab doctor in Massachusetts, after ICE agents arrested him in front of his staff and patients, and erroneously charged him with falsifying information on his green card application. ICE alleged that the Doctor's marriage to his U.S. citizen wife was fraud. He was held for almost four months in jail, and ICE refused to release him on bond pending his prosecution in court. As a result, the ADC Legal Department filed an administrative request with ICE Headquarters in Washington, DC. The Doctor was released within three weeks as a result of ADC's action. However, his medical practice is now in jeopardy due

to his four month detention in jail.

November 2004, Unknown City, MA

A gentleman's brother contacted ADC about his brother's continued detention by Immigration and Customs Enforcement (ICE) for over six months. The gentleman, who is Jordanian, had been issued an order for voluntary departure in 2003, but had remained in the country in detention with no reason given. ICE took him into custody in November 2004, and detained him for over six months. He was subsequently released after ADC contacted ICE about the matter.

July 2005, Algiers, Algeria

Ms. Y contacted ADC about denial of her student visa. She had been in the U.S. as a Fulbright scholar and had returned to her country after her term had expired, as specified in her visa. She has since been admitted into a graduate program of study in the U.S. at the same university where she had completed her Fulbright Fellowship. However, the American Embassy has denied her a visa to return to the U.S. to continue her studies. The reason provided for this denial was that she does not have enough ties to her country for her to return. This is despite the fact that her entire family is in her home country and she intends to marry someone who is from her country. ADC addressed the case with the Department of Homeland Security and the Department of State.

July 2005, Unknown City, Georgia

ADC was contacted by the sister of an Arab gentleman who was being held in detention by Immigration and Customs Enforcement (ICE) despite being granted voluntary departure and having valid travel documents to return to his native Morocco. ADC has contacted the Department of Homeland Security and ICE officials to determine the delay behind his voluntary removal.

July 2005, Damascus, Syria

ADC was informed of a Palestinian woman in Syria in need of serious medical treatment available only in the U.S. Despite documentation of her medical needs and statements of financial responsibility, she was continuously denied a visa for her medical treatment by the U.S. embassy in Damascus, Syria. ADC contacted the U.S. Embassy in Damascus on her behalf.

February 2006, Dubai, United Arab Emirates

A U.S. citizen petitioning for a visa for her husband, who is an Egyptian citizen working in Dubai, United Arab Emirates, contacted ADC during the wait for application for a K-1 visa. ADC

addressed the case with the Department of Homeland Security. As a result, the process was expedited, and by February of 2006, her husband was able to obtain the visa. After he received the visa, she then proceeded to apply on behalf of her husband for an I-130 petition for citizenship at which time they were told that her husband could leave the country. Once he left the country however, he lost his K-1 visa and as a result was unable to return to the U.S.

7. DETAINEE/PRISONER ABUSE

Arabs and Arab-American detainees and prisoners in both jails and prisons and immigration detention facilities have faced significant discrimination and abuse during the period covered by this Report. As the case studies below demonstrate, the forms of discrimination and abuse have notably included denial of religious accommodation and religious discrimination. There have also been numerous instances of transfer without notice or with insufficient notice, a problem which appears to have been increasing in frequency during the period covered in this Report, as reported to ADC. ADC has been deeply concerned by incidents in which Arabs or Arab-American children have been unjustly, unnecessarily and indefensibly detained in immigration detention facilities.

As Matthew Rothschild's book *You Have No Rights* (The New Press, 2007) pointed out, a 2003 DOJ Inspector General Report into the treatment of post 9/11 immigration detainees concluded that, at the Metropolitan Detention Center (MDC) in Brooklyn, New York, "there is evidence supporting the detainees' claim of abuse." Detainees said MDC officers "slammed them into walls, dragged them by their arms, stepped on the chain between their ankle cuffs . . . and twisted their arms, hands, wrists, and fingers." One detainee said that "an officer bent his finger back until it touched his wrist." Another detainee said that "officers repeatedly twisted his arm, which was in a cast."

Many of these problems are exacerbated by the use of private, outsourced detention facilities by ICE for holding immigration prisoners. These privately run facilities do not hold to, and are not yet held to, the same standards to which government facilities are supposed to adhere. This disturbing problem has been documented not only by the research of ADC and other nongovernmental organizations, but also

by a DOJ Special Report by the Office of Inspector General on “Aliens Held on Immigration Charges in Connection with the Investigation of the September 11 attacks.”

CASE STUDIES

March 2004, Pine City, NY

An inmate of Egyptian descent at Southport Correctional Facility in Pine City, New York, claimed verbal and physical abuse by two corrections officers in two separate incidents. He suffered facial injuries and bruises all over his body and was called a ‘terrorist’ in reference to his ethnicity and religion. ADC brought this case to the attention of the DOJ and the Federal Bureau of Prisons.

May 2005, Unknown City, AL

A father of a 21 year old Muslim Arab-American inmate in a state correctional facility contacted ADC in May 2005 complaining that his son was the victim of continuous physical and verbal abuse at the hands of prison officials. ADC filed complaints with the state department of corrections, which launched an investigation. Additionally, ADC advised the U.S. DOJ CRCL which confirmed an FBI investigation. Since ADC addressed this matter, according to the father, the abuse has stopped completely and the son is doing much better.

February 2006, Chippewa, MI

A prisoner at the Chippewa Correctional Facility who speaks very little English was denied sufficient translation services, eyeglasses and critical medication. Upon taking steps to file a complaint and report the conditions to ADC, the prisoner was moved to another facility which was a less desirable location further from his family, and no reason was given for the move. Additionally, the prisoner alleges that his ability to practice his religion was limited more than inmates who were Christian, who had access to Christian resources and chaplain. ADC addressed this case with the DOJ and the Federal Bureau of Prisons.

February 2006, Newberry, MI

An imprisoned Arab man at the Newberry Correctional Facility in Michigan has continuously been denied an interpreter and/or any means of communication in Arabic. His mail is being withheld. He alleges that a prison facility officer threatened him verbally, and sexually abused/assaulted him. No attempts from the facility have been made to resolve the issue. The warden of the institution has denied his grievances. He is requesting immediate transfer from the facility. ADC addressed this case with the DOJ and the Federal Bureau of Prisons.

8. STATE AND LOCAL POLICE MISCONDUCT

Misconduct by state and local police officers and officials does not by any means cover all abusive or discriminatory treatment Arab Americans have experienced when dealing with these government agents. Rather, it refers to misbehavior that violates stated policies, practices and laws, and in which the officers would find themselves culpable and liable to disciplinary procedures and, in some cases, possible prosecution. ADC has been pleased that in many cases the departments and agencies involved have investigated and disciplined the officers in question, and it appears that there is no pattern or official tolerance for individual misconduct informed by anti-Arab ethnic bias or Islamophobic religious prejudice. Many of these instances of misconduct involved racial, ethnic or religious slurs, as well as unjustified and arbitrary use of authority and in some cases even force. Abusive behavior linked to the Joint Terrorism Task Forces (JTTF) which are set up around the country are discussed in the “Federal law enforcement agency misconduct,” section of this Report because JTTFs are under the authority of federal law enforcement officials, usually local United States Attorney’s offices.

CASE STUDIES

May 2002, North Providence, RI

An Arab-American mother and her daughter were approached by two North Providence police officers while they were ordering beverages at a drive-through. With their guns drawn, the officers ordered them to get out of the car, only to change their minds and order them stay in the car with their hands on the dashboard. They allegedly used profane and ethnic language and spat while questioning them. After the officers let them go, the girl at the drive-through window and an older lady who worked there apologized and gave them their beverages. The officers never apologized for their behavior or the fear that they instilled.

February 2004, Walls, MS

An Arab American was threatened by officers when he went to pick up his car from a parking lot. They surrounded him with their guns out and shouted to him that if he were to move they would kill him. Although he cooperated with authorities in their requests he was threatened by especially

one officer who brandished his gun and said “I know your kind of people, I worked for the CIA for ten years.” He was called a terrorist and the continued to endure taunts and derogatory comments from many other officers. He overheard that his name appeared on a terrorist list. After his ordeal, he was told to leave Mississippi and never return or else be killed. The following weekday he called the FBI office in Tennessee where he resides and was referred to the Mississippi office, which advised him to report it to the county’s sheriff department’s internal affairs. They took a statement and proceeded to stand by the officers actions. He was ultimately advised to sue by the DOJ Civil Rights Division, Criminal Section, if he wished to proceed.

July 2004, Dayton, OH

A pilot for PSA Airlines, owned by U.S. Airways, was told by a pilot from another airline to leave a pilot room that he had proper credentials for because “someone of his race, name and looks shouldn’t be there, especially since 9-11.” He left so as to not cause trouble, but was later approached because that pilot had reported that he was impersonating a pilot and carrying fake credentials. The officers cleared his credentials, but not long after a second group of officers requested to verify his information. He complied again; however, one of the officers refused to accept his credentials as being valid and demanded more information. He was then violently arrested without having his rights read to him and threatened with jail. The officer detained him for some time and he was taken to the station and questioned.

June 2005, Public University, MI

A student contacted ADC about campus police misconduct at a public university. The campus police had contacted the student, an Arab-American, to answer an investigation about alleged academic cheating. Among other inappropriate misconduct, the campus police listed off the names of other Arab and Arab-American students and asked the student if he knew them. The campus police were rude and disrespectful, using very strong and vulgar language that was provided to ADC by the student. When a friend entered to inquire about the incident because he had heard the yelling from outside, he was not permitted by the campus police to speak to anyone. After the student and his friends departed, a campus police car pulled up behind them and an officer threatened them with imprisonment if they tried to ask anyone about the incident. ADC brought this matter to the university’s attention.

November 2006, Unknown City, LA

An Arab-American man, his sons, and son-in-laws endured

several very racist statements by Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) officers. It began with a simple dispute over a cigarette shipment. He had purchased cigarettes for a shop he owns from a particular supplier before, and in this incident, there was a dispute over when payment was due. The payment was late, so the supplier called ATF of Louisiana, alleging the cigarettes were stolen. ATF investigated and attempted to charge him and his children with terrorism. They were arrested and interrogated, but all terrorism related charges dropped. The ATF officers made racist statements, such as, “you are all terrorists, and should be killed, all of you.” Other insults towards religion and the Prophet Muhammad were made.

9. FEDERAL LAW ENFORCEMENT AGENCY MISCONDUCT

As with the problem of misconduct by local and state law enforcement personnel, employees and officials of federal law enforcement agencies are known on occasion to ignore or disregard established rules, policies, procedures and laws. These abuses are generally taken very seriously by federal agencies and vigorously investigated and punished. As a rule, federal law enforcement officers are better trained and more aware of established laws and policies than some of their state and local counterparts.

However, a new set of issues has arisen in the post 9/11 era in addition to the possibility of misconduct by federal law enforcement officers, resulting from the deputization of state and local law enforcement personnel in Joint Terrorism Task Forces (JTTFs) around the country. JTTFs, which have existed since 1993, have been greatly expanded post 9/11 through memoranda of understanding (MOUs) between participating law enforcement agencies. JTTFs bring together the FBI and other federal agencies (notably DHS components such as ICE, TSA, and the Secret Service), with state and local law enforcement, and specialized agencies, such as railroad police among others. Leadership and expenses for all JTTF activities is born by the federal government, hence the inclusion of issues arising from JTTF activities in this federal law enforcement section of this Report.

Two major issues have arisen with regard to JTTF activities in recent years. The first is connected to policy, and has involved the alleged infiltration of anti-war and peace groups

by agents of local JTTFs in several localities around the country, including Fresno, California, particularly connected to opposition to the war in Iraq. This has raised specters of the FBI's notorious COINTELPRO division in the 1960s which engaged in indefensible activities against dissident and civil rights groups. On April 28, 2005, Portland, Oregon became the first city in the nation to withdraw from a JTTF. Some of these JTTF activities have, obviously, raised serious civil liberties concerns and questions about the extent of local JTTF surveillance and infiltration of anti-war and peace groups, to what extent such activities may have violated policies and law, and whether or not they represent official policy or misconduct of some kind. In December, 2004, citing evidence that the FBI and local police were possibly illegally spying on political, environmental and faith-based groups, ADC joined the ACLU in filing multiple Freedom of Information Act requests around the country to uncover who is being investigated and why.

An additional serious problem from the point of view of the Arab-American community is the extent to which local and state law enforcement officials who lack sufficient training and expertise generally held by federal law enforcement agents, have become involved through JTTFs in national security and counterterrorism activities. There is ample anecdotal evidence that this lack of training, combined with the warrant to get involved proactively in these issues provided by JTTF MOUs has encouraged or provided a platform for local and state police misconduct in the name of counterterrorism. This evidence has only increased ADC's conviction that proper training in both diversity awareness and the law is invaluable and necessary to preserve the rights of Arab Americans and American Muslims in a time of heightened security concerns, fear and suspicion.

ADC has long recognized the need to humanize Arabs and Muslims to greater society and the public, with special focus on reaching federal, state, and local law enforcement. The aim was to better educate the public and law enforcement so they would not fear what they do not understand. ADC's Diversity Education and Law Enforcement Outreach Program (LEOP) was created and developed by Nawar Shora in January 2002 to accomplish these goals.

Since 2002, efforts have continued to grow and requests for training continue to come in. An estimated 14,000 individuals have gone through ADC's cultural awareness training. They range from high school students to ministers; from local police officers to FBI new agents; from church members to Customs and Border Protection managers. Additionally, as-

pects of this training program and Shora are included on two federal government training DVD's: one by the DOJ in 2003 and one by DHS in 2007. Both training dvds are required viewing for all incoming DHS employees and are available to the public through ADC or the respective agencies.

ADC's LEOP training includes: cultural information on Arabs, Arab-Americans, and Muslims; explanation of difference between Arabs and Muslims both domestically and globally; provide a background of the tenets and pillars of Islam. By challenging stereotypical thinking, the training helps build trust and breakdown barriers easily and quickly. ADC's efforts have led to improved communication and trust for both the government and the communities.

CASE STUDIES

February 2003, Frederick, MD

The FBI summoned the leaders of a local mosque to the agency's local field office and requested a list of its members without specific credible evidence to support the request. This request came after the FBI Director issued a mandate requiring the agency's 56 field offices to take a census of local Muslims and their mosques.

May 2005, Unknown City, CA

ADC was contacted by an Arab-American man who is being repeatedly questioned by local FBI agents at his residence in California. He is a U.S. citizen, has a clean criminal record and has been living in the U.S. for more than 30 years. Along with many Arab Americans, he was questioned at his residence immediately following the attacks of 9/11. The FBI agents allegedly asked him about his religion, his travels to and from New York City and whether he knew anything pertaining to the attacks. They also allegedly asked him if anyone in his home had passed away recently, inappropriately implying that one of his relatives (in this case his young son or his wife) or one of his house guests (of which he had none) participated in the horrendous attacks on our nation. Satisfied that he had no involvement in the 9/11 attacks, they did not contact him again until a few years later.

In the past two years, FBI agents visited his residence on numerous occasions. During their visits, they allegedly asked questions such as: "Are you a Sunni or Shiite Muslim?"; "What do you think of your Imam?"; "What do you think of the Israeli-Palestinian conflict?"; "What is your nationality?" In addition, the gentleman was never informed of his right to counsel and was subjected to numerous FBI interviews well after he was cleared of any wrongdoing. FBI agents should

not ask interviewees questions about their faith, political beliefs, race, or ethnicity.

May 2005, Carbondale, IL

An individual who lives in Carbondale received a phone call from a customer interested in purchasing his car and was told to meet this person at a coffee shop near his home. When he arrived at the coffee shop, two FBI agents approached his car and stated that they wanted to ask him some questions. They entered his vehicle and spoke for approximately two hours. When the individual asked to leave he was told that agents were searching his home. There was a warrant to search his home and his wife and children were at home during the search. Before permitting agents in the home, the individual's wife asked if she may cover herself with the hijab (Muslim head cover). She alleges the agents pushed open the door and entered the home without giving her the opportunity to cover her hair. Two male agents took her into the bathroom for a few moments after which she was allowed to sit in the living room with her family. During the search agents broke the bed frame. ADC reported this incident to the FBI Civil Rights Unit and the DOJ Civil Rights Division. This matter has been referred to the DOJ Office of Inspector General.

10. LONG TERM DELAYS IN NATURALIZATION AND ADJUSTMENT PETITION PROCESSING

ADC has worked aggressively on addressing naturalization delay petitions. During the period covered in this Report, community members reported experiencing significant delays in their naturalization petitions filed with the U.S. Citizenship and Immigration Services (USCIS). In 2006-07, ADC filed 86 naturalization delay complaints with the DHS CRCL. For every individual who follows through with filing a complaint through ADC, three to four individuals contact us about naturalization delays but do not wish to file complaints, thus the number of individuals approaching ADC with this problem is in the hundreds.

Federal law requires that USCIS grant or deny citizenship within 120 days of an applicant's examination. USCIS has also set a policy goal of processing applications within six months from the time of filing. Reported delays however

have exceeded the 120-day processing time requirement and in some cases are up to 4-5 years. A Report by the New York University School of Law, Centers for Human Rights and Global Justice, entitled, "Americans on Hold: Profiling, Citizenship, and the 'War on Terror,'" documents the impact of expanded security checks on lives of those experiencing citizenship delays and analyzes these delays and their impact within the international community framework. According to the report, delays deny individuals a legal status that facilitates that enjoyment of many including, the right to vote, the right to file immigrant petitions for family relatives, the right to obtain a U.S. passport, and freely enter and exit the country, among others. The NYU Report went so far as to note that, "Delays in the citizenship process implicate discrimination on grounds that are prohibited under international law."

ADC has also been working on this issue on an administrative and national level emphasizing that these delays deny individuals certain rights, and create a state of limbo having negative effects on family members of petitioners. Such delays also deny individuals the feeling of belonging to a community, and are associated with stress and anxiety as a result of such uncertainty. In an effort to shed light and address this very important issue, ADC launched a naturalization delays awareness campaign on April 25, 2007, beginning with press conferences that took place all over the nation, including Washington DC, Michigan, California and Texas, to alert the media about this troubling problem. As part of its efforts, ADC has offered to help DHS CRCL in whatever way possible to facilitate resolving this issue, particularly by providing information from individuals who are suffering from naturalization delays, and compiling statistics on such delay complaints that are brought to ADC. The problem with naturalization delays has also been addressed and raised at other meetings, including between ADC and the DOJ Civil Rights Division.

As a result of these efforts, ADC has been able to ascertain that these delays are a result of delays in the processing of name checks and background checks with the FBI. All the individuals for whom ADC has filed naturalization delay complaints indicated, that when they inquired into their complaint status, they were told that their petitions could not be processed until their pending FBI name checks are completed. Government officials have also told ADC that the delays stem from a lack of resources at the FBI and the fact that USCIS sends requests for processing applications in bulk without providing additional DHS resources to this process. Government representatives' have also indicated to ADC

that they are trying to explore ways for better resource coordination to address this problem.

On August 10, 2007, DHS announced that it will reform and expedite background checks for immigration as part of the reform that the administration is pursuing to address security and immigration challenges. DHS acknowledged that it is “investing substantial new funds to address the backlog and that the FBI and USCIS are working together on a variety of projects designed to streamline existing processes so as to reduce waiting times without sacrificing security.” ADC hopes that with this new announcement comes steps and coordination on how DHS and the FBI are going to address this issue.

CASE STUDIES

1994-2004, Unknown City, NC

A Syrian woman who came to the United States in 1994 and married an American citizen contacted ADC alleging that she was having difficulty receiving permanent resident status due to delays attributed to background checks. She claimed that she applied for permanent resident status both in 1995 and 1997 but both times INS claimed to have never received her application. The individual alleges that she applied again in 2001 and was approved in 2004 but is still waiting on the security clearance. She divorced in 2002 and has had to work in order to support her two children but has found renewing her work authorization unduly burdensome. She also desired to visit her ill elderly father in Syria and therefore was in need of permanent resident status in order to be able to return to the United States, where her minor children are native-born citizens. ADC contacted U.S. Citizenship and Immigration Service (USCIS) asking that this be treated as a humanitarian matter.

December 2002, Syracuse, NY

An F-1 student who successfully passed his naturalization interview had been waiting for three and a half years to undergo his oath ceremony. ADC brought the matter to the attention of DHS CRCL and U.S.CIS.

June 2004, Herndon, VA

A Lawful Permanent Resident (LPR) diagnosed with cancer had been experiencing significant delays in the completion of his naturalization petition since he successfully completed his naturalization interview in June 2004. When he inquired as to the reason behind the delay, he was informed that his petition was still pending a background check. His current immigration status had denied him access to the health care

he needs.

December 2004, Ann Arbor, MI

A man and his wife successfully passed their naturalization interviews after they had filed for naturalization. Though his wife was naturalized, he still experienced significant delays in his naturalization process and his oath ceremony is yet to be scheduled. Upon inquiry as to the reason for the delay, he was informed that the application was pending a background check.

January 2005, Sandy, UT

A political asylee, who successfully completed his naturalization interview in January 2005, experienced significant delays in timely adjudicating his naturalization petition beyond the 120-day limit. After inquiring upon the delay with both the USCIS and FBI, no satisfactory response was given as to the reason of the delay.

August 2005, Whippany, NJ

A green card holder of Egyptian origin experienced significant delays in the adjudication of his naturalization petition after he successfully completed his naturalization interview in August 2005. Upon inquiry of his current naturalization status he was told that his case was still pending.

June 2006, Walpole, MA

A U.S. Permanent Resident of Palestinian origin experienced excessive delay in receiving his U.S. citizenship. To date, it has been ten years since he was told that he should be receiving his citizenship in a few months. He claims that he visited the immigration office numerous times but has been continuously told that the case is still pending.

July 2006, Chicago, IL

A U.S. permanent resident experienced significant delay of completion of his naturalization process as a result of U.S. Citizenship and Immigration Service’s failure to timely adjudicate his naturalization petition. His naturalization interview was conducted two years ago. ADC filed a complaint to the Department of Homeland Security- Office for Civil Rights and Civil Liberties.

August 2007, Houston, TX

A Syrian national passed his citizenship interview almost three years ago and still has not heard anything back. He filed an inquiry with DHS CRCL and was told to forward his complaint to U.S. Citizenship and Immigration Services, which is still pending.

11. EMPLOYMENT DISCRIMINATION

Employment discrimination is one of the most serious problems continuing to plague the Arab-American community during the period covered in this Report. From 2003-2007, ADC received approximately 10 reports per week of employment discrimination of one kind or another. Certainly the rate of reports of employment discrimination during this period is reduced from the immediate post-9/11 explosion of discrimination the Arab-American community faced. However, these numbers are significantly higher than those seen during the late 1990s and in the pre-9/11 era.

Arab-Americans and American Muslims are susceptible to many forms of employment discrimination, particularly regarding the creation of a hostile work environment due to repeated or egregious negative comments by coworkers or managers. Religious accommodation for Muslims is also a major issue, with some employers continuing to fail to recognize their legal responsibility to not interfere with their employees' lawful exercise of their religious faith. This can include denial of time and opportunities to pray, and unlawful demands that women remove religiously-significant headscarves or men shave religiously-significant beards or facial hair.

Hostile work environments are most often the result of repeated or egregious slurs and abusive comments that focus on differences such as ethnic, racial or religious identities. They can be experienced at the hands of colleagues and coworkers or managers. While all employers have a responsibility to shield their employees from such abuse, actionable employment discrimination cases usually rely on either a long-term pattern of discriminatory comments that creates an ongoing hostile work environment, or an egregious instance which is so abusive that it alone makes normal working relations a practical impossibility. Many successful employment discrimination cases rest on a combination of hostile work environment with adverse employment actions that link bias and negative consequences for an individual employee or a group of employees.

Sadly, as the case studies included below demonstrate, Arab Americans face employment discrimination in both private and public sector employment situations. Indeed, some of the more dramatic cases ADC handled during the period cov-

ered in this Report involved government employment. Nonetheless, ADC recognizes that the Equal Employment Opportunity Commission (EEOC) has taken an aggressive and proactive approach to seeking to protect Arab-American employees in both the private and public sectors from discrimination. The EEOC has worked with ADC and other civil rights groups to help ensure that employment discrimination cases are successfully resolved with employee rights secured.

ADC's attorneys who focus on employment discrimination cases are convinced from their experiences that a proactive approach on the part of employers to combating potential discrimination and the possibility of the creation of a hostile work environment can be a key factor in reducing the possibility of employment discrimination in any given workplace. Diversity awareness training and other measures designed to increase awareness and understanding, as well as thorough explanation of the law and what is required of colleagues and managers, is probably the single most important measure that employers can take in ensuring the rights of all of their employees. ADC strongly encourages employers of all sizes and in all sectors to explore the possibility of engaging diversity awareness training, especially in situations in which Arab-American or American Muslim workers are involved.

A. PUBLIC SECTOR EMPLOYMENT DISCRIMINATION

2002-2004, Miami, FL

In July 2004, a Florida jury awarded Simon Abi Nader, an Arab American, \$305,000 in his employment discrimination suit against the Department of Homeland Security (DHS) and the DOJ. Abi Nader was subjected to an abusive work environment based on his national origin/race. Abi Nader, an Area Port Director for the DHS, had routinely experienced discrimination, harassment and humiliation perpetrated by high-level agency officials while employed in the Miami District Office of the Department of Homeland Security Citizenship and Immigration Service (formerly the Immigration and Naturalization Service under the DOJ).

According to Abi Nader, "the DOJ/INS prevented me, as an Area Port Director of three major ports, in South Florida from sharing my knowledge, my experience, and my abilities to prevent terrorists from entering this country. Immediately after 9/11, I was prohibited from leaving my office without notifying my immediate supervisor. On a daily basis, I had to inform him of every move I made and every person I contacted as the Area Port Director." Rod Hannah, Abi Nader's

attorney added, “The jury’s verdict reflects their recognition that Mr. Nader’s civil rights, as those of all American workers, not just Arab-Americans, have substantial value in this post-9/11 world. Additionally, the fact that the jury returned a verdict for more than what we asked them for reflects a jury that was angry for being blatantly lied to, under oath, by the high-level agency witnesses who engaged in the discrimination and harassment.”

July 2003, Kingsport, TN

An employee at the Federal Bureau of Prisons experienced racial discrimination at his workplace. Racial slurs such as ‘terrorist’, ‘camel jockey,’ and ‘sand n****r’ were used by colleagues in addition to having received offensive e-mails and a note on his car written, “Death to All Arabs.” ADC worked with the Federal Bureau of Prisons, the DHS CRCL, and the EEOC to address the issue.

September 2005, Jonesville, VA

A correctional officer of Arab origin, working at the United States Penitentiary (USP) – Lee in Jonesville, experienced discrimination soon after 9/11. He was subjected to harassment and discriminatory treatment by fellow employees, in the form of racial slurs and assaults. In addition, he received anti-Arab and anti-Muslim e-mails and his office was searched and ransacked without explanation, while he was out on workers’ compensation. ADC assisted the individual and filing an EEOC complaint. Further, ADC requested the company to open an investigation into the matter, offered diversity and cultural training services.

May 2006, Saint Louis, MO

A U.S. citizen and college student experienced racial and national origin discrimination as an employee for the Saint Louis Zoo. Working in the security division he experienced various forms of discrimination ranging from an assault by one of his colleagues to being called a child molester/rapist in front of the Saint Louis Zoo customers. ADC assisted the individual in filing an EEOC complaint. Further, ADC requested the city to open an investigation into the matter, and requested a review of their diversity and cultural training standards.

B. PRIVATE SECTOR EMPLOYMENT DISCRIMINATION

March 2003, Xenia, Ohio

A U.S. citizen working at the NationWide Bi-Weekly Administration was denied from conducting his prayer rituals within the Company’s facilities after he had specifically men-

tioned that he would need time allotted for his daily prayer rituals. Accommodating at first, the company allowed him to conduct his prayers in the attic only to disallow anyone to enter the area allegedly due to a recent credit card theft. Once he asked for another area where he could pray, he was told that he could pray outside the company’s facilities.

December 2003, Baltimore, MD

While this case is, essentially, a private-sector employment discrimination instance, it involves government officials, specifically the Secret Service, at its center, making it a most unusual as well as disturbing and unfortunate occurrence. Mohamad Pharoan, an ADC member and waiter at the Hyatt Regency at the Inner Harbor in Baltimore was dismissed from his work during a reelection campaign fundraiser for President Bush on December 5, 2003. Pharoan reported that following a conversation between Secret Service agents and his manager, he was asked if his name was Mohamad. He replied that they knew that it was since he had worked there for years. He says that he was then told that he could not be present at the event, was sent home, and that both the manager and Secret Service agents followed him down to his locker, watched him change clothes, and escorted him out of the building.

ADC issued an immediate statement demanding an apology from the Secret Service, an explanation from the Hyatt Regency and stating that it was “extremely concerned by the apparent discrimination against this individual, who is a United States citizen with no criminal record and a spotless employment history.” On December 10, four members of Congress, Betty McCollum, John Dingell, John Lewis, and John Conyers distributed a “dear colleague” letter complaining about the discrimination, calling it “a gross violation of his civil liberties.”

The day after the letter was circulated a spokesperson for the Secret Service called Mr. Pharoan and apologized, which he accepted. The Secret Service issued a statement in which it “apologized to Mr. Pharoan for any embarrassment or inconvenience caused last Friday when he was asked to leave the hotel. We also assured Mr. Pharoan that his exclusion was in no way related to his ethnic or religious background.” While he accepted the apology, Pharoan insists that this was an instance of ethnic discrimination, stating, “you cannot do that to people. My name is Mohamad. That doesn’t mean I’m a terrorist.”

November 2004, Laurel, MD

A man was subjected to prolonged workplace harassment

based on his religion, race and national origin at the Washington Suburban Sanitary Commission and was unable to secure representation in his suit against the company. By the time he filed a complaint at ADC, his case had been filed and was almost already closed. ADC was able to help the man retain the firm of Bernabai & Katz, a D.C. based law firm known for its commitment to civil rights.

November 2004, Los Angeles, CA

A Muslim Arab-American was fired without explanation a day after defending himself and Islam from accusations that most Muslims are terrorists at a business dinner with a senior company executive. He was told by his boss that it was not a performance issue, but that it was not a “cultural fit.” ADC contacted the company and requested an investigation into the matter. The individual, with ADC’s help, moved forward with an EEOC complaint.

February 2005, Kenilworth, NJ

An employee was terminated from his position after returning from a family leave. The termination came after he made a complaint on the company’s “internal hot line” for national origin and age discrimination. Though he applied for a transfer, the company allegedly did not respond appropriately to the claims of discrimination or attempts to transfer. ADC assisted the individual and filing an EEOC complaint. Further, ADC requested the company to open an investigation into the matter, and offered diversity and cultural training services.

May 2005, Dallas, TX

This case involves an Arab American man with more than 15 years of technology experience. He held an interim leadership position with his company for approximately a month when he applied for the permanent position. In a meeting with his supervisor, he was informally told he would get the position. The day before the announcement was made, his supervisor informed him that the position would be given to a colleague because the colleague was the “strongest technically.” He has an outstanding reputation with his company and felt that it may be discrimination because he could not find any reasons to justify the action. ADC explained Title VII of the 1964 Civil Rights Act and how it is enforced by the EEOC and what evidence he would need to provide in order to allege discrimination. He changed his job, and participated in simulation training in Dallas, Texas in order to fly the type of airplanes used by the new employer. While in training, the Transportation Security Administration (TSA) contacted the training facility and his new employer in NYC advising that he is a ‘threat to aviation and national security.’ ADC has

brought this to the attention of DHS CRCL.

July 2005, Unknown City, Alabama

A Muslim-American man alleged employment discrimination on account of his Muslim religion. He claims that before his female co-worker began working at the supermarket in which he was employed, he received reasonable accommodations for his religious beliefs such as reasonable time to pray during the day. He also claims that he received positive performance evaluations from management. When this particular female became the new manager, she came to shake his hand. He explained to her that because of his religious beliefs he cannot shake her hand at the time. He claims that since then, she has been harassing him by telling other employees that he did not respect women, and claiming that he was bringing down the morale of the company. He also alleges that, since the handshake incident, he was denied reasonable accommodations for his religious beliefs. For example, she did not allow him to leave his shift on time during Ramadan in order to be able to abide by the fast. ADC is addressed this matter with the employer and assisted the person in filing an EEOC complaint.

February 2006, Moorestown, NJ

A part-time employee of Shields Business Solutions claimed national origin/racial discrimination by the Division Manager and Assistant of the company. He experienced continuous threats and harassment since he began his employment, which included rudeness, avoidance and refusal of assistance. ADC assisted in filing a claim with the EEOC, and has offered the company diversity training and outreach services.

March 2006, Pensacola, FL

A foreign graduate medical doctor claimed religious and national origin discrimination during the period he applied to different job positions through the Electronic Residency Application System (ERAS), a part of the American Association of Medical Colleges. Through this process he applied to the Residency Program in the Department of Obstetrics and Gynecology at the University of Florida, College of Medicine in which he claimed that the refusal of a position in the program was based on racial and religious discrimination. The claim is based on the interviewer’s question as to the medical doctor’s religious background during the hiring process. ADC contacted the Dean of the College of Medicine at the University of Florida with regards to the case.

June 2006, Unknown City, GA

A 57-year-old man of Iraqi origin claimed national origin, age

and sex discrimination by his immediate supervisors and fellow staffers at the EPI Bread Company. Due to his age, he is not allowed to carry heavy objects though he was transferred to a different position, which involved a heavy workload. In addition, unlike his fellow colleagues, he was not given a raise in pay and has at times been misinformed about changes in work dates and times. With ADC's help the individual filed an EEOC complaint. After an investigation by the EEOC, he was able to reach a settlement agreement with the company.

September 2006, Tacoma, WA

A trained physician experienced discrimination of racial and national origin at a mental health facility he works at. ADC contacted the facility and requested an investigation into the actions against the physician. Further, the ADC assisted the physician in filing a claim with the EEOC, and has offered the health facility diversity training and outreach services.

September 2006, Browning, MT

A former mathematics instructor at Blackfeet Community College in Montana experienced racial and national origin discrimination by the Dean of Academic Affairs. Recently hired by the college on August 17, 2006, he was approached by a female co-worker, who asked him a series of questions, such as, "Are you a terrorist" and "Are you going to blow us up?" In addition, he had to confirm, in front of a group of teachers, that he was not a terrorist. Another incident involved a student, on the way to the instructor's class, who was told by a fellow colleague at the college to "enter at your own risk" suggesting that he was a threat to the students. ADC has contacted the University President and offered diversity and cultural training.

September 2006, Tulsa, OK

A former employee of Dish Network/EchoStar Communications employed in the Technical Training Department in Tulsa, Oklahoma faced harassment and discrimination by fellow employees during his time of employment. Discriminatory statements about his race and Arabs and South Asians in general were allegedly used. Discriminatory generalizations and derogatory statements were used concerning Arab callers and Dish Network customers, particularly those who subscribe to Arabic news channel, Al-Jazeera. The employee, as a result of filing formal complaints concerning these incidents, was fired for violating company policy. ADC assisted the individual in filing a complaint with the EEOC. ADC also contacted the Network's Human Resource Manager on the employee's behalf.

November 2006, Durham, NC

A make-up saleswoman working at the Belk department store in North Carolina experienced racial and national origin discrimination by her manager after she had already signed in her resignation. The floor manager made an angry comment and dragged her to the store manager when she found her working with henna on her hands in anticipation for the Eid. The store manager asked that she put on a pair of gloves from the store. After she returned to work, the floor manager approached her again in a confrontational manner and re-assigned her to the store's stock room. Her manager eventually began to complain about how her fasting was affecting the whole department even though sales were higher during Ramadan. She allegedly continued to complain about the Eid and Muslim prayer rituals and proceeded to fire her on the spot. She was unable to receive any pay for the period between October 22 and October 31, which was supposed to be the last day of her work period. The floor manager reportedly stated that she feels threatened by Muslims. ADC requested in writing that Belk department conduct an investigation into the floor manager's actions.

November 2006, Unknown City, LA

An Arab-American male who lives in Southern Louisiana and works at a chemical plant for 32 years feels he is being discriminated against by management. He is being targeted and disciplined for doing things that are not violations of company policy. This has happened to him routinely, and he believes it is because of his ethnicity that this is occurring. He has made formal complaints, the result of which has led to an investigation and the assignment of a Union Representative to his case, who also believes he is being unfairly discriminated against. ADC assisted the individual in filing a claim with the EEOC, and has requested the plant to investigate the matter.

November 2006, Midland Park, NJ

A gas station attendant at British Petroleum experienced discrimination by his manager. While firing the gas station attendant, his manager allegedly said, "I truly hate mother f***ing Arabs." Though he filed a complaint with the NY civil rights division, an investigator who was assigned to him, allegedly told him to sign some documents that waived his right to take action against British Petroleum. Though the gas station attendant does not know how to read and write English, the investigator failed to mention what the document entailed allegedly explaining to him that signing the document would be good for him. ADC contacted the business owner, and BP, to request an investigation into the mat-

ter. Further ADC assisted the employee in filing a complaint with the EEOC.

12. THREATS AND HATE SPEECH

In the wake of the 9/11 terrorist attacks ADC and other Arab-American and Muslim organizations were subjected to numerous serious threats and intimidation from members of the public. Some of these threatening and abuses communications were included in the last ADC *Report on Hate Crimes and Discrimination Against Arab-Americans*. Sadly, in the intervening years, such threats continue, and are routinely reported to the FBI and other law enforcement authorities.

THREATS DIRECTED TO ADC

ADC continues to receive threats over the phone, by email and by mail on a regular basis. Among the most disturbing of these was a letter addressed to ADC. The letter was opened by ADC Communications Director Laila Al-Qatami. In the letter she found one page of hate filled messages calling for the death of all Arabs and Muslims, she also found a separate sheet of caricatures of acts of sodomy and naked women, most disturbing however, the envelope was filled with feces. ADC immediately notified the FBI. Although the FBI investigated the case, they brought no charges and did not attempt to locate the person who sent the letter. Al-Qatami said, "Its deeply disconcerting that someone would not only send pages of hate mail but to include feces with the mail is truly disturbing. That the person did this with impunity is a sad commentary."

In another letter sent to ADC in 2004, violent language and threats were used. This letter included statements that said "Baruch Goldstein – True Jewish Hero from 1994 in Hebron"; "ADC, you terrorist loving A-Rab 'Americans' have no idea of what real discrimination is"; and "Kill Arafat, I have lovely dreams of slitting his throat watching his blood squirt out."

THREATS DIRECTED TO OTHER ARAB AMERICAN ORGANIZATIONS

President and founder of the Arab American Institute (AAI), James J. Zogby, was the subject of two major bias-oriented threat prosecutions in the wake of the 9/11 attacks. In 2002, Zachary J. Rolnik pleaded guilty in U.S. District Court in

Boston to phoning a death threat to Zogby's office the day after the terror attacks. Rolnik, a 40-year-old publishing executive with a master's degree in public policy from Harvard's Kennedy School of Government, left a voice mail on Zogby's line shortly after 7:30 a.m. on Sept. 12, saying "Hey Jim, you towel head. Death to every Arab. We'll slit your throats and kill your children."

In August 2007, a State Department employee was indicted on charges that he threatened and intimidated employees of AAI, including Zogby. In e-mail and voice-mail messages, the employee, Patrick Syring, lambasted out at Zogby and others. "The only good Lebanese is a dead Lebanese. The only good Arab is a dead Arab," Syring said in a voice-mail message left late July 17, 2006, after he read comments made by Zogby that he regarded as offensive, according to the indictment. Syring works in human resources and career development in the State Department. "You and your Arab American Institute . . . should burn in the fires of hell for eternity," he wrote in an e-mail, according to the indictment. Syring left the State Department in 2007, about a year after he allegedly left the threatening messages. Zogby said "The threats were both intimidating and frightening and the fact that Mr. Syring was a 20-year career officer at the Department of State made it of even greater concern."

SECTION II

CIVIL LIBERTIES CONCERNS

Civil liberties concerns, a major feature of the last ADC *Report on Hate Crime and Discrimination Against Arab Americans*, continue to be a major issue for the community, although the nature and details of those concerns have naturally evolved over time. New threats include: warrantless wiretapping of Americans by government agencies, a new focus on “homegrown” terrorist threats that seem to target and stigmatize religious Muslims across the board, new immigration policies and law enforcement practices, the proposed re-introduction of secret evidence in certain criminal and civil litigation and the use of untrained local and state law enforcement officers to enforce federal immigration laws. The overall sense is that while the worst instances of abuse that bordered on systematic profiling have more or less faded from the scene since the immediate aftermath of the 9/11 attacks, the Arab and Muslim American communities, especially those with non-citizen and immigrant status, remain among the most vulnerable sections of American society to such abuses. Potentially serious damage to the rights and liberties, on both a collective and individual basis, remains a serious threat.

1. “HOMEGROWN TERRORIST THREAT”

Throughout 2007, Senator Joseph Lieberman (I-CT), Chair-

man of the Senate Committee on Homeland Security and Ranking Republican Susan Collins (R-ME) initiated a series of hearings on what they termed as, “the homegrown threat of violent Islamic extremist terrorism.” During several hearings on the topic, committee members heard testimony relating to the role of the internet in homegrown Islamic terrorism and the role of local law enforcement in combating possible threats. The committee’s inquiry has focused almost exclusively on American-Arab and American-Muslim communities. The hearings have continued despite the fact that at the initial hearing on the subject, Homeland Security Secretary Michael Chertoff and Daniel Sutherland, also from DHS, testified that these communities do not pose a significant terrorist threat to American national security. In the question and answer section of the hearing, the two DHS officials both commented on the positive involvement and outreach efforts to law enforcement by American-Arab and American-Muslim organizations, including ADC. In response to their statement, Senate Committee staff have met and consulted with ADC on several occasions.

In 2007 a study released by the New York Police Department arguing that “unassimilated” Muslims in the United States are vulnerable to extremism, but not to the same extent as Muslim immigrants in European countries. The report suggested that “radicalization” takes places in four stages: “pre-radicalization, self-identification, indoctrination and jihadization.” Pre-radicalization, according to the report, “describes an individual’s world — his or her pedigree,

lifestyle, religion, social status, neighborhood and education — just prior to the start of their journey down the path of radicalization.” Self-identification allegedly takes place when individuals begin to explore militant Islam “while slowly migrating away from their former identity.” Personal crises — such as losing a job or suffering from racism — can serve as a catalyst for this “religious seeking,” the report argued. While people can move gradually through the early phases, over two or three years, they can pivot quickly toward violence according to the report, which suggested that the Internet can be a major factor in final, violent radicalization.

However, many civil rights groups including ADC pointed out that the NYPD report was inconsistent with the findings of a number of crucial surveys, including a Pew Poll which found that the American Muslim community was disproportionately successful, loyal, patriotic and well-assimilated. ADC’s Executive Director Kareem Shora pointed out to the *New York Times* that, “The report is at odds with federal law enforcement findings, including those of the recently released National Intelligence Estimate, and uses unfortunate stereotyping of entire communities.” Others pointed out that the report seemed to suggest that increase in Muslim religiosity and observance in and of itself could be seen as a sign of increased potential for radicalism and a propensity to violence, an obviously unfair and biased implication. The *Times* also quoted Christopher Dunn, of the New York Civil Liberties Union, as saying that the report paints all Muslims as potential terrorists, and might turn law-abiding Muslims away from cooperating with the authorities. “While aggressive counterterrorism policies are to be commended, this report appears to treat all young Muslims as suspects and to lay the groundwork for wholesale surveillance of Muslim communities without there being any sign of unlawful conduct. To target Muslims in this way would mark a dangerous and unlawful erosion of the line separating the police from lawful religious activity.”

In October 2007, the U.S. House of Representatives passed H.R. 1955, the Violent Radicalization and Homegrown Terrorism Prevention Act. If signed into law, the bill would create a national commission to investigate violent radicalization and homegrown terrorism, create a center for education and training on the topic, as well as encourage consultation with foreign governments on their efforts to combat threats of domestic terrorism. The bill contains language that any efforts to combat threats of “homegrown radicalization” can not violate the civil rights or civil liberties of American citizens or lawful permanent residents. However, the bill remains a dangerous and draconian measure

for allowing the government to target its own civilian population by utilizing a vague definition of “extremist agenda.” This definition can be altered based on the government’s political whim.

2. REAUTHORIZATION OF THE PATRIOT ACT/END OF CIVIL LIBERTIES RESTORATION ACT (CLRA)

In early 2006, President George W. Bush signed into law the reauthorization of the PATRIOT Act. Congress left the bill generally intact with minimal changes before it was sent to the President. Despite national opposition, sweeping provisions curtailing civil liberties remained in the bill years after it was initially rushed through Congress after the terrorists’ attacks of 9/11.

Civil liberties groups, including ADC, formed a coalition called the Rights Working Group. This coalition rallied its diverse constituent base to support a legislative fix to the PATRIOT Act. In 2004, the coalition endorsed the Civil Liberties Restoration Act (CLRA) introduced by Senator Edward Kennedy (D-MA) and Congressman Howard Berman (D-CA).

The Civil Liberties Restoration Act aimed to safeguard basic civil liberties while the country engaged in efforts to prevent another attack. Upholding the rights of those detained by the government was paramount to the legislative effort. The CLRA included the provisions to end secret hearings; ensure due process for detained individuals; establish an independent immigration court; end special registration; make penalties commensurate with violations; require accurate criminal databases; ensure access to evidence; mandate reports on data-mining; and limit secret seizures of records.

During consideration of the reauthorization of the PATRIOT Act, attempts were made to add language from the CLRA as amendments. With the overwhelming passage of the PATRIOT Act with little revision, Congressional efforts to enact CLRA ceased.

3. REAL ID ACT

The REAL ID Act established national standards for state-issued drivers' licenses and non-driver identification cards. Former Chairman of the House Judiciary Committee Congressman James Sensenbrenner (R-WI) authored the REAL ID Act. Inserted as a rider to an emergency supplemental appropriations bill (the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005), the act became law in 2005. Implementation of REAL ID has been delayed until December 2009 at which time all states must meet compliance requirements set by the Department of Homeland Security.

REAL ID's proposed national identification card will be required to fly on commercial airlines, enter government buildings, open a bank account, and perform other daily activities that generally require photo identification. The act aims to centralize state drivers' licenses and identification cards into a unified federal system. However, opponents of the measure cite that it fails to adequately address the technical problems it will encounter in different DMV systems throughout the country.

The Act specifically targets the immigrant population, prohibiting the DMV from issuing an ID to any non-citizen who cannot prove their lawful immigration status through documentary evidence, fails the database check, or relies solely on foreign documents to prove their identity. It will be difficult for DMV employees to understand the complex immigration code.

Full implementation of the law will mean that everyone must be issued a new identification card that meets the standards of REAL ID. Personnel and training resources are woefully lacking. The act requires that the name in the DMV database match exactly the name in the social security database. This proves to be particularly difficult for foreign names that must be transliterated, as there can be a multitude of correct spellings for a single name. Also, the field for the full legal name allows for 39 characters, which is too short to accommodate all full legal names. This will cause further problems in the verification of an exact name match. In many cases, problems like a shortened first name or the presence or lack of a middle initial or name will be cause for further documentation and investigation. When attempting to amend

this problem in Alabama, the only state that has, as yet, tried to incorporate the Act's requirements, worried citizens waited hours and sometimes days to purchase a new ID with the proper legal name.

REAL ID could mean higher rates of identification theft. According to the law, all state DMV computer systems must be interoperable. Any computer hacker that breaks into one state's system, thus gains access to the identification records and supporting documents of everyone in the rest of the fifty states.

The Department of Homeland Security estimates it will cost \$23 billion for states to comply with REAL ID. President Bush's budget does not contain any appropriations for Real ID in FY 2008. Fifteen states have passed legislation to opt out of REAL ID and several others are considering similar legislation.

4. THE END RACIAL PROFILING ACT

First introduced in 2001, as a stand-alone bill in the U.S. House of Representatives by Congressman John Conyers (D-MI) and in the U.S. Senate by Senator Russ Feingold (D-WI), the End Racial Profiling Act (ERPA) prohibits law enforcement agencies and officers from engaging in racial profiling, provides legal options to individuals injured by racial profiling, and provides grants to state and local agencies to enable them to meet the bill's requirements.

Subsequent versions of ERPA built upon a guidance issued by the DOJ in June 2003, which banned federal law enforcement officials from engaging in racial profiling. ERPA would apply that DOJ prohibition to state and local law enforcement. It would do this by requiring data collection to monitor the government's progress toward eliminating profiling and provide best practice incentive grants to state and local law enforcement agencies that would enable agencies to use federal funds to bring their departments into compliance with the requirements of the bill.

Working alongside the leading national civil rights organizations, after 9/11, ADC was instrumental in expanding the definition of racial profiling to include profiling on the basis of religion. Arab Americans, and those perceived to be, have been subjected to various kinds of racial profiling based on

national origin and religion since 9/11. At a time when communication and open dialogue between the community and law enforcement are vital, increased incidents of racial profiling have resulted in negative effects upon that crucial relationship.

According to counter-terrorism experts, racial and ethnic profiling does not increase national security. In October 2001, senior U.S. intelligence officials circulated a memorandum entitled, "Assessing Behaviors," to American law enforcement agents worldwide, which emphasized that focusing on the racial characteristics of individuals wasted resources and might divert attention away from suspicious behavior by someone who did not fit the profile. There has not been a single documented incident where racial profiling by law enforcement resulted in the capture or detention of any suspect related to terrorism.

ERPA has not yet passed in Congress.

5. LOCAL LAW ENFORCEMENT HATE CRIMES PREVENTION ACT (LLEHCPA)

Introduced by Senator Edward Kennedy (D-MA) and Congressman John Conyers (D-MI) the Local Law Enforcement Hate Crimes Prevention Act (LLEHCPA or 'Hate Crimes Bill') would provide assistance to state and local law enforcement agencies to combat hate crimes and amend federal law to facilitate the investigation and prosecution of violent, bias-motivated crimes

The bill would eliminate a serious limitation on federal involvement under existing law – the requirement that a victim of a bias-motivated crime was attacked because he/she was engaged in a specified federally-protected activity, such as serving on a jury or attending public school.

LLEHCPA will provide assistance to state and local law enforcement agencies to combat hate crimes and amend federal law to facilitate the investigation and prosecution of violent, bias-motivated crimes. LLEHCPA applies only to violent crimes that involve kidnapping or the attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, and death or the attempt to kill, committed because of the actual or perceived race, color, religion, national origin, disability, or sexual preference of a

person.

While states would continue to play the primary role in prosecuting bias-motivated violence, the LLEHCPA would allow the federal government to address those cases in which local authorities are either unable or unwilling to investigate and prosecute such crimes.

LLEHCPA applies only to bias-motivated violent crimes. Special consideration was made to ensure the measure would not affect lawful public speech, preaching, or writing in any way. The legislation includes an explicit First Amendment free speech protection for the accused

This anti-hate crimes legislation has not yet become law.

6. CLEAR LAW ENFORCEMENT FOR CRIMINAL ALIEN REMOVAL ACT (CLEAR ACT)

In July 2003, Congressman Charles Norwood (R-GA) first introduced The Clear Law Enforcement for Criminal Alien Removal Act (CLEAR ACT). Senator Sessions (R-AL) introduced similar legislation in the Senate known as the Homeland Security Enhancement Act.

Also known as the CLEAR Act, the measure authorized local and state law enforcement to act as immigration officials by enforcing federal immigration law. The CLEAR Act criminalized all immigration violations.

Many law enforcement agencies including several chiefs of police of large metropolitan cities expressed concern with the CLEAR Act. Decades of community policing programs would be rendered useless since immigrant populations would become less inclined to report crimes, fire, and other emergencies due to their fear of being deported. Women's groups were alarmed that CLEAR Act might mean victims of domestic abuse would not report the abuse to the authorities out of fear that their abuser would turn them in to immigration officers.

Under the CLEAR Act every immigration violation would be entered into the National Crime Information Center (NCIC). According to Congress, this large database would have to include all immigration violations even including cases of noncitizens who failed to mail in a change of address forms

to the government or international students who had dropped down below a required course load for a semester. This information would be entered in the NCIC regardless of whether the government notified the noncitizen it was taking such action. The CLEAR Act encourages racial and ethnic profiling by law enforcement.

An unfunded federal mandate, Congress failed to appropriate resources to aid local and state law enforcement agencies in their new roles as immigration officers.

Congressman Norwood and Senator Sessions reintroduced their measures in 2005. Although neither ever passed, elements of both were added as amendments to bills signed into law by President George W. Bush.

7. COMPREHENSIVE IMMIGRATION REFORM

The immigration system in the United States is widely regarded by all sides to be in a state of serious crisis. Over the past several years, the national debate on comprehensive immigration reform has galvanized all sectors of American society. Hundreds of thousands of immigrants and their supporters took to the streets in support of a solution.

Over the years, despite hours of debate and dozens of measures introduced, Congress failed to accomplish any substantial reform. Little has been done beyond approval of anti-immigrant enforcement-only measures many of which died before they became law. During the 110th Congress, the Senate debate stalled and completely collapsed and the House of Representatives has yet to move on its measures. Little progress is expected as both chambers and parties prepare for the 2008 elections.

In general, Congress needed to pass a comprehensive immigration reform package that included: protecting due process in the immigration system; bringing immigrants out of the shadows; provided a path to citizenship; protected workers; reunited families; enhanced security; and promoted citizenship and civic participation.

In particular, ADC along, with the Arab American community, focused energies in the reform debate on matters concerning due process and properly restoring the rights of non-cit-

izens that were stripped when Congress overhauled the immigration system in 1986 and 1996. Restoring due process to the immigration system meant: ensuring judicial review was available, stopping automatic imprisonment without due process, upholding the U.S. Supreme Court decision against indefinite detention of immigrants, enhancing judicial discretion so that judges could consider the circumstance in each individual cases, deportation for minor offenses would cease, and individuals would not be unfairly excluded from applying for legalization because of past conduct which does not merit such harsh punishment.

It was also hoped that immigration reform could be the vehicle in which to eliminate the government's special registration program, also known as The National Security Entry-Exit Registration System (NSEERS), which requires citizens from 24 Arab and Muslim countries (and North Korea) to register with immigration offices, as outlined in more detail in section 1 of this Report. Initially portrayed as a tool to fight terrorism, the program has been used in immigration law enforcement to selectively target individuals of Arab descent and ethnicity, raising serious constitutional concerns. As a counter-terrorism tool, NSEERS has failed no one who has ever registered under NSEERS has been charged with terrorism.

Within the immigration reform debate, advocates worked to eliminate this discriminatory program. NSEERS has outlived any constructive purpose it may once have served and can be replaced by the more extensive and reliable U.S.-VISIT program which registers everyone entering our country. Any immigration package should eliminate criminal penalties against NSEERS violators, and not have them subject to deportation. It should also allow those who have been negatively affected by the program or failed to register to retain the opportunity to apply for legalization and benefits under the Immigration and Nationality Act.

In August 2007, on the heels of the collapsed immigration debate in the U.S. Senate, Homeland Security Secretary Michael Chertoff and Treasury Secretary Carlos Gutierrez announced the Administration would forge ahead with a plan to enhance immigration enforcement through existing law. The new measures included efforts to better secure the U.S. border with Mexico, speed up deportation of undocumented immigrants, enhance enforcement of employer compliance with immigration law, streamline existing guest-worker programs and support assimilation of immigrants.

8. SECRET EVIDENCE AMENDMENTS TO IMMIGRATION REFORM DEBATE

The use of secret evidence is a serious violation of fundamental civil, constitutional and human rights, and has no place in the American justice system.

Prior to 9/11 ADC had been monitoring the DOJ's use of secret evidence in immigration cases that resulted in deportation. Use of secret evidence in these cases was believed to have begun around 1996 and involved twenty men of Muslim and Arab origin. In these cases evidence was withheld from the accused and their attorneys, in numerous immigration cases that resulted in deportation. Neither the accused nor their attorneys had the opportunity to evaluate or challenge secret evidence used against them. The detainees were thus denied their right to fully confront the government's information in court. The use of secret evidence is contrary to the principles that are essential under U.S. system of due process and fundamental fairness.

On two occasions Congress attempted to repeal the use of secret evidence in immigration cases. In 1999 and again in 2001, Michigan Congressman David Bonior (D), along with 100 cosponsors, introduced The Secret Evidence Repeal Act. In 2000, hearings were held on the measure and it was placed on the House of Representatives calendar for a vote; however, the 106th Congress ended before that vote took place. Bonior reintroduced the bill in March 2001 but congressional support for a repeal ended with the attacks on 9/11.

ADC had been given reassurances from U.S. Attorney General John Ashcroft that the DOJ that the twenty men of Arab and Muslim men, once held with the use of secret evidence, had been released and further use of secret evidence by the department had ceased.

In May 2007, during the Senate debate on a comprehensive immigration reform bill (S. 1639), Senator John Cornyn (R-TX) introduced an amendment (#1184) that, had it been adopted, could have denied lawful permanent residents the opportunity to become U.S. citizens based on the use of secret evidence. The amendment would have given the Attorney General unreviewable discretion to use secret evidence to determine if an alien is 'described in' the national security

exclusions within immigration law. A person applying for naturalization could have their application denied and never know the reason behind the denial. Cornyn's amendment would have allowed for the resumption of deportations based on the unreviewable determination by the executive branch that a person lacks "good moral character." Cornyn's amendment was voted down 46-51.

In June, just before debate on comprehensive immigration reform totally collapsed, Senator Lindsey Graham (R-SC) offered an amendment similar to Cornyn. Graham's secret evidence amendment would have turned local and state law enforcement officials into immigration officers. It would have given the Attorney General unchecked power to use secret evidence to deny lawful permanent residents the chance to become citizens. Graham's amendment was ruled out of order and the Senate did not vote on the measure.

9. STOP TERRORIST ENTRY PROGRAM ACT (THE STEP ACT)

On September 11, 2003, Congressman Gresham Barrett (R-SC) introduced The Stop Terrorist Entry Program Act (STEP Act). If enacted, this bill would have prohibited individuals from entering the United States from countries determined by the U.S. Department of State to be state sponsors of terrorism. At the time of the bill's introduction the State Department list included Cuba, Iran, North Korea, Sudan, Syria, Iraq and Libya (due to changing political and diplomatic relations the last two countries have since been removed from the list). The bill included discretionary waivers for emergency medical, asylum or refugee admissions. The bill never progressed beyond referral to a subcommittee, although Barrett attempted to introduce it as an amendment to an immigration bill.

In an era of increased tensions between the United States and many Arab countries, introduction of the STEP Act sent a message of hostility and unwelcome to the region and to those Arab immigrants already in the country. To many critics, the proposal was viewed as an attempt to keep Arabs and Muslims from entering the United States as it would prohibit all nationals of these countries from visiting, studying or working in America as non-immigrants and would have forbid nationals of those countries from filing immigrant family petitions. The STEP Act could have separated families and

discouraged visitors and students from coming to the United States. Had the legislative proposal been adopted, it would have also required current non-immigrant visitors and students from nations designated as terrorist states to leave the United States within 60 days of enactment. Rather than directing legislative proposals and energy on law enforcement and intelligence efforts to prevent another terrorist attack, the STEP Act placed immigrants, visitors, and students from designated countries under the a large banner of terrorist. The STEP Act was racial profiling at our borders.

Upon introduction of his bill, Congressman Barrett stated the STEP Act would help local law enforcement by removing people from the United States whom he thought were dangerous. He said that he was not concerned that his bill might upset current residents from those countries, “As we continue our war on terror we must ensure others never STEP foot on our soil or gain access to our citizens and all that our nation holds dear, as well as make sure those who are already here are identified and dealt with accordingly.”

10. CONGRESSIONAL ACTIVITY ON WARRANTLESS WIRETAPPING

Under heavy pressure from the Bush Administration to close what it termed as, “a surveillance gap,” and in the last days before the August congressional recess, Congress passed S. 1927, the Protect America Act. Signed into law by President Bush, the law amends the Foreign Intelligence Surveillance Act of 1978 by removing legal impediments to the interception of foreign communications that pass through the United States. It also redefined the terms of FISA to permit increased surveillance of communications involving persons in the U.S. while curtailing judicial supervision.

The White House request came to Congress shortly after a FISA court allegedly knocked down one of the pillars of the Bush Administration’s surveillance programs. Although activities of the FISA court are classified it is believed that judges ruled against the Administration’s use of “basket warrants,” or court approval for surveillance on multiple targets rather than approval on a case-by-case basis. The Administration was unable to prove that some of that surveillance was not crossing the U.S. or involving persons in the U.S..

Not more than a month after it passed PAA, some members

of Congress began efforts to undue the sweeping authority it granted the Administration. The White House has insisted that Congress allow it to retain the use of basket warrants rather than individualized warrants issued by a FISA court on a case-by-case basis. The Administration is also pushing for retroactive immunity for telecommunications companies. Courts are currently hearing several cases to determine whether telecommunication companies violated privacy rights of Americans when they handed over data to the National Security Agency (NSA). The White House and some members of Congress are attempting to grant these telecom companies retroactive immunity from future prosecution.

SECTION III

DISCRIMINATION AND BIAS IN PRIMARY AND SECONDARY EDUCATIONAL INSTITUTIONS

For more than five years after the 9/11 attacks, Arab-American students and their peers, Arab-American parents, and schools systems, have continued to feel its effects. They live in the “new reality” shaped by 9/11, the “war on terrorism,” wars in Afghanistan and Iraq, the danger of more acts of terrorism within the U.S., and by counter-terrorism policies that threaten the civil liberties and family life of immigrant residents and, in some cases, U.S. citizens as well. In the minds of too many educators and peers, the identity of Arab-American students is defined by these events.

New undercurrents of uncertainty, anger, fear, shame, and anxiety permeate the emotional depths of educational institutions. Too often they surface, and Arab-American students encounter hostility and bias in environments that should have been made safe for them. Educators struggle with their own feelings, limitations of understanding about Arabs and Muslims, and uncertainty about what to believe and about whose points of view should be trusted. School systems struggle to find the right formula for an equitable accommodation of the needs of growing Muslim populations. The multicultural ethos, which always courts the danger of superficiality and tokenism, is being tested again.

Several patterns can be discerned in the reports on educational discrimination that have come to ADC’s attention during the past four years. None of these patterns are new, but all have become intensified in recent years.

There is a continuing higher level of discrimination than in the past and is clearly related to the 9/11 attacks, the “war on terrorism,” and the wars in Afghanistan and Iraq. Incidents include acts of physical violence, harassment, and bias. Arab-Americans, Arab nationals, Muslims, and South Asians are targeted indiscriminately.

Arab-American and Muslim students are feeling higher levels of stress. This may lead some students to “acting out” in an angry, combative way. They may fight back, trade punches with bullies, make threats, or bring toy guns to school.

Muslim issues figure very prominently in reports of incidents. Since Muslim students and parents are often highly visible, they are more at risk. Hostility and bias is directed indiscriminately against Arab-Americans, Arab residents, Muslims, and South Asians. Girls wearing the hijab/headcovering are especially vulnerable, and there are numerous reports of girls being harassed or assaulted.

The Palestinian issue is also a major focal point of bias and harassment. Problems are encountered in teachers’ attitudes, curriculum materials, and protests by parents and community activists.

Institutionalized discrimination has become more of an issue. Biased curriculum materials are not new; however, the increase of Muslim student populations raises new ques-

tions about ethno-religious hierarchy and privilege. School holidays are a focal point for these issues, when many schools close for Christian or Jewish, but not for Muslim, holidays.

The reports of incidents in the schools show a clear connection to 9/11 and to U.S. military involvement in the Arab world. Some students described a series of hostile remarks and harassment that began after 9/11. Students encounter these problems both with other students and with teachers. Harassment from students includes physical assaults and confrontations, death threats, ethnic slurs and “jokes,” bullying, curses, mockery, and being spit on. Problems involving teachers include assaults, ethnic and religious remarks, politicization of the classroom, attempts to discredit Islam or the Palestinian cause, associating Arab-American or Muslim students and their families with terrorism, and allowing or fostering a negative atmosphere.

Among the reports received by ADC, there are approximately an equal number of problems arising with other students and teachers. Harassment and bias cases are three times as numerous as cases of physical confrontation and threat.

Sometimes, teachers and school administrators fail to respond adequately to incidents when they occur, allowing them to continue until physical violence erupts. Incidents are dismissed as “kids will be kids.” When confrontations worsen, the Arab-American student may be punished more severely than those responsible for the harassment. Parents who complain may be avoided as a nuisance. Too often when problems arise, educators erect barriers, close ranks, and go into denial or bureaucratic evasions in order to protect their careers and institutional reputations.

Some incidents are obviously more serious than others. The worse cases may involve physical harm requiring medical treatment or sometimes major financial losses for a family that is forced to move to a different town. Others cases can be regarded as relatively minor. But clearly, life for Arab-American young people has come to be increasingly stressful and anxiety producing.

A study published by the Sesame Workshop in 2003 found that Arab-American children were experiencing more “vivid and immediate” anxieties and a “sense of shame” about violence in the U.S. Non-Arab children, however, showed no sign of anti-Arab feelings. In 2004 a study at Wayne State University found that 43% of a group of Arab-American teens were depressed. Among Iraqi-American teens, 49% were

depressed with 38% “very depressed”; 64% reported having suicidal thoughts. Many had been uprooted from their homes and were keenly aware of the post-9/11 backlash. Some had parents or other relatives who had been tortured or murdered in the Middle East. Many worried about close relatives in the Arab world at risk from military attacks or political violence.

The antagonism and misbehavior in discrimination incidents is not necessarily all one-sided, and sometimes Arab-American students may have adopted belligerent, chip-on-the-shoulder attitudes, and initiate the physical confrontations. Some Arab-American students seem to have internalized negative self-images about Arabs or Muslims. They feel accused of being associated with violence and then defiantly act out a role written for them by others. There may be cases, however, where negative behavior is due to problems arising in the home or to the more normal difficulties of immigrant cultural adjustment.

A few school officials overreact, perceive the students as potentially dangerous, and treat them with an arbitrariness that disregards school regulations (and parents’ rights). They may call the police, or, in at least one case, even the FBI. This is a somewhat paranoid overreaction to the behavioral problems of young children.

Furthermore, teachers who attempt to bring the events of 9/11 or the war in Iraq into their classrooms find it to be an “incredibly delicate” process. While students may feel the issues to be remote from their lives, teachers discussing terrorism or civil liberties must walk a careful line through an emotional and political minefield. Other teachers may find such issues to be “too controversial to address.”

Many children who are caught up in U.S. counter-terrorism policies have an even more difficult experience. Overzealous policies can harm whole families. A junior in high school was caught up in the process of his father’s deportation. He went with his father to be fingerprinted and photographed in the voluntary “special registration” program at the U.S. immigration office. This was required for men over 16 who were from 25, mostly Arab and Muslim, nations. His father was detained and he was sent to a juvenile detention center for nine months. Although he was well treated, he felt deeply ashamed and did not want to see his relatives when they came to visit. His mother, an American citizen, had a nervous breakdown. When he turned 18, he was sent to join his father at the detention center, “a prison-like warehouse,” awaiting deportation to Lebanon. Once there, they could

reapply for U.S. visas. He says that the U.S. is his home. “I went to elementary school here, to high school. Right here is my country. I want to get out and stay [in the U.S.]”

Thousands of students have been deported, their families separated, or their education and lives disrupted as they are affected by the post-9/11 policies described in other sections of this report.

The good news is that the absolute number of reported incidents is relatively small. Many educators are aware of the problems and take pro-active steps to head off problems and to create a safe, accepting environment. After 9/11, teachers “scrambled” to include Islam more extensively in the curriculum. In 2004, New Jersey’s update of the social studies curriculum placed more emphasis on Islam and world religions. School systems remain one of the institutions most open and supportive of Arab-Americans and Muslims. The educational profession is giving increased attention to the Arab-American and Muslim communities and to the problem of anti-Arab and anti-Islamic discrimination. The Ford Foundation is funding a three-year study of Muslims in New York City Schools to find out “What happens to students whose culture is treated as an enemy of the state?”

More school districts are attempting to accommodate the specific needs of Muslim students. Educators are receptive to the many excellent educational resources available to teachers. Arabic language and cultural programs are beginning to be more common. In Dearborn, Michigan, where one-third of students are of Middle Eastern descent, students get two days off during Ramadan. The Wallingford, Connecticut, Board of Education approved a Middle Eastern studies course at its two high schools. Choate Rosemary Hall School introduced an Arabic class. Shabir Mansouri, President of the Council on Islamic Education, reports that in recent years there has been a “very definite improvement” in the presentation of Muslims in U.S. textbooks. Organizations like ADC, AMIDEAST, Arab World and Islamic Resources, Inc., the Middle East Outreach Council, and numerous university-based Middle East studies centers reach thousands of educators. Students in Springfield, New York, collected pennies and made a \$250 donation to ADC because they “love the work” that ADC does.

Arab-American and Muslim families are also finding support from official civil rights agencies. The Civil Rights Division of the U.S. Department of Education has launched investigations in schools where there has been a “pattern of discrimination.” At the request of ADC President Hon. Mary Rose

Oakar, Assistant Attorney General Alexander Acosta sent a letter prior to the 2004 anniversary of 9/11 to every state department of education, reminding local officials of the danger of anti-Arab and anti-Muslim incidents. The U.S. Civil Rights Division of the DOJ intervened in a lawsuit in Oklahoma to protect the right of a 6th grade girl to wear a headscarf to school. In Delaware, the DOJ settled a lawsuit brought by a Muslim family, after the daughter was repeatedly harassed; and the school agreed to several policy changes and to provide diversity training for all staff and students. The DOJ also intervened in an \$80,000 lawsuit filed by parents of an 11-year-old girl in Muskogee, Oklahoma, who was twice suspended for wearing the hijab in violation of the school dress code. The DOJ argued that the code violated the 14th Amendment, and the school agreed to change its policy so as not to infringe on the right of religious expression. The girl subsequently testified about her feelings of depression and humiliation before a Senate Judiciary subcommittee.

After 9/11, U.S. Secretary of Education Rod Paige sent a letter to every U.S. school district and university, alerting them to take steps to prevent anti-Arab and anti-Muslim incidents. But it was not helpful when, in a 2003 interview with the Baptist Press, he repeatedly expressed his strong preference for Christian schools, universities, and values, contrasting them with the public schools. Public schools “don’t have quite as strong a push for values...In public schools there are so many different kids from different kinds of experiences that it’s very hard to get consensus around some core values...all things being equal, I would prefer to have a child in a public school where there’s a strong appreciation for values, the kind of values that I think are associated with the Christian communities, and so that this child can be brought up in an environment that teaches them to have strong faith.”

Paige seemed to be mainly contrasting, not so much Christian values vis-à-vis those of other religious traditions, but rather religious schools with secular schools, where popular culture and street culture may have a strong influence over young people. But, if so, this was a rather extraordinarily parochial and thoughtless set of remarks from the nation’s chief educational officer. They could only encourage those who seek to impose Christian standards on public educational institutions. He also had to apologize for careless remarks to governors at the White House, when he described the National Education Association as a “terrorist organization” because of its opposition to administration educational policies.

Many schools are wrestling with how to fairly accommodate Muslim concerns about holidays, testing schedules, dietary needs and other issues. Dress code policies should be adjusted to avoid infringing on girls' right to wear the hijab as personal religious self-affirmation. A few schools with large numbers of Muslim students and teachers have begun to close for the Eid al Fitr and Eid al Adha holidays. Ramadan now frequently appears on the school calendar and is discussed in the classroom. But when schools close for Christmas and sometimes for Good Friday, Yom Kippur and Rosh Hashanah, Muslim (and Hindu, Buddhist, and Sikh) families often feel an inequity. The sense of a hierarchy of ethnic privilege is compounded when school systems carelessly schedule student testing on Muslim holidays, a time for important family celebrations. In Florida, a county commissioner remarked that "Anyone who does not like 'American' holidays should take a hike." The Baltimore ADC chapter, together with Muslim organizations, has carried on a not-yet-successful campaign for several years to get more equitable treatment of Muslim holidays.

Practical accommodations, such as allotting a limited number of floating holidays for each student, may be a solution. But answers are not always obvious and the issues can stir public controversy. The Hillsborough, Florida, School Board gave all students a day off on the Jewish holiday of Yom Kippur. When Muslims asked for a day off for Eid al-Fitr at the end of Ramadan, the district refused but added Good Friday and the Monday after Easter as holidays. Later, all religious holidays except Christmas were cancelled. The district subsequently received thousands of complaints. Fearing backlash, the Muslim community asked that the Jewish and Christian holidays be restored. The issue became national news. Finally, the three previous religious holidays were restored, but the Eid was not added. One school added the Eid to its own schedule. For the 2007-2008 school year, however, the district will observe only secular holidays.

Muslim parents and community leaders complained when New York State scheduled statewide English exams for 3rd graders during the major Eid holidays. In response, the legislature passed a bill in 2006 prohibiting testing during religious holidays. The bill was applauded by Muslim, Jewish, Hindu, Sikh, and Jain organizations. In 2007, a bill was introduced to make both Eids holidays for the New York City schools. The city schools have an estimated 100,000 Muslim students, 12% of the school population. Christmas is the only religious holiday set by New York State, but all the city schools are closed on Good Friday, Easter, Christmas, Yom

Kippur, Rosh Hashanah, and Passover. In New Jersey, schools in Trenton, Patterson, Irvington, and Atlantic City recognize Islamic holidays and allow students to take days off for the Eids. In 2006, the New Jersey Board of Education passed a resolution recognizing seven Muslim holidays days on which students may have an excused absence with the right to make up any examinations.

In Prince George County, Maryland, there is a school holiday to mark Ramadan and allows excused absences for other Muslim holidays. In Montgomery County, schools close for Christian and Jewish, but not Muslim, holidays. Fairfax County in Virginia recognizes only secular holidays.

The progress made by Arab-Americans and Muslims among educators and efforts to include their concerns in multicultural programs has led to a backlash among some parents and activists, who perceive this as a threat to their own interests or values. Those who have been dislodged from positions of taken-for-granted entitlement may feel themselves the target of discrimination (or may attempt to use the rhetoric of anti-discrimination) when their worldviews are challenged or more equitable policies are implemented. The result has been a number of organized campaigns, especially from pro-Israel groups, groups hostile towards Islam, and fundamentalist Christians, aimed at reversing gains achieved by Arab-Americans and Muslims.

Campaigns have targeted prominent educators and institutions active in teaching about Arab culture and Islam. These have included Audrey Shabbas and her widely acclaimed *Arab World Studies Notebook*, the teacher training outreach programs of university-based Middle East studies centers, and the Council on Islamic Education, which has assisted publishers in removing inaccurate presentations of Islam from their textbooks. They are accused of "religious indoctrination," spreading "virulent Muslim myths," and seeking to turn American teachers into "agents" who will "propagate Islamic fundamentalism" in their classrooms. Well-publicized corporate and philanthropic contributions to educational programs are presented in alarmist terms as a "semi-covert agenda" to promote Islam that will make it "very difficult to win the war on terror." Such contributors are equated with "the Saudis" and "Saudi influence," which is then associated with Saudi government ambitions to "export the most rigid brand of Islam – Wahabi Islam....more dangerous than communism" that requires unbelievers to "Convert, be subjugated, or die." Efforts succeeded in getting the *Notebook* removed from the Tulsa and Anchorage school districts, and Rashid Khalidi of Columbia was barred

from a New York City teacher-training program. The criticism of Middle East studies programs' teacher-training programs is part of a larger effort to undermine their academic independence, bring them under tighter federal control, and orient their teaching and research to U.S. foreign policy goals.

A major controversy occurred in New York City as the public school system prepared to open a school with an Arabic language and culture emphasis named the Khalil Gibran International Academy (KGIA). Efforts to delegitimize KGIA began with the school's announcement. Simply because the school offered Arabic classes notorious Arab bashers began their campaign with slogans of "Jihad School" and a campaign called "Stop the Madrassa" (madrassa is the Arabic word for school). They made absurd claims that the school would foster extremism. During the controversy, ADC Communications Director Laila Al-Qatami said, "ADC is concerned that this seems to be yet another instance in which anything Arab is stigmatized and held to a different standard. ADC is deeply troubled by the persistent labeling of Arab Americans and Muslim Americans as "terrorists" or "terrorist sympathizers," a pattern which is reflected in some commentary surrounding the school. This is a form of incitement that is not only irresponsible, but dangerous and leads stereotyping of the community. We should not let these irrational voices derail the opening of the school."

The campaign continued and then focused on long time public school teacher Debbie Al Monstaser who was the principal of the school and a driving force behind its creation. The principal resigned under pressure, but, despite the controversy, the school opened successfully on schedule. The principal later initiated a lawsuit against the NYC Department of Education and renewed her bid to head the school. Nonetheless, the school has completed its first academic year and will continue to operate as planned.

The increased public awareness of the legitimacy of the Palestinian struggle for self-determination has prompted a series of organized national campaigns by pro-Israel activists to counteract, discredit, or silence Palestinian points of view that have been gaining a hearing. These campaigns also seek to eliminate some of the excellent curriculum resources on Palestinians that have come to be widely used in schools. University campuses have been the main battleground, but k-12 schools have also been affected. Sometimes a demand for "balance," "context," and "complexity" can become a tactic for silencing Palestinian voices. Accusations of "anti-Semitism" are sometimes used as a weapon to intimidate

critics. Educators fearing controversy may avoid the Palestinian issue and engage in self-censorship. It should be noted though that schools with a strong Jewish presence are sometimes among those that most actively seek out and welcome Palestinian speakers (and may themselves become targets of criticism).

Fundamentalist Christians with a very negative perception of Islam may feel upset when Christianity is not given a privileged place in the curriculum, or when Muslim holidays are recognized in the school calendar. Teachers may use their podium to denigrate Islam, using the Bible to support their point of view. Rumors fly about in such circles that schools which have "removed God from the classroom" are now "teaching Islam" and trying to persuade students to become Muslims. Conservative Christians in California initiated an unsuccessful lawsuit to eliminate classroom role-playing exercises about Islam, which they inaccurately perceived as a form of proselytizing.

In the incidents reported below, the reader should be mindful that much of it provides only the parents' point of view. It is data provided by people who may be angry, upset, frightened, or defensive. Significant information may have been omitted. Students may misunderstand teachers' remarks. Parents defending their children are not neutral observers, and they may not be familiar with schools' bureaucratic procedures. It is not possible to verify the accuracy or completeness of every report. School officials will sometimes deny the incidents or interpret them differently. While the reports are an accurate reflection of problems as Arab Americans and Muslims have experienced in the schools, they should not be taken simply as "objective facts."

Not every incident reported involves Arab Americans. Some involve Muslims of other ethnic communities, which would be rather artificial to exclude from this report. The forces of bigotry that Arab-American students and families must face do not make such distinctions. Part of the problem is the mindset that lumps disparate groups together and stigmatizes them as "other." Anti-Arab and anti-Muslim bigotry are part of the same complex of ignorance, resentment, hostility, cultural arrogance, and nationalist self-righteousness that is fed by stereotyping, misinformation, propaganda, inadequate education, and the sensationalized and incoherent presentation of the world in the mass media.

We would like to thank the Council on American/Islamic Relations (CAIR) for calling our attention to many of the Muslim cases. They do an excellent job of monitoring and

reporting on anti-Muslim discrimination.

1. PHYSICAL VIOLENCE AND THREATS

January 3, 2003, Cicero, IL

An Arab-American community member reported a series of anti-Arab/Muslim incidents that have been “ongoing since 9/11.” Both teachers and students made disparaging remarks about being Arab and Muslim, about affiliations with Bin Laden, and statements about the Palestinian people and Israel. This led to several physical confrontations and two students were suspended more than once. Teacher attitudes affected how other students treated Arab-American students, some of whom transferred schools and others contemplated leaving school altogether.

January 2003, Brooklyn, NY

Arab-American students said that a high school’s chief security administrator called them names, and ripped kaffiyehs (scarves) off their shoulders and flags from their hands or backpacks.

January 2003, Manhattan, NY

A boy wrote a sign saying “Death to Arabs.” It was thrown out, but another picked it up, and a third hailed a cab and showed it to the driver.

March 12, 2003, Dublin, VA

An Arab-American parent reported that her son in the 8th grade, the only Arab American in his school, had been the target of repeated racial epithets since 9/11 and had gotten into fights repeatedly. He started telling people that his name was “Roy.” The school refused to take it seriously: “Deal with it. Suck it up. This is the way the world is.” Slurs in a physical education class led to a fight. Another boy kicked him and he fought back, holding the boy down and punching the boy in the face repeatedly. The coach grabbed him and punched him, making his nose bleed profusely. The truant officer blamed the son and threatened to put him in handcuffs: “You’re the problem. You should shake it [ethnic harassment] off. What are we going to have to do to make you stop? This is looking like an assault charge.” The son was suspended for five days and was to be charged with a class-one misdemeanor; nothing was done to the other boy. The son had been in four fights in the past two years. The mother reports that African-American students also face dis-

crimination. “This school is where my son learned the N word.”

March, 2003, Staten Island, NY

An 18-year-old Hispanic girl wearing a headscarf was assaulted by her classmates, who broke her nose, blackened her eyes, and ridiculed her as “Osama’s daughter.”

May 2, 2003, San Francisco, CA

An Egyptian-American family reported a series of harassment incidents at a middle school. A boy pulled the daughter’s hijab and mocked her while she was playing basketball. When the school brought the families together, the boy’s parents apologized but he did not and continued to make “tasteless remarks.” The girl had been called a “terrorist” after 9/11. Another daughter was “jumped” on repeatedly by a boy in physical education.

September 17, 2003, Baychester, NY

A 14-year-old Muslim girl was attacked after school by a boy, who punched her in the face and used an anti-Muslim slur. He was arrested and charged.

September 19, 2003, Valparaiso, IN

After weeks of anti-Arab and anti-Muslim slurs, an 8th grade Muslim boy was called “Osama bin Laden” and punched in the face by a fellow student. He suffered a cut requiring stitches and injuries to his teeth. School officials acted quickly and the police took the assailant to juvenile detention.

December 2003, Dallas area, TX

An Arab-American family reported a series of incidents directed against their 11-year-old son, the only Arab-American or Muslim boy in his school. These began with “an onslaught of teasing” after he was out of school for a Ramadan celebration. This led to remarks whose manner, tone, and attitude were felt as hostile, “smartass,” and directed at his Arab and Muslim identity. Then his arm was broken when he was shoved by another boy. Just before the U.S. invasion of Iraq, three boys surrounded him, saying, “If we go to war, we need to beat up Samer [not his real name].” When the boy’s mother appealed to one of the other boys, he was “horrible and sassy,” saying “I can do anything I want and you can’t do anything about it.” In a classroom game, the son was called “little Laden” and “traitor” and laughed at by the class. In the context of the game of “Hangman,” the label of “traitor” carried the implication that he should be executed. The son began to have migraine headaches, throwing up and refusing to go to school. When the parents

appealed to the principal, the response was in the vein of: “Samer should forget his Arab heritage. He was born here [in the U.S.]. You should forget about the past. Don’t tell your son about Lebanon. He doesn’t need to know about Lebanon or Islam. Forget about Muslims. He should not tell people that he’s Muslim. You shouldn’t be married to a Lebanese. You’re the only parents I have trouble with.” The principal defended one of the other boys (who had repeatedly caused trouble for other students and had injured another student in an assault) as a “good kid.” When the parents asked that the teacher conducting the “Hangman” lesson be given a training session on the Arab heritage, the principal responded that he had “no time for this B.S.” After this meeting, the son reported that the teacher and the principal would “glare at him.” The parents filed a formal complaint with the U.S. Department of Education Office of Civil Rights, which agreed to open an investigation.

January 4, 2004, Monrovia, CA

An Arab-American high school senior was repeatedly harassed by a group of students using racial epithets. He responded by swearing at the leader of the bullies, who in turn punched him.

February 5, 2004, New Orleans, LA

A 17-year-old Muslim student was ridiculed by a teacher for wearing the hijab. The teacher pulled back the headscarf and said, “I hope God punishes you. No, I’m sorry, I hope Allah punishes you.” The West Jefferson Parish school system transferred the teacher to another school, conducted an investigation, and fired the teacher.

May 14, 2004, Undisclosed City, AZ

A mother reported that, since 9/11, her 16-year-old Palestinian-American son had problems at school. Most recently, another boy had hit him in the face during the physical education class, causing much bleeding, extreme swelling in the nose, a black and swollen eye, and a sense of humiliation. The assailant commented about him and a Mormon boy, “I don’t know what is worse, being Mormon or being Najeeb [not the real name].” The son went to the hospital for X-rays and missed time from school on two days. This was the third incident with the other boy, but the school maintained that they were “just accidents.” The mother filed formal assault charges with the police.

June 9, 2004, Staten Island, NY

A 12-year-old was punched, kicked, and subjected to anti-Muslim slurs by another boy.

October 20, 2004, Reno, NV

A 17-year-old Egyptian-American girl, together with the ACLU, filed a lawsuit against the Washoe County School District for failure to stop harassment. She reported that from August to December 2003 she was bullied, insulted, and spit on for wearing a hijab. After receiving death threats, she was so frightened that she stopped going to classes. She said that her complaint to the school police was ignored. The school district denied the charges of negligence.

March-June, 2005, Kingsport, TN

An Arab-American father reported that his 15-year-old son faced repeated harassment at school, including threats of beating and a death threat. Other students approached his girlfriend and told her, “Why are you going out with this terrorist. He’s not even a Christian. If you don’t stop seeing him, we are going to get a biker to kill him.” The soccer coach called him an “asshole” and told him, “I don’t know why you come to practice. You’re never going to play.” He was falsely accused of dealing drugs. The harassment apparently was related to a highly publicized civil rights case in which the father (an award-winning corrections officer who was recognized by the DOJ for his assistance in the war against terrorism) was harassed, physically attacked, and faced employment discrimination. The family finally moved to another community, and the U.S. Department of Education Office of Civil Rights accepted the son’s case for investigation.

May 20, 2005, Staten Island, NY

A 13-year-old Egyptian-American Muslim boy claimed that nine students at a Christian academy attacked him. He was pushed into an auxiliary room and eight students stood guard while an assailant “charged him, pulled his sweatshirt hood over his face, pushed him to the ground, and proceeded to hit him “at least four times” in the head with a metal folding chair.” Previously the students had called him a “terrorist” and a relative of Osama Bin Laden, desecrated a copy of the Quran, and physically accosted him. The police investigated the incident as a third-degree assault, rather than a hate crime.

May 22, 2005, Phoenix, AZ

A Jordanian-American high school girl reported being cursed and spit on after 9/11, leading her to tell others that she was Hispanic or Italian. More recently, she was called a terrorist and choked. A senior boy pushed her head through a window, shattering the glass and giving her a minor concussion. “I’m pretty hardheaded,” she said. The police were called but the boy received only a two-day suspension from classes.

This time, she responded by organizing an anti-discrimination club in her school and setting up programs on other cultures. When she tried to organize a Palestine Solidarity Day, the principal would not allow it: “No politics.” Military recruiters, however, were allowed access to students “every day.”

May, 2005, Hercules, CA

An Iranian-American boy was beaten in a school restroom. The assailants videotaped the incident and posted it on the Internet. He had also been attacked in April and targeted with racial slurs. The family pressed charges and sued the school district for not protecting him.

August 6, 2007, Mississauga, Ontario, Canada

Two teenage boys vandalized a Muslim high school, while 100 people were praying in the school mosque. They rode up on bicycles and threw a “foot-wide slab of concrete” through a window at 9:55 p.m. Damage was estimated at \$1000. A few weeks earlier, boys on bicycles threw a rock through the windshield of a car in the parking lot.

September 21, 2007, Sylvania, OH

Vandals attacked an Islamic high school between 3 and 6 a.m. They wrote “white power” and spray-painted red and green swastikas on school doors, trees, and a truck. They also shot out two windows, apparently with a BB gun.

November 2, 2007, Stafford, TX

Vandals broke windows and spray-painted slurs on a mosque walls, causing \$7000 damage. Three high school students were charged, one of whom received five years probation. In response, community leaders gathered to discuss the incident and school officials were receptive to a proposal for a new program on cultural understanding.

November 13, 2007, St. Petersburg, FL

Muslim parents complained that their 11-year-old daughter was harassed, humiliated, choked, and threatened with death by a sixth-grade boy. For over a week, he harassed her, punched her in her arms and shoulder, and once pressed her into a wall with his hands around her throat. He ripped off her hijab in science class, frightening her and causing her to cry. The next day he threatened to start rumors that she was a lesbian, and said he would get a BB gun and kill her. The girl said that the teacher witnessed the hijab incident, but told her that, before she would be allowed to move to a seat away from the boy, she would have to “work for it.” Earlier in the school year, eighth-graders had taunted her for wearing the hijab, called her a terrorist, and “asked if she

was hiding any bombs.” School district officials stated that the boy had received “appropriate discipline.”



2. BIAS AND HARASSMENT

March 21, 2003, Woodside, CA

An Arab-American mother reported that her 18-year-old daughter’s ceramics teacher had for several years politicized his classroom and role as teacher to make negative remarks about Islam and hostile political comments about Palestinians, quoting the Bible in order to prove his points. He claimed that the “most recent” religion, Islam was invalid and made comments in the vein that Palestinians are nobody; they were never there; the land doesn’t belong to them; they’re troublemakers. Perhaps not unrelated, a bumper sticker regarding the war with Iraq on the daughter’s car was defaced.

March, 2003, El Cajon, CA

On his first day at a new school, a teacher asked an Iraqi-American student if he was “one of them,” meaning a terrorist. This occurred during the U.S. invasion of Iraq, when the student’s immediate family members in Baghdad faced danger from U.S. bombing. His relationship with the teacher became intensely confrontational and he reported continued harassment. His mother enrolled him in a different school, while the school leaders agreed to view a cultural sensitivity video about the Arab-American community.

March, 2003, Redwood, CA

An Arab-American mother reported that a teacher in her daughter’s school made repeated anti-Islamic and anti-Palestinian comments, quoting the Bible to prove his points.

June 3, 2003, Minneapolis area

A 12-year-old Arab-American boy was harassed and called “son of Osama.” The school disciplined two boys, but the teasing continued. When the Arab-American boy fought back, he was suspended.

September, 2003, Cleveland OH

A high school senior was barred from entering her Catholic school because she was wearing a hijab at the start of the school year. She decided to transfer schools.

October 20, 2003, Palos Heights, IL

A mother reported that her son in high school had been the target of name-calling and ethnic slurs since 9/11. A teacher and a school official did not respond to the mother's calls. The son responded by getting into fights and was suspended from school. One teacher made a derogatory comment to the effect that the boy should go to school in Iraq.

October 20, 2003, Atlantic Highlands, NJ

A Muslim girl attending a special marine science high school was prohibited from wearing the hijab by the policies of her Naval Junior ROTC program. Although she was finally allowed to keep the hijab, she dropped out of the school "as a matter of principle."

October, 2003, Indiana, PA

An Arab-American father reported that his son was in several confrontations resulting from ethnic slurs from other students. The son was the one who was suspended. The boy also reported insensitive treatment by a teacher and a coach.

February 26, 2004, Cincinnati, OH

A teacher cancelled a field trip to the Islamic Center of Greater Cincinnati after complaints by parents. Three social studies classes would have received a tour and a discussion of the facility, its architecture, Islam, and Muslims.

March 31, 2004, Muskogee, OK

The DOJ announced that it was intervening in a lawsuit against the public school district to protect the right of a 6th grade girl to wear a headscarf to school. The girl was suspended twice for violating school dress codes and refusing to remove the hijab. The DOJ regarded the policy as a violation of constitutional liberties. The case was settled when the school district agreed that she could wear the scarf to school and they would allow religious exceptions to the dress code. The girl later testified about the incident in hearings before a U.S. Senate Judiciary subcommittee.

March, 2004, Fremont, CA

A substitute teacher told a Muslim girl with a headscarf that she "would not teach someone who outwardly supported terrorism." When the girl denied this, the teacher responded, "Well then what is that on your head." Her mother reported the comment to the regular teacher, but "we never heard anything."

June, 2004, Daytona Beach, FL

A mother reported that her 13-year-old son, who was en-

rolled in his Christian school's basketball camp, faced slurs from another student, such as "Arabs don't know how to play basketball." The other boy told his friends not to talk with the son. The coach did not properly handle the situation and asked the son numerous times, "Why do you want to kill Christians?" Other boys made false accusations against the son, who suffered "severe depression." The mother withdrew her son from the school, hired a lawyer, and persuaded the U.S. Department of Education Office of Civil Rights (OCR) to initiate an investigation.

August 8, 2004, Miami, FL

It was reported that a 15-year-old Muslim girl's world history teacher made anti-Islamic remarks, mocked the girl's name as similar to that of Saddam Hussein, claimed that all Muslims are suicidal terrorists who must kill at least one American, and told other students to stay away from Muslims. A written statement from four non-Muslim students supported the family's complaints.

January 16, 2005, Dearborn, MI

A middle school history teacher was suspended and then transferred for telling students that Bedouin Arabs used the Quran as toilet paper.

March 1, 2005, Lewes, DE

The Civil Rights Division of the DOJ settled a case in which a Muslim family alleged that their 4th grade daughter was subjected to persistent anti-Muslim harassment by her teacher and by other students for several years in an elementary school. According to the complaint, on the anniversary of 9/11, the teacher told students that "the Quran teaches war and hatred," equated Muslims with terrorists, and compared Muslims unfavorably to Christians. In December, she taught extensive lessons about Jesus and biblical prophecy. As a result of the teacher's attitudes, some of the girl's classmates told her that she did not belong in the class because she was not Christian and began ostracizing her. "No loser Muslims allowed." There were numerous other incidents, including several in which male students urinated on her sister. Other staff members at the school backed the teacher and took no adequate steps to remedy the situation. The daughter suffered such emotional distress that she became depressed, fearful, and missed numerous days from school. In the settlement, the school agreed to provide diversity training to all staff and students, train all teachers and administrator concerning the district's religious policies, develop a uniform lesson plan about 9/11, and monitor the conduct of the teacher at issue.

March 10, 2005, Tampa, FL

A substitute teacher in a Hillsborough County school was accused of threatening a Muslim student named Islam. She made offensive remarks, warning a student that Islam is “not good.” When Islam protested, the teacher threatened him: “You will not see the light of day. Your mother must have been sleeping all her life because she did not teach you any manners.” The school district barred the teacher from teaching, pending investigation of the incident.

May 6, 2005, Undisclosed Location

A father reported that his son was given a standard test by the school district in which one of the questions was: “What is the religion of the terrorist Usama ben Ladin?” The effect of this question was to associate terrorism with the religious tradition of Islam as a whole.

July 8, 2005, Staten Island, NY

A parent reported that the school staff repeatedly harassed her 14-year-old son Osama. A gym teacher told him, “Bin Laden, go back to your cave. I’m going to bomb you back in your cave.” A security guard said, “We don’t want terrorists in our school.” After the parents complained, the comments stopped, but the son failed gym and now “hates school.” They also reported that a teacher harassed a girl after 9/11: “All Muslim parents raise their children to be terrorists, especially Palestinians.” The school claimed that the daughter was lying about the incidents.

August 17, 2005, San Francisco, CA

A *San Francisco Weekly* journalist interviewed 27 Middle Eastern and Muslim families, who shared stories of discrimination at school that ranged from subtle to “open, raw, degrading,” and was “essentially ignored by the school districts.” A boy walked up to a 17-year-old girl at lunchtime and screamed, “Her father is bin Laden! She’s going to blow up the school...She has a bomb under her sweater! Everybody run, this jihad girl is going to kill us!” He and his friends laughed at her in front of other students. She was embarrassed and angry, but none of the many students and teachers who observed the incident said or did anything. The girl had experienced previous harassment since 9/11. Her teacher had seen the incident and told her not to “make a big deal out of it.” “He has the right to express his opinions.” The girl should be reasonable, since “your people” had “caused a lot of trouble” and she should “understand” other people’s frustration. When the girl’s mother visited the teacher, she was sent away until after Christmas, “or whatever you people celebrate.” On the 9/11 anniversary, a 9th grade boy found 10 notes in his locker, saying “Killer.” A 10th

grade Muslim girl was told that she could not try out for the drill team because she was “dangerous” and “too ugly with that rag on your head.” Other families feeling a sense of shame about such incidents declined to speak out publicly.

August 17, 2005, Fremont, CA

A recent high school graduate reported that he was called “a sand nigger and camel jockey” hundreds of times during high school. In his senior year he wrote to the principal about the problems and made suggestions for stopping such behavior, but received no response.

August 17, 2005, Daly City, CA

A 5th grade Iraqi-American boy gave a family history presentation in class. He was worried because some family members have the common name “Hussein.” The teacher asked if his family supported the U.S. in the war. When he said that he didn’t know all of them, she said, “So you don’t know if they are terrorists.”

January 12, 2006, West Palm Beach, FL

A parent reported that her son was dismissed from a private religious school because of behavioral problems. Afterwards, a school official went to the class and made a comment about things being better “now that we got rid of that Middle Eastern terrorist.”

May, 2006, New York City, NY

After he said that he was willing to die for his country, a Palestinian-American schoolboy was questioned by police about his “suicidal bombing tendencies.” Recently, he was told that he could not carry a backpack labeled “PLO” to school.

June 14, 2006, Stratford, CT

An Arab-American parent reported that a few of her daughter’s teachers have made anti-Arab comments in front of the class that deeply offended the girl. The school also invited Israeli Scouts to speak to students, adding to the feeling of bias. The parent feels that there are teachers with a political agenda. A teacher made anti-Arab remarks in discussing the war with Iraq and misidentified an Afghani as a Lebanese, seeming not to understand the difference.

December 15, 2006, Detroit, MI

A teacher told a Palestinian-American girl that she had to get out of her class and change sections. She also allowed other students to chant “Muslim loser” at the girl in class.

March 12, 2007, Colchester, CT

A 15-year-old non-Muslim high school student in a Middle Eastern Studies class volunteered to wear a traditional burqa, which covered her face and disguised her identity. She was subjected to 50 hateful and abusive remarks by other students. “Hey, we rape your women.” “I hope all of your people die.” “You’re probably going to kill us all” “Why do they let people like this in the country?” When she saw a friendly teacher, she broke down in tears. The incident stimulated a discussion of tolerance of other cultures and the Middle Eastern Studies class enrollment jumped from 12 to 48 for the next year.

May 4, 2007, Blaine, MN

Muslim middle school students reported a series of incidents of harassment. On September 11, 2006, an eighth-grade girl was called a “terrorist” by another student. A school counselor took no action in response to complaints. She and other students were taunted through the school year. The American-born girl was told that “The Quran is full of lies” and to go back to “her country.” A non-Muslim girl taunted two Muslim girls about their religion in the school cafeteria. She threw food at them and poured milk on one of them. After the ensuing confrontation and shouting match, a Muslim girl was reprimanded for name-calling, but the alleged instigator was not disciplined. After further complaints, the school district investigated and made plans to hire a diversity coordinator and include world religions in its geography curriculum. The school planned a “school climate task force” that would include both staff and students.

May 23, 2007, Raleigh, NC

The county school district investigated a guest speaker invited to address eight classes by a history teacher. Its report found that he “spent most of his presentation conveying his anti-Muslim and pro-Christian views and distributed flyers that denigrated Muslims and the Islam religion, while promoting Christianity.” The pamphlets called Muhammad a “criminal,” “demon possessed,” and “inspired by Satan.” Titles included “Jesus, not Muhammad” and “Do Not Marry a Muslim.” Students reported that the teacher also invited a “creationist” speaker and showed a “Left Behind” apocalyptic Christian film. He sent a book on The Case for Christ to a Jewish ex-student and reprimanded a girl for not “acting like a Christian woman.” The speaker’s anti-Islamic website “Missions for Jesus” is dedicated to alerting Christians to “the danger of Islam.” The district apologized to the Muslim community, reassigned the teacher, and gave him a 12-page reprimand.

May 31, 2007, Phoenix, AZ

As a prank, two non-Muslim middle school boys wrote in bomb threats in a student yearbook and signed one with the name of an Iraqi-American boy. As a result, the police interrogated the Muslim boy and the school was evacuated and locked down. His parents had repeatedly complained to the school about taunting by other classmates, which began in 2001 when he was in the second grade and was called “Osama Bin Laden.” A teacher thought he was claiming to be Bin Laden and called the FBI. FBI agents called his father. Later, when he wore traditional Saudi clothing for a class assignment, he was made fun of. Students told him to “go hijack a plane and run into a building.” They said, “You are a terrorist. Your mom is a terrorist. Your dad is a terrorist. You have to go back to your country.” When he retaliated, he was suspended. The police arrested the pranksters and charged them with “threatening and intimidating” behavior. The case may be investigated as a hate crime.

June 22, 2007, Seaside, CA

A 13-year old Sudanese-American girl was reduced to tears when a school lunchroom supervisor insisted that she remove the hijab that she was wearing. His shouts and demands humiliated the girl in front of 100 other students. He was enforcing a “no hats” policy, even though he was informed that the hijab was worn for religious reasons. He made a personal apology, and, four months later, the school district issued a public apology.

July, 2007, Panama City, FL

A school bus driver was arrested and fired from his job after he harassed a Muslim mother wearing a hijab and her children at a Taco Bell restaurant. He allegedly used obscene language, spit food at the 5-year-old, shoved the 11-year old, and called them “Muslim bastards.” The manager intervened and witnesses called the police. Two police officers initially refused to take the mother’s complaint or interview witnesses, so the mother went to the Sheriff’s office. The bus driver was charged with hate crimes, and the two officers received reprimands for violating departmental policy.

July, 2007, San Diego, CA

An elementary school’s Arabic program that was designed to accommodate and absorb 100 Somali-American students generated heated criticism by Christian and conservative representatives. The school scheduled a 15-minute recess that the students use as a prayer time. Critics charged that Muslim students were being privileged over others and that a substitute teacher indoctrinated and led students in prayer. A school district investigation found no evidence to sub-

stantiate the charges, but the school replaced the special recess with a lunch period that coincided with the time for prayer.

October 14, 2007, Tampa, FL

A 15-year-old Muslim girl was not allowed to play soccer while wearing her hijab. The referee told her to remove it or sit on the bench. Soccer officials then told her that the hijab was not a violation of league rules, but the referee refused to relent. The girl had worn a head covering during soccer games for years.

October 30, 2007, Plymouth, MN

A man was sent to jail for sending hate messages over the fax to an Islamic school, an Islamic center, and city officials. He had sent the faxes for a year and had ignored police warnings and a misdemeanor citation. He finally apologized to a city official, but not to the Muslim community. He claimed that the Quran was “nothing but a terrorist manual.”

3. POLITICAL BIAS AND BIAS IN CURRICULUM

January 14, 2003, Austin, TX

An Arab-American activist reported that a website which had a program designed for school use had major errors and omissions. These included the inaccurate claim that Arab states attacked Israel in the 1967 war and silence about the Israeli annexation of East Jerusalem as a violation of the Geneva Conventions. It also highlighted Israeli deaths due to suicide bombings, while not acknowledging that Palestinian civilian deaths were three times as great.

May 2, 2003, San Francisco, CA

A high school Middle Eastern club invited a speaker, a Berkeley professor, who was critical of Zionism. As he criticized Israel for not abiding by UN resolutions on Palestine, a student teacher called out “This is our land.” The school’s dean ordered the speaker to stop and criticized the speech as anti-Israeli “propaganda.”

Fall, 2003, Anchorage, AK

An Arab-American educator reported that a group of Jewish activists, including some teachers, protested the use of a widely acclaimed curriculum notebook on the Arab world at a workshop for k-12 educators. The workshop was held in

conjunction with a conference of the Middle East Studies Association. The activists attempted to prevent the distribution of the notebook and to prevent teachers from using it. Their action sparked a controversy within the school district and a school committee voted 6-4 against the use of the notebook in Anchorage schools. Some of the same activists pressured for the cancellation of the premier performance of a cantata celebrating the life of Rachel Corrie, a 23-year-old American peace activist who was run over and killed by an Israeli bulldozer that was demolishing a Palestinian home. After a deluge of hate mail and death threats against the musicians, the composer decided to cancel the performance. Critics also succeeded in getting the notebook banned from school districts in Tulsa, Oklahoma. A national Jewish organization called on educators to cease using the book, but there have been no further reports of banning.

December 5, 2003, San Francisco, CA

The U.S. District Court ruled against conservative Christian plaintiffs who had charged that a classroom role-playing exercise on Islam constituted proselytizing and crossed the boundary between teaching about religion and teaching religion. Students enacted simulations of Muslim practices (the Five Pillars of Islam), e.g. going without lunch to give students the feeling of fasting for Ramadan. The court made it clear that simulations do not constitute the practice of religion. Conservative Christian activists criticized the role-playing exercise, the school district, and the judge, claiming that the court was authorizing Islamic proselytizing in the schools and that “The Ten Commandments are out, Allah is in.” Some sought to mobilize their supporter to impeach the judge who made the ruling.

May 6, 2004, Northern VA

A Palestinian-American mother put up a Palestine table for the PTA’s International Night. A Jewish mother complained to the organizers and the principal, saying, “It’s Israel...The table should be called ‘Palestinian people and culture.’”

November 18, 2004, Philadelphia, PA

A Palestinian-American parent reported that her child’s school’s invitation to a Palestinian speaker created a controversy. The program was opposed by Jewish parents, who insisted that a Jewish speaker also be invited. School officials interrupted and stopped the Palestinian presentation about the Israeli occupation, removed “upsetting” photographs of Palestinian children being arrested and a man being crippled at a check-point accused the speaker of being anti-Jewish and propagandistic, and later publicly apologized for inviting her. A later program featured an Israeli Army reserve of-

ficer, who was reportedly anti-Palestinian, made fun of Yasser Arafat, and dismissed Arafat and the PLO as “terrorists.” School officials did not find this offensive. Later, the school planned a debate with speakers who would be approved by teachers and a parent group ahead of time.

November 23, 2004, West Lafayette, IN

A Palestinian-American mother reported that she was asked to remove part of an exhibit she set up at her child’s school. Complaints focused on a map that replaced Israel with “pre-1948 Palestine” and a statement about the Palestinian experience that compared it with the Jewish experience under the Nazis, which Jewish parents found offensive. She was also required to remove a Palestinian flag, several poems, and a sign saying, “Palestine remembered.” The principal told her that Jewish parents justified their complaints with the comment, “Palestine is not a country. It’s Israel now.” The exhibit was depoliticized and reduced to Palestinian dresses and embroidery, carvings, pottery and a rewritten statement, removing a few lines critical of Israel.

November 2004, Baltimore, MD

ADC received a report about a teacher who used the stereotyping Hollywood action film “The Mummy” as a resource for teaching about Middle Eastern culture.

February 22, 2005, New York, NY

Rashid Khalidi, director of the Middle East Institute at Columbia University was prohibited by the New York City Department of Education from participating in a training program for high school teachers. Khalidi and the Institute were accused by the New York Sun and some politicians and Jewish leaders of promoting pro-Palestinian views. Other Jewish leaders opposed the banning of Professor Khalidi.

February 24, 2005, MI

A university professor reported that a local Jewish organization was opposing his high school curriculum on the Israeli/Palestinian conflict and trying to prevent it from being used in workshops for teachers. An “adult outsider” signed up for one of his courses and then filed a complaint about him.

March 11, 2005, El Cajon, CA

An Arab-American parent reported that a Holocaust lecturer used his platform at a middle school to criticize Arabs and Muslims, telling the students, “In Israel, Palestinians blow themselves up in buses full of children like you.” He then blamed 9/11 on “Islam.”

April 6, 2005, Scottsdale, AZ

A 7th grade world history textbook was removed from classrooms after a pressure from conservative Christians complaining of “religious bias, dogma, myth and proselytizing” for Islam. The book gave more coverage of Islam than of Christianity (which had been covered in a previous volume in the series). The book had been criticized in 2003 by a Jewish organization in California for bias in its treatment of the modern Middle East.

April 10, 2007, Cooper City, FL

An unknown white powder was found widely spread at a Muslim school. The Sheriff’s Hazardous Materials experts found it to be non-toxic. It was believed to be the work of vandals (who presumably wished to create fear of anthrax).

April 19, 2007, Boston, MA

Eighteen photographs were stolen from a public library exhibit created by children from the Balata refugee camp in the West Bank. The photos depicted their trip to Jerusalem and areas from which their grandparents were expelled by Israel. The motives for the theft were believed to be political.

December 15, 2005, Sacramento, CA

School officials allegedly summoned the FBI to interrogate a 16-year-old student who had doodled “PLO” on a binder. A teacher had said that anyone who supported the PLO was a terrorist. He was questioned without the school first notifying his parents and the experience left him shaken and hesitant about expressing his political views.

February 4, 2007, San Jose, CA

A Jewish peace activist and religious scholar, who supports equal rights for Palestinians, reported that his scheduled talk on U.S. Middle East policy at a high school had been cancelled. He was informed that this was in response to complaints by certain parents and that the Jewish Community Relations Council “played a role.” The Council had previously blocked his invitation to speak at a local synagogue.

February 17, 2006, Bronx, NY

A private school canceled an assembly on the Middle East, after parents complained that there were no Israeli speakers. The panel was intended to present several Palestinian perspectives, while a later panel would present Israeli viewpoints. A later daylong assembly presented a variety of perspectives, but that event also met with protests from a group of rabbis, because one of the panels featured only a Palestinian speaker and an Israeli scholar who had criticized

Israel.

March 3, 2006, Oakland, CA

A Palestinian-American teacher and others partnered with the Friends Quaker School in Ramallah, Palestine on a magazine project through which students in both schools could jointly write and illustrate stories about their own lives. The teachers wrote an article about the project for a U.S. educational publication. However, the publication’s editors added a stereotyped image of an Arab boy, added two paragraphs to the article without consulting with the authors, and added a link to a Jewish Israeli school, as if the discussion of a Palestinian program required something Israeli to offset it. The editors apologized.

April 12, 2006, Washington, DC

A teacher at a private school reported that she had been pressured by parents who are leaders of the parents’ association, after she gave an elementary geography map study on the Arab world. The map included Palestine. The parents insisted that Palestine is not a country and does not exist. At a subsequent meeting, the principal supported the parents, saying there is no country Palestine, because it is “part of Israel.”

February 16, 2007, Fresno, CA

Iranian-American parents charged that their son’s sixth-grade teacher’s remarks about Iran and Muslim extremists were inappropriate and prompted harassment by other students. The teacher allegedly told his class on ancient cultures and the Israelite religion that Iranians and “extreme Muslims” were enemies of the U.S. and that they wanted to “destroy Israel...take over the Untied States, kill teachers and hire their own teachers for schools.” At recess, the boy was hurt when other students told him that he was “born to kill.” The parents also said that the teacher had made previous anti-Iranian and anti-Muslim comments.

May 18, 2007, Dearborn, MI

An Arab-American scholar reported that he had complained to a member of the State Board of Education about shortcomings in the new proposal for K-12 Social Studies standards. He pointed out mistakes such as conflating Arabs and Islam, using the term “Dar-il-Islam” but not the equivalent term “Christendom,” identifying 20th century Arabs as revolutionaries, and identifying Arabs as “West Asian” but not as “North African.”

August 10, 2007, New York City, NY

The principal of the Khalil Gibran International Academy re-

signed, after prolonged controversy and public criticism. The Yemeni-American female principal, Debbie Almontaser, who has an excellent 20-year record of educational, interfaith, and community work, was the founder of the multicultural public school stressing instruction in Arabic language and culture, (one of 40 schools in the city with similar language and culture programs). Several newspapers, organizations, and right-wing blogs began a campaign against the Academy, calling it an “Islamist madrassa” and fanning fears that the program would “teach Islam” and foster political extremism. Parents at the schools assigned to host the Academy had also opposed the use of school space and facilities. The Academy drew support from other educators, the United Federation of Teachers, the press, community organizations, elected officials, and the interfaith community.

On August 6, *The New York Post* published a story entitled “City Principal Is ‘Revolting’” alleging “ties” between Almontaser and a group that produced t-shirts with “Intifada NYC” written on them. The “ties” are that ‘Arab Women Active in Art and Media’ shares office space with the Saba Association of American Yemenis and Almontaser is a board member of the Saba Association. Notorious Islamophobe Daniel Pipes called the shirt an “apparent call for a Palestinian-style uprising in the five boroughs,” others agree. Almontasar was quoted by the *Post* as saying, “The word [intifada] basically means ‘shaking off.’ That is the root word if you look it up in Arabic. I understand it is developing a negative connotation due to the uprising in the Palestinian-Israeli areas. I don’t believe the intention is to have any of that kind of [violence] in New York City. I think it’s pretty much an opportunity for girls to express that they are part of New York City society . . . and shaking off oppression.”

Following serious criticism from Randi Weingarten, president of the United Federation of Teachers, Almontasar resigned as principal on August 10. In October, she charged that city officials had demanded her resignation and had threatened to close down the Academy if she did not comply. She also announced an impending lawsuit against the Department of Education. However, the school opened as scheduled and is operating successfully.

October 26, 2007, Fairfax County, VA

The U.S. Commission on International Religious Freedom accused the Saudi Islamic Academy in Fairfax County of promoting religious intolerance and suggested that the school be shut, claiming that it could not obtain its textbooks and curricular materials in order to review them. However, the Fairfax School Supervisor called the school and was imme-

diately allowed to meet staff and see the materials. He found nothing problematic in the English-language curriculum.

November 9, 2007, Old Saybrook, CT

School officials cancelled elementary and middle school performances by the Al-Ghad Folklore Dancing Troupe, after complaints from the Jewish community. The dance group was composed of Christian teenagers from Bethlehem raising money for the Episcopal Church in Jerusalem. Some dances were with traditional dress and music. A modern interpretive dance included the Palestinian flag and depicted Israeli checkpoints, curfews, and detention. The group had performed at several local churches and was defended by a minister, who said “I saw nothing there that was anti-Jewish...It was a cultural program.”

SECTION IV

DISCRIMINATION AND POLITICAL HARASSMENT CAMPAIGNS IN HIGHER EDUCATION

University and college campuses have also been the scene of physical assaults, threats, and incidents of individual bias and discrimination against Arab Americans, Arab students, and Muslims. Scores of such incidents have been reported in the press or to Arab-American and Muslim organizations. These problems are similar to the ethnic and religious prejudice discussed elsewhere in this report.

In addition there has been a series of campus “controversies” focused on the Palestinian-Israeli conflict. More the expression of ideological bias than of individual ethnic or religious prejudice per se, these have involved an ongoing series of organized and politically motivated campaigns at major universities, as well as local and individual initiatives. They are designed to counteract or silence voices presenting Arab and Muslim perspectives and perspectives critical of Israel or U.S. Middle East policy. Their goal is to discredit prominent scholars, undermine the integrity of Middle East studies programs, harness them to U.S. foreign policy goals, and “reshape the academic study of the Middle East.”

These campaigns vilify professors and student organizations in order to curtail or neutralize criticism of Israel. Pro-Israel organizations, activists, websites, and publications have used the context of the “war on terrorism” and the war with Iraq to target prominent academics and attempt to destroy their careers by pressuring their universities. They have enlisted students to spy on their professors and disrupt their classes. Hecklers disrupt lectures by visiting speakers. Repeated at-

tempts have been made to stigmatize as “anti-Semitic” any forceful political criticism of Israel or Zionism. Few accusations are more damaging to one’s reputation in American society, and this has become a commonly used tactic in order to counteract pro-Palestinian activities.

Campus divestment campaigns for financial disengagement from Israel, modeled on those against South African apartheid, are treated as anti-Semitic — even though they are more accurately understood as drawing upon the tradition and tactics of non-violent civil rights protest. The Palestine Solidarity Movement, a network of pro-Palestinian advocacy organizations has organized annual conferences at universities calling for economic divestment by universities and other institutions. To counter their influence and discredit them, alarmed Jewish and pro-Israel organizations have mounted major campaigns on campuses and in the media. Former Harvard president Lawrence H. Summers famously called the divestment campaign in Cambridge “anti-Semitic in effect, if not intent.”

David Horowitz, FrontPageMagazine, and Campus Watch, which are discussed elsewhere in this Report, have been major figures in some of these campaigns and controversies. Horowitz was the organizer of “Islamofascism awareness week” at scores of U.S. campuses in 2007; many universities repudiated any association with this program. Others include the David Project (which was founded specifically to counteract criticism of Israel at universities and high

schools), individual pundits and activists, local Jewish federations, and some national Jewish organizations.

Some of those targeted are Arab-American or Muslim; others are not. Prominent academics and public intellectuals such as Rashid Khalidi and Juan Cole have been criticized for their academic and political views and activities. Attempts have been made to injure the reputation of the late Edward Said, whose critique of “Orientalist” distortions of the Arab world in western culture has had a profound influence on an extraordinarily wide range of academic disciplines over the past thirty years. When John Mearsheimer of Harvard and Stephen Walt of the University of Chicago published a major high-profile critique of the Israel lobby, they received a storm of criticism and widespread accusations of “anti-Semitism.” Former President Jimmy Carter’s book arguing that Israel’s policies in the occupied territories constituted “a system of apartheid” was similarly met with widespread hostility.

Even Jewish organizations and professors, who have been some of the most forceful and effective critics of Israel, have not been exempt from these accusations. Norman Finkelstein of DePaul University strongly criticized the scholarship of pro-Israel academics and the misuse of the Holocaust to legitimize Israeli policies and silence critics. As a result, he became the target of a successful campaign to deny him tenure. Attempts were made to block the hiring of other academics. In 2006 the Zionist Organization of America pressed to have the Union of Progressive Zionists (UPZ) expelled from the Israel on Campus Coalition, a network of 31 Jewish organizations promoting pro-Israel activities. The UPZ offense was to sponsor a speaking tour of disgruntled Israeli soldiers who criticized Israeli Army abuses against Palestinians.

University administrations that have been subjected to political pressures from outside of — or from within the university community — often deny that such pressures have influenced policy decisions. Many have defended the rights of faculty members who have come under attack.

There is also an institutional and policy dimension to the problem. The Middle East Association and the Middle East Studies centers at U.S. universities also came under attacks that would undermine the integrity of Middle East Studies as an academic discipline. In 2003 a bill was passed in the House of Representatives that would have set up a national “advisory board,” which would include two representatives of agencies with national security responsibilities, to supervise foreign language, area studies, and international affairs

programs. The board would monitor Middle East Studies programs to ensure that they are furthering U.S. foreign policy interests (as they are defined by the board). The supporters of the bill were the same network of organizations and ideologues that have attacked Middle East Studies as anti-American, anti-Israel, and uncritical of Muslim extremism. The bill was a step in the direction of making Middle East Studies a branch of the national security establishment, which sees the Middle East primarily through the lens of current military, intelligence, strategic, and security issues — rather than as a source of independent thought about Middle Eastern history, culture, religion, economics, and politics. Arguably, it has been policymakers’ ignoring of academic expertise on the Middle East and Islam that has contributed to the disastrous series of U.S. foreign policy mistakes and failures in the region.

Some critics sought to undermine the funding of Middle East Studies programs, telling philanthropists that these programs are “deeply flawed and radicalized.” They have been “politically poisoned” by the ideas of Edward Said, which have “spread like a virus.” The “politicized” field has become “glorified advocacy journalism” with an anti-Israel bias. Complacent about the threat of radical Islam, scholars failed to predict or prevent 9/11. They are irrelevant to “current foreign policy challenges.” Instead donors should fund think tanks, National Security Studies and Israel Studies, language programs, and selected individual scholars dealing with strategic issues and diplomatic and military history.

The accusation that pro-Palestinian speech and activity has created an atmosphere on campuses that is hostile towards Jewish students is particularly ironic in that numerous pro-Israel organizations and students have extremely active programs on many campuses. Hasbara Fellowships, for example, partners with Israel’s Ministry of Foreign Affairs to bring hundreds of students to Israel every year to be trained as political activists to “defend Israel’s image.” In 2006 it proudly announced that it had trained “nearly 1000 students from over 200 campuses” and supplied them with “campaigns, programs, speakers, and other materials.”

Still, campus controversies have degenerated at times into bigoted antagonism on both sides. There have been several instances of hostile confrontations between pro-Israel and pro-Palestinian student groups, as well as acts of vandalism against both Arab and Jewish targets. Jewish organizations have published and documented their own listings of reprehensible anti-Jewish speech and behavior. Some of their complaints are entirely legitimate. Others are fraudulent, as

when attempts are made to discredit political criticism of Israel by labeling it as anti-Semitic.

These campus conflicts are not simple matters of anti-Arab or anti-Muslim discrimination. They are more complex and more damaging than the behavior of a drunken student shouting epithets. They have been confusing to many observers in that they combine ordinary academic discourse and political debate together with harassment campaigns, bigotry and character assassination that pose as opposition to prejudice, and attacks on academic freedom that claim to be a defense of academic freedom. Calls for “balance” and “diversity” are sometimes used as code words in efforts to “muzzle critics of U.S. and Israeli policies and promote viewpoints more congenial to those of the Bush administration and the Sharon government.” Hostile rhetoric and behavior has come from both sides. Some campuses have become arenas in which the Palestinian-Israeli conflict is being carried out on an ideological level.

Much of campus life has been affected: Not only student political activity, but also academic careers, the content and teaching of Middle East courses, free speech policies, art exhibits, student newspapers, policies on outside speakers, and the tone of life on campus.

These prolonged campaigns have created an atmosphere of intimidation and antagonism that threatens academic freedom and has been called “a new form of McCarthyism.” Research by Harvard sociologist Neil Gross indicates that one third of social scientists feel that their academic freedom is threatened, compared to only twenty percent in 1955 during the McCarthy era. The result is a chilling situation of intimidation in which academics, especially those without tenure, engage in self-censorship and hesitate before speaking out on political issues. Academics who teach about the Middle East are not free to speak or teach in accord with their own best professional judgment.

Professor Beshara Doumani agrees, “Academic freedom in the United States is facing its most important threat since the McCarthy era of the 1950s. In the aftermath of 11 September 2001, government agencies and private organizations have been subjecting universities to an increasingly sophisticated infrastructure of surveillance, intervention, and control. In the name of the war against terrorism, civil liberties have been seriously eroded, open debate limited, and dissent stifled.”

Professor Rashid Khalidi sees these problems in an even

broader context part of an attempt by neoconservatives “affiliated with the party in power” to suppress any kind of expertise out of alignment with their ideological agenda, including their aggressive “megalomaniac agenda” in the Middle East. “The people in our government are also targets of the neocons....People within the intelligence community, within the uniformed military and within the State Department, are in fact even more important targets of a larger campaign....any form of advice from the real world, any form of grainy, detailed reporting of reality contradicts the faith-based attitude that these people are dedicated to. They are operating in a world of illusion....what is being attempted here is to install a political censorship over the academy such that certain unfiltered views about reality cannot be expressed without a cost being paid.”

In the chronology below, major harassment campaigns at individual universities are briefly summarized as one entry and assigned a rather arbitrary date, even though they involved multiple incidents over an extended period of time. No attempt is made to untangle all of the various accusations and rebuttals in these campaigns. The chronology is far from exhaustive. Descriptions of incidents are drawn variously from the press or personal communications.

CASE STUDIES

February 12, 2003, Houston, TX

A professor from the University of Houston gave a talk on “Terrorism and Oil” at a local country club. He was reported to have used anti-Arab and anti-Islamic cartoons. When asked about the causes of attacks on the U.S. and its interests, he replied, “I think it is the Arab culture and Islamic religion.”

March 27, 2003, Ithaca, NY

An Arab-American medical student reported that he was nicknamed “Osama Bin Laden” by employees at the medical college. The harassment went on for a month and negatively affected his performance in the program.

March 2003, San Jose, CA

Threats to “shoot and kill” Muslims were found in restrooms on the campus of San Jose State University.

April 12, 2003, San Diego, CA

An Arab-American student at Alliant National University reported that a Palestinian-American student’s artwork was the target of charges of anti-Semitism. The exhibit included a photograph of an Israeli soldier pointing his gun at a Pales-

tinian woman and children. Three other students complained to school authorities, resulting in a meeting that included lawyers from the university and ADL. All agreed that the exhibit was not anti-Semitic. The university declined to remove the artwork, but someone stole the photograph. A student, who experienced “something similar” regarding another Arab event, commented, “This seems to be a pattern at AIU - whenever an Arab perspective is expressed, there is a diligent team of students working in collaboration with one particular professor, to silence the expression.”

April 2003, No location

Sen. Rick Santorum (D-PA) announced plans to introduce legislation to cut federal funds to universities that lack “ideological diversity” and permit open criticism of Israel on campus. Santorum seemed to equate such criticism with anti-Semitism.

June 6, 2003, San Diego, CA

A satirical publication of unknown origin was circulated on the campus of the University of California at San Diego. It described itself as “An Entertainment for the Islamic Man” and featured named men and women engaged in sexual acts while facing Mecca. It also ridiculed Jews, Jesus, and Palestinians and included “a fake 8-step guide to mail a bomb.” Administration and student leaders condemned the publication, and the student government passed a resolution calling for increased education and dialogue. A female Muslim student commented, “Words can’t even begin to describe the pain, the violation, the humiliation, of being degraded publicly in such a malicious way.” The Muslim Student Association president stated that Muslim students have been cursed at and told to leave the country. Someone threw a large stack of newspapers at his head while he was praying.

September 11, 2003, Washington, DC

Rep. Peter Hoekstra (R-MI) introduced H.R. 3077, the International Studies in Higher Education Act, into the House of Representatives. It called for the establishment of an advisory board with broad investigative powers to “study, monitor, apprise, and evaluate” federally funded university programs in area studies, foreign languages, and international affairs. The Board would include two representatives of agencies with national security responsibilities and require consultation with the heads of these agencies in making appointment to the board. One version specifically required consultation with the Secretary of Homeland Security in making appointments to the board. The leading proponents of the bill were the network of activists who have been adamant critics of Middle East Studies programs, mak-

ing false accusations and portraying them as being dominated by “anti-American and anti-Israel leftists” insufficiently critical of radical Islam and terrorism. They have been especially concerned about counteracting the influence of Edward Said, whose critique of “Orientalist” scholarship has been highly influential in many academic fields. Such programs are the primary targets of the bill. Membership on the board would also be open to these activists, as “private citizens with expertise in international relations.” The bill was designed to bring these programs under closer monitoring and control by federal agencies in order to ensure that they would reflect and further the administration’s foreign policy, rather than remain centers of independent thought. Critics of the bill charged that it would undermine and inhibit free academic inquiry, creating a new kind of federally imposed “ideological correctness.” Presumably, Middle East Studies would be brought under the influence of National Security studies, a distinct academic discipline. Funding might be cut off to departments whose views differ from that of a particular administration. Subsequently, the Senate version added language to exclude advisory board interference with the “instructional content, curriculum, or program of instruction” of programs. However, the bill also assumes that only narrow set of views are taught and requires that programs reflect “the full range of views” on international issues (regardless of their academic merit). This would “reshape the boundaries of academic inquiry” and presumably would require university departments to hire academic supporters of administration and Israeli policies. It was unclear whether the bill would permit the “monitoring” of faculty through bugging classrooms and offices or hacking into computers. The bill also called for studies of “foreign language heritage communities” in the U.S. that are “critical to the national security,” a provision that many have seen as putting Arab-American and Muslim communities under closer surveillance. The House passed the bill by a voice vote, but no further action has been taken.

January 11, 2004, Cambridge, MA

The secretary of Harvard Students for Israel acknowledged that he posted anti-Semitic comments on the web log of a campus anti-war group. He had accused the group of being too tolerant of previous remarks that he considered anti-Semitic. Under a false identity he referred to Israel as the “AshkeNAZI state,” referred to suicide bombers as “Palestinian freedom fighters,” and called Saddam Hussain a great leader with “the guts to hit the Zionist imperial colonists with the scud missiles.” The anti-war group removed his remarks “within minutes” of their appearance. The undercover action was apparently an effort to discredit criticism of Israel by

associating it with anti-Semitism.

February 28, 2004, Antelope Valley, CA

A Muslim student was ordered by a computer science instructor to remove her hijab or leave the class. A dean quickly told the instructor that he had to respect her right to wear a religious headcovering. The instructor resigned while the college board was discussing whether he should be fired.

March 16, 2004, Toronto, Canada

On the anniversary of the death of peace activist Rachel Corrie, a pro-Palestinian student organization at York University staged theatrical skit depicting an Israeli checkpoint on the campus with students dressed as Israeli soldiers and Palestinian women. They reported that 30 students were surrounded by 200 pro-Israel students, seeking a confrontation, “screaming racial slurs,” pushing and beating female participants, and telling them “You deserve to be raped” and “You can only have terrorist children.” The intimidation went on for an hour. It became a chanting and yelling match. The university suspended both organizations for a week and pro-Palestinian student activists were disciplined. One was suspended for three years and banned from the campus without a hearing, a decision later reversed. This activist, who was Jewish and a strong supporter of Palestinian rights, reported that he has been called a “self-hater and a terrorist” and he has received death threats. In a previous confrontation in October 2003, another Jewish student screamed at him, “You are a fucking shame to the race and you shouldn’t call yourself a Jew.”

May 22, 2004, Irvine, CA

A mural display built by the Society of Arab Students at the University of California-Irvine was the target of an arson attack. The symbolic cardboard replica of the “apartheid wall” built by Israel on Palestinian territory in the West Bank was torched. University officials condemned the attack, and police classified it as a hate crime.

May 29, 2004, Providence, RI

Brown University officials declined to fly the Palestinian flag at its graduation ceremony, despite a policy to display the flags of all countries from which it has students. When a graduating Palestinian student questioned the decision, she was told that Palestine is not a sovereign nation. However, after ADC contacted the university president and faculty members, alumni, and students complained, the decision was changed and the flag was flown.

May 2004, Richmond, VA

The president of the Hillel chapter at the University of Richmond was removed after she voiced criticism of Israel. She had complained about receiving “e-mail after e-mail about radical Zionist propaganda...Hillel’s mission statement is based on fostering religious life...not organizing marches, protests, or listening to speakers who encourage us to hate our Palestinian neighbors in Israel.” She had previously called a professor “racist” who had told her privately that Palestinians were “inherently evil.” She was called in to meet with the staff advisor for Hillel at the Jewish Community Center. She refused to resign and was “relieved of her duties.” Over 170 Jewish faculty members signed an open letter to Hillel, praising the woman as a “superlative president” and expressing their “outrage” that she had been removed because of her criticism of Israel.

June 18, 2004, Irvine, CA

The Anti-Defamation League (ADL) issued a statement criticizing Muslim students at the University of California at Irvine who planned to wear a green graduation stole bearing the Muslim declaration of faith or Shahada (“There is no God but God; Muhammad is the Messenger of God”). The ADL charged that the declaration was “closely identified with Palestinian terrorists” and the graduation was one in a series of “anti-Israel and anti-Semitic incidents” on campus. ADL later issued a “clarification” and apology, saying that they meant no disrespect for the Shahada, but reiterated the claim that members of the Muslim Student Union “rationalize terrorism” and support terrorist groups.

July 2004, Cambridge, MA

The Harvard Divinity School announced that it would return a \$2.5 million gift from the president of the United Arab Emirates. The gift was meant to endow a Chair of Islamic Studies that would strengthen interfaith dialogue and promote understanding of Islam. The UAE president was also a major contributor to the Zayed Center in the UAE, which, according to the Anti-Defamation League, hosted both Western heads of states and “virulently anti-Semitic” speakers and critics of Israel. While there was apparently no evidence that the president was directly involved in such programming and the Center reiterated its opposition to anti-Semitism, Holocaust denial, and all forms of racism, the UAE subsequently closed the center, citing activities that “starkly contradicted the principles of interfaith tolerance.”

August 8, 2004, Toronto, Canada

The Muslim Association at Ryerson University received a letter threatening its president: “Your president is next.” Fliers

were posted on four campus bulletin boards, saying “This incident is the first of many...no Muslim student is safe. Another was signed “Full Blooded Israeli Brigades.” In June a multi-faith prayer room was defaced with anti-Muslim graffiti.

August, 2004, Dearborn, MI

A Henry Ford Community College student and employee reported to ADC that, while waiting in line in the campus bookstore, she overheard discriminatory remarks by a campus security officer. The officer had been speaking to an Arab-American student. He then picked up a stapler and remarked to his fellow officer, “This is all you need to take care of people like that...You can’t mess with those A-rabs. They might throw out kung-fu at you.” After ADC complaints, the officer, a temporary employee, was counseled about the inappropriateness of his remarks and removed from the campus.

September 20, 2004, Berkeley, CA

Three young men in a car sprayed eight female Muslim students with water, threw water bottles, mocked their head-coverings, returned to spray them a second time, and yelled racial epithets, including “East Oakland nigger.” The women were terrified by the 10:30 pm assault in a campus parking lot. They reported that racist remarks were “common on campus”.

October 13, 2004, Durham, NC

Several thousand people at Duke University received an email message, purporting to be from the student organizers of a Palestine Solidarity Movement (PSM) conference. The fake email included statements supporting terrorism and a Hamas slogan. University officials condemned it as “a deliberate act of disinformation and provocation” by those who were opposed to PSM’s right to free speech. The email originated in California and was similar to a bogus email before a PSM conference two years earlier at the University of Michigan. In August, two days after the university agreed to allow the conference, the main Jewish organization on campus began to plan countermeasures. These included a series of pro-Israel activities, including a rally and concert “against terrorism worldwide.” The intention was clearly to accuse PSM of support for terrorism. Speakers at the rally depicted the Arab-Israeli conflict as “barbarism against civilization” and evoked the Holocaust. The PSM conference criticized Israel and called for economic divestment programs, such as that of the Presbyterian Church.

October 20, 2004, Palo Alto, CA

Hecklers repeatedly interrupted a presentation by Hedy Epstein, an 80-year-old Holocaust survivor and critic of Israel policy towards Palestinians. She described how Israeli soldiers shot at her with live ammunition, during a nonviolent demonstration by international activists in support of Palestinians. Airport guards told her that, as an activist, she was considered a terrorist threat and stripped and cavity-searched her. Hecklers shouted at her, threatened “legal action,” and accused her of being an anti-Semite. Epstein fled Nazi Germany when she was eight and her parents died in the Holocaust.

October 24, 2004, Imperial, CA

A business professor at Imperial Valley College told several classes that “the only way to end Islamic terrorism is to eliminate the Islamic religion.” He later apologized.

December 17, 2004, Urbana-Champaign, IL

In an open letter to the Chancellor, a Jewish faculty member at the University of Illinois at Urbana-Champaign described a series of political conflicts on campus in which false accusations of anti-Semitism were used to attack critics of Israel. Anti-Arab and anti-Muslim sentiments were also extensive. Jewish students electronically frisked members of the audience at a lecture by Daniel Pipes, creating an “atmosphere of hysteria,” even though there was no danger of violence. Another speaker urged a pre-emptive nuclear attack on Iran and described immigrants as having “gutter cultures.” Canadian custom officials had previously confiscated his newsletters as “hate propaganda.” Another speaker on “the new anti-Semitism” wrote that “A group calling itself ‘New Jersey Solidarity: Activists for the Destruction of Israel’ called for an ‘anti-Israel hate fest’ on the Rutgers University campus. The correct name was “New Jersey Solidarity” and the event urged solidarity for Palestinian rights and divestment from corporations doing business with Israel. A columnist for the campus newspaper wrote “all Arafat deserved was a bullet in his temple and a shallow grave.” He was later removed from his position. Another columnist wrote that Arafat’s limbs should have been “collected from the bloodstained pavement.” When an American soldier was videotaped shooting a wounded and unarmed Iraqi combatant and the American public was horrified, the campus columnist defended him for “acting courageously in a vicious war.”

December 21, 2004, Memphis, TN

An Arab-American student at Rhodes College reported that a Christian organization distributed anti-Arab and Anti-Muslim literature on campus, at a community college, and at high

schools. The organization's materials were virulently anti-Islamic and described Islam as "a religion of violence, calling for the death of all who will not convert" that has always been spread "by bloody conquest."

February 3, 2005, Pittsburgh, PA

Palestinian-American Ali Abunimah was picketed by about 40 Jewish students when he spoke at Carnegie Mellon University. He reported that he was subjected to "abuse and harassment" and called a "cockroach." Students attempted to disrupt his lecture with loud clapping and whistling. When he described Palestinian suffering, they laughed and applauded. When he offered them a turn at the podium, they staged a group walk-out. News reports of the incident cited "false and defamatory" accusations that he was anti-Semitic and an advocate of terrorism. The statement about advocacy of terrorism was later retracted in a conversation with Abunimah's lawyer, acknowledged to be untrue, and removed from the *Pittsburgh News* website.

February 4, 2005, Lynchburg, VA

An ex-Muslim who is strongly critical of Islam was appointed dean at Liberty Baptist Theological Seminary at Liberty University, an evangelical Christian institution founded by the Rev. Jerry Falwell. The dean has claimed that Allah is not the same God as the God of the Bible and that the revelation of the Quran to Muhammad was inspired by demons.

March 14, 2005, Pittsburgh, PA

Despite "organized harassment" from Jewish students and community organizations, Norman Finkelstein spoke at Carnegie Mellon University as part of a Controversial Speakers series. Originally scheduled to speak in February, pressure on the university forced a postponement. The campus Hillel Center and the Pittsburgh United Jewish Federation advised the Jewish community to "quietly fill the lecture hall...Through filling the hall with Jewish students and community we will minimize participation of those who can be influenced by his propaganda." Members of the Jewish community arrived early and "turned out in force." During the lecture about Israeli human rights violations against Palestinians, audience members "stood and turned their backs on the speaker, spoke loudly to one another, and booed and cat-called at various intervals." Without consulting Finkelstein or obtaining his permission, the university added a speaker to the program, who spent 10 minutes attempting to discredit Finkelstein. News reports repeated accusations of "anti-Semitism" and of saying "hateful things about Jewish people." Subsequently, the university scheduled three meetings to consider possible changes in its policy on controversial

speakers, and university funds were provided to bring three to five speakers who had served in the Israeli army in order to provide "balance" to critics of Israel.

May 4, 2005, Medford, MA

An Arab-American student at Tufts University alleged that he was attacked and beaten unconscious by three men outside a fraternity house. They called him a terrorist and a "Saddam supporter."

May 20, 2005, Stockton, CA

A San Joaquin Delta College student found a copy of the Quran in a library toilet. This followed news stories, that were later retracted, about a similar act by interrogators at Guantanamo Bay.

Spring 2005, New York, NY

A faculty panel investigated student complaints of intimidation and abusive treatment by professors at the Columbia University's Middle East Institute. It concluded that the controversy that had upset the campus for months had been overblown and only two cases of a professor's heated responses to students were confirmed. In 2004 the David Project produced a film interviewing Columbia students who alleged intimidation by professors. Other students publicly defended the professors and denied that some of the alleged incidents ever took place. (These included Jewish students who described "the harassment leveled at Jews on campus who criticize Israel.") The faculty report stated that "a small but vociferous" group of students disrupted lectures by "incessant questions and comments." Classes had been infiltrated and disrupted by hecklers and secretly monitored and videotaped; professors received hate mail and death threats. Professors reported "massive sabotage of their e-mail correspondence." Professors were also accused of anti-Israel bias in their courses. One professor was accused of anti-Semitism by a member of Congress and an outside Jewish organization. The authority to appoint and promote faculty was removed from the Middle East Institute. The New York Civil Liberties Union concluded that the accusations were aimed at the content of lectures and writings. "The attempt by some outside the academy to transform these accusations into a demand for the termination of a scholar or other sanctions reduces to a direct attack upon principles of academic freedom."

Spring 2005, Chicago, IL

When a student asked a world religions instructor at Roosevelt University about the claim that "Zionism is racism," he responded that this was "anti-Israel speech" and "there is

nothing in Zionism itself that is racist.” On the exam he included a question about Zionism and the Israeli-Palestinian conflict. He was later criticized by the department chair for discussing political issues. The instructor said that he was told that “Nothing should be mentioned in class, textbooks, or examinations that could possibly open up Judaism to criticism, especially any mention of Zionism.” Nothing was allowed about Palestinians or Muslim beliefs about Jerusalem. Discussion of Palestinians or Zionism was “disrespectful of any Jews in the class.” Also he was reportedly told, “I hear you even allowed a Muslim to speak in class...You shouldn’t! What disturbs me is that you act like the Palestinians have a side in this. They don’t have a side. They are animals! They strap bombs to their bodies and blow up women and children. They are not civilized!” Later, he was fired, purportedly for faulty interpretation of a problem in a course in Logic. After his faculty union filed a grievance, he was reinstated, but he declined the appointment.

June 17, 2005, Teaneck, NJ

The state attorney general charged that Fairleigh Dickinson University “violated the civil rights of a (non-Arab) Muslim nursing student by ordering her to remove a religious head covering during nursing rounds at St. Mary’s hospital.” University and hospital officials disagreed whether there was a policy regarding religious apparel. Rather than compromise her religious practices, the student withdrew from the program.

February 28, 2006, East Lansing, MI

An engineering professor at Michigan State University sent a hostile, Islamophobic email, to the Muslim Student Association, using his MSU account and identifying himself as an MSU faculty member. Upset about violence by Muslim extremists abroad and Muslim students handing out leaflets on campus, he said: “I counsel [sic] you dissatisfied, aggressive, brutal, and uncivilized slave-trading Moslems to be very aware of this as you proceed with your infantile ‘protests.’ If you do not like the values of the West—see the 1st Amendment [sic]—you are free to leave. I hope for God’s sake that most of you choose that option. Please return to your ancestral homelands and build them up yourselves instead of troubling Americans.” A university official called the remarks “boorish, small-minded, and intemperate,” but did not rise to the level requiring disciplinary action.

March 5, 2006, Ithaca, NY

When a Muslim speaker at Cornell University condemned extremists, criticized the portrayal of Islam in the press, and called for more dialogue among civilizations, an editorialist

for the conservative Cornell American campus newspaper responded with mockery and sarcasm. The writer expressed a hope that we “finally get to start killing these people, instead of holding their hands and skipping along towards democracy”. National security and national interests should be the American priority, rather than “giving people named Abdul the right to vote...if they prefer to live in squalid hell-holes, so be it.”

March 23, 2006, London, England

John Mearsheimer of Harvard and Stephen Walt of the University of Chicago published a major high-profile critique of the Israeli lobby in the *London Review of Books*, unleashing a hailstorm of criticism. Their account of the lobby’s “disproportionate power and influence” over U.S. policymaking in the Middle East, to the detriment of U.S. national interests, evoked widespread accusations of anti-Semitism. The Anti-Defamation League concluded that their subsequent book was “a classic anti-Semitic conspiratorial analysis.”

March 29, 2006, Washington, DC

Faced with a possible lawsuit, the author of a defamatory email that went out over the George Washington University Hillel Center listserv apologized. The email claimed that a law student who organized a rally advocating economic divestment from Israel was “considered a terrorist” by Israel and had been “convicted of crimes in both Israel and the United States.” It also claimed that he “openly admitted to associating with suicide bombers” and expressed a “desire to become a suicide bomber.” The law student denied the allegation and demanded an apology. “I will not be silenced,” he said. He also reported harassment from the Jewish Defense League (JDL), whose members passed out leaflets making additional allegations. The FBI has identified the JDL as a terrorist organization, responsible a number of bombing and other violent acts.

April 4, 2006, Waco, TX

A South Asian student at Baylor University was attacked on campus. The assailant grabbed her hijab, threw her to the ground, slapped and kicked her several times in the ribs, shouting “Arabian (expletive)” and “(expletive Muslims).” She suffered bruises and a dislocated shoulder. She had experience previously harassment on campus because of her dress.

May 22, 2006, Waltham, MA

A group of graduating students at Brandeis University protested when Pulitzer Prize winning playwright Tony Kushner received an honorary degree at their commencement.

They waved Israeli flags and shouted. Their protests were prompted by Kushner’s criticism of Israel and his screenplay for the film *Munich*.

June 2, 2006, New Haven, CT

Juan Cole, a professor of Middle East history at the University of Michigan, was denied a position by Yale University. The history and sociology departments had approved him, but the Senior Appointments Committee rejected him. Cole is a prominent and outspoken figure, who has spoken out against Israeli policy and the war in Iraq. One of his critics said that a concern was “what it would be like to have a very divisive colleague.”

August 28, 2006, Las Cruces, NM

Three Muslim athletes and the ACLU filed a lawsuit charging that New Mexico State University football coach dropped them from the football team because of their Muslim beliefs. They said that the coach created a Christian “religious brotherhood” within the team, in which prayers said the Lord’s Prayer after each practice and before each game, making the Muslim students feel like “outcasts.” When the coach learned that they were Muslims, he kept them out of the 2005 spring training camp and questioned one about his opinion of Al-Qaeda. The coach and the university denied the allegations, citing other reasons for dismissing the players; a university-sponsored investigation found no wrongdoing. Both parties accepted an out-of-court settlement.

September 4, 2006, Palo Alto, CA

When right-wing political activist David Horowitz used a photograph of Stanford University Professor Joel Beinin on the cover of a booklet titled “Campus Support for Terrorism,” Beinin filed a lawsuit. There was nothing in the text that justified using Beinin’s photo, and the photo was removed from later printing of the booklet.

September, 2006, New York, NY

A copy of the Quran was thrown into a men’s room toilet on the downtown campus of Pace University. The police treated the incident as vandalism, rather than a hate crime. In October a second Quran was found there, graffiti with racial slurs and a swastika were found on several campuses. Students, especially Muslim women wearing a head scarf felt vulnerable and expressed fear that the next incident could be physical violence. The university community was alarmed and the administration responded with an anti-hate campaign, including non-mandatory sensitivity training for students and senior administrators, training for security officers on handling bias incidents, public forums, and wallet cards

with emergency call-in information. “It was a clarion call.” Said the university president.

November 4, 2006, Detroit, MI

StandWithUs.com, a pro-Israeli advocacy organization attempted to mobilize public pressure on the Wayne State University Law School in order to prevent the hiring of attorney Wadie Said, the son of Edward Said. They claimed that he was disqualified by being a co-defendant of a Muslim leader and by sharing his father’s critical views of Israel, including support for the Palestinian right of return. He also argued that armed resistance that is in accord with international law is not terrorism.

November 14, 2006, Los Angeles, CA

An Iranian-American student at UCLA was shocked by an electric TASER gun at least three times by university police. He had refused to provide identification in a routine after-11:00 pm check and went limp, believing that he was being subjected to racial profiling. He was tasered repeatedly in order to force him to stand up and cooperate with the four officers on the scene. The incident became national and international news when cell phone and digital camera footage of the student screaming in pain was posted on YouTube. The officer using the TASER had been accused of several other incidents of misconduct and use of excessive force against students. The university suspended him for 90 days. Incidents included the shooting of a homeless man in a university building, who was later convicted of assaulting an officer. An independent investigation concluded that racial bias was unlikely to have played a role, but the use of the TASER was “unnecessary, avoidable, and excessive” and “substantially out of proportion with the provocation.” An internal police investigation found no policy violations.

November 15, 2006, New Haven, CT

Anti-Muslim cartoons were posted across the campus of Yale University. They depicted the prophet Muhammad with a sword in one hand and a decapitated head in the other.” A speech bubble said, “Don’t mess with Ahmadinehad’s nukes.” Anonymous-posted cartoons were in violation of university regulations and the Muslim Student Association quickly took them down.

January 20, 2007, Greensboro, NC

Up to 15 members of the Guilford College football team were reported involved in an attack on three Palestinian students, using fists, feet, and brass knuckles while yelling racial slurs. One of the Palestinians said he was diagnosed with a concussion and nerve damage in his hand and had trouble

walking for several days. He said, “They just began insulting us, calling us ‘dirty,’ ‘terrorists,’ and ‘sand niggers.’ We tried not to fight them; we did not insult them back, but they beat hell out of us.”

February, 2007, Austin, TX

When a Wake Forest University professor stated that the Muslims worship the same God as Christians and Jews at a conference of the Baptist General Convention of Texas, it “caused a furor.” Several Baptist groups criticized his statement, asking that the convention formally denounce or distance themselves from this “false teaching.”

April 20, 2007, Ithaca, NY

A conservative satirical magazine set off a campus controversy when it published an article mocking the Muslim Educational and Cultural Association’s “Islam Awareness Week.” The article associated campus Muslims with violence and anti-American sentiments by listing additional “events” for the week, including: a book-signing with Moqtada al-Sadr, a film presentation of “The Bin Laden Tapes,” a militant riot and flag-burning, a Sunni-Shia hockey showdown with losers to be beheaded “according to the will of Allah,” IED construction “dos and don’ts” with the Chemistry Department, a kidnapping video with the Film Department, “Jimmy Carter’s self-detonation for Palestinian rights,” an “oil for food” day in the dining hall, Taliban fighter recruitment, a burqa beauty contest, the winner to be stoned to death and “the runner up gets a goat,” a jihad to change the campus Code of Conduct to Sharia law, and the public execution of the magazine editor. “Camel parking” would be provided.

April 25, 2007, Minneapolis, MN

When the Minneapolis Community and Technical College disclosed that it was considering the installation of footbaths to accommodate Muslim students to use before prayer, it was bombarded with hostile letters and emails. The college makes comparable accommodations for Christian and Jewish students, providing prayer space and rescheduling assignments.

May 8, 2007, Toronto, Canada

York University reached an out of court settlement with a student activist who was suspended for three years for using an unauthorized megaphone at two 2004 rallies in solidarity with Palestinians. The university had imposed narrow restrictions on student political activity. The student won the support of the university senate and the faculty union. The university repealed the suspension after three months, but the student sued the university and the president for abuse

of power. The Ontario Court of Appeals ruled that the president could be sued for “misfeasance in public office” and awarded the student \$12,000.

June 8, 2007, Chicago, IL

DePaul University officially denied tenure to political science professor Norman Finkelstein, even though he was a “nationally known scholar and public intellectual.”

He has been both acclaimed and criticized for his criticism of Israel and for his critiques of pro-Israel scholarship and of the use of the Holocaust to justify Israeli policies. Finkelstein had strongly criticized the scholarship of Harvard professor Alan Dershowitz, who later led a campaign against Finkelstein and lobbied DePaul to deny him tenure. Finkelstein, whose parents were concentration camp survivors, was accused of anti-Semitism” by one Holocaust scholar, but his work drew the support of others, such as Raul Hilberg, one of the most prominent Holocaust scholars. Departmental and college-wide faculty panels had approved his tenure. The university acknowledged his achievements but found some of his critiques of others might be seen as “deliberately hurtful...provocative...inflammatory...unprofessional personal attacks.” Many experts regard the treatment of Finkelstein as a violation of academic freedom; the Illinois conference of the American Association of University Professors defended his right to free and passionate scholarly work.

June 8, 2007, Chicago, IL

On the same day that it denied tenure to Norman Finkelstein, DePaul University also denied it to instructor Mehrene Larudee, one of Finkelstein’s strongest faculty supporters, even though she had the backing of her department, a college wide faculty panel, and a dean. She was “19 days away” from becoming director of the International Studies program. She believes that her support for Finkelstein may have “derailed her career.”

July 14, 2007, Northern VA

Pro-Israel advocates attempted to prevent the U.S. Campaign to End the Israeli Occupation from holding its annual conference at George Mason University in Northern Virginia, asking supporters to contact the university and oppose the conference. The inaccuracies and defamatory statement accused the Campaign of sponsoring a “Jew-hate fest,” of being a front organization for another organization promoting international solidarity with Palestinians. They claimed implied that the Campaign may have links to Hamas, Iran, or al Qaeda. The Campaign supports economic divestment from Israel and has filed lawsuits against former Israeli officers for

war crimes and crimes against humanity.

August 2007, Ann Arbor, MI

After a letter and email protest campaign from Jewish organizations, the University of Michigan Press cancelled its distribution of the book *Overcoming Zionism: Creating a Single Democratic State in Israel/Palestine*. Even though Joel Kovel, the author of the book, is Jewish, the Jewish organizations accused the book and its publisher, Pluto Press, of being “anti-Jewish” and blamed the University for legitimizing “classical and current anti-Semitic propaganda.” A Press official called the book “hate speech.” The decision to cancel the book set off a storm of protest among academics, scholars, and civil libertarianism. The Press reversed its decision, but indicated that it would reevaluate its contract to distribute books by Pluto Press. In October, however, the University Press voted unanimously to continue its relationship with Pluto Press. It indicated the need for clearer guidelines to regulate book distribution agreements.

October 3, 2007, Tarrant County, TX

A Jewish peace activist reported that her 2006 talk before a Jewish youth group had been cancelled. She was scheduled to follow a speaker from the American Israel Public Affairs Committee (AIPAC). She was told by a “shaken program leader” that AIPAC had threatened to have the youth program’s funding cancelled “if I was allowed in the door.”

October 10, 2007, St. Paul, MN

The University of St. Thomas re-invited South African Archbishop Desmond Tutu to speak at a conference. Earlier, an invitation by the school’s Justice and Peace program for the Nobel Prize winning anti-Apartheid leader had been withdrawn, after school administrators had consulted local Jewish leaders and were told that Tutu was anti-Israel and had compared Israel to Hitler. Tutu is an outspoken critic of Israeli policy, but the Hitler accusation was false. The Justice and Peace chair informed Tutu of the decision, and she was immediately removed from her position. After a storm of protest, including support for Tutu from the Jewish community, the University reversed its decision about Tutu.

October 2007, Mount Pleasant, MI

Anti-Islamic pamphlets were put under the office doors of seven Central Michigan University professors who are Muslims or teach classes involving Islam. The pamphlets implied that “all Muslims are terrorists.” A few weeks, later four nooses were left in a classroom, an act of intimidation against African-Americans. The university responded by sponsoring a diversity forum to denounce the incidents.

October 24, 2007, Columbia, MO

Muslim students reported incidents of discrimination in previous weeks at the University of Missouri at Columbia. One woman reported that a driver almost hit her and yelled a racial slur. In response, students held a “Scarves for Solidarity Day” to show support for women who wear the hijab. Student groups met to plan an event to raise awareness of hate crimes.

October 22-26, 2007, Nationwide

David Horowitz and FrontPage Magazine organized an anti-Muslim “Islamofascism Awareness Week” on numerous campuses, identifying Islam with political violence and denial of human rights. See details elsewhere in the media section of this Report.

November 14, 2007, Philadelphia, PA

A U.S. district court judge ruled in favor of an Iranian-American professor at La Salle University, who had charged university officials with discrimination in declining to reappoint him Chair of the Management Department in the School of Business and with retaliation in rejecting his application for the position of Dean. The professor complained that he was accused of starting a “one-man jihad” over policy issues and was told, “All Iranians have a problem with authority...Look what you did with the Shah.” Evidence in the case indicated that the non-discriminatory reasons offered for not reappointing him as Chair were found to be a pretext.

November 18, 2007, Toronto, Canada

David Noble, a York University professor, was awarded a \$2570 settlement in a ruling that the university had violated his academic freedom and had “vilified his work without first contacting him” or the faculty association representing him in the case. Noble had brought a lawsuit against the university and several Jewish organizations and individuals for defamation. He had been accused of being “anti-Semitic,” after he distributed a flier listing officials on the university fundraising foundation who were “pro-Israel lobbyists, activists and persons involved in pro-Zionist Jewish fund-raising agencies” and suggested that this had influenced university policy towards pro-Palestinian activists on campus. Noble is himself Jewish and had relatives who died in the Holocaust. He charged that the defendants had attempted to “suppress my inquiries, publicly destroy my reputation, and isolate me from my peers...attempting to stigmatize a Jewish man as an anti-Semite.”

November 26, 2007, Washington, DC

An instructor at George Washington University, who was vis-

iting from Hebrew University in Jerusalem, resigned, after students accused her of political bias and her class for the next semester was put on hold. Students complained that the class on the Arab-Israeli conflict presented only an Israeli perspective. When they asked for an Arab viewpoint, she would ignore or avoid the questions. The only books assigned were a major history of Israel by an eminent Jewish scholar and *Myths and Facts: A Guide to the Arab-Israeli Conflict* (American-Israeli Cooperative Enterprise, 3 edition, 2006), which was published by the American Israel Public Affairs Committee and the American-Israeli Cooperative Enterprise. The editor of *Myths and Facts* expressed surprise at its use in a college class. "It's not a textbook," he said. It's counter-propaganda...to provide all the facts that support the pro-Israel side."

November 28, 2007, Bronx, NY

A woman charged that, in her interview for admission to the Albert Einstein College of Medicine, she was asked inappropriate questions about her Muslim faith. The "intermittent" questions and comments were insensitive, uninformed, and hostile to Islam. The interviewer asked if she had "become radicalized" by her time spent in Cairo. He called Muslims "a bunch of hypocrites" and asked if her brothers were practicing Muslims or "regular guys."

November 29, 2007, Toronto, Canada

Norman Finkelstein was picketed by the Jewish Defense League when he spoke at the University of Toronto. He strongly criticized Israeli and American Middle East policies. Inside the auditorium, hecklers disrupted his lecture with insults, calling him an "anti-Semite," "self-hating Jew," and "Holocaust denier." (Finkelstein is the son of Holocaust survivors.) The audience opposed the hecklers and they were ejected. The FBI has officially designated the JDL as a terrorist organization

November 30, 2007, Irvine, CA

The U.S. Department of Education Office for Civil Rights (OCR) issued a report clearing the University of California at Irvine of charges of tolerating anti-Semitic activities on campus. For several years there have been tensions between Jewish and Muslim students over the Palestinian-Israeli issue, with both sides reporting harassment incidents. A Holocaust memorial display was destroyed, as was a "mock depiction of the Palestine wall." The university had been accused of being "the most notoriously anti-Semitic campus" in the U.S. However, the OCR investigation found there was "insufficient evidence" and none of the 13 allegations of anti-Semitism could be substantiated. One alleged incident

of anti-Semitism involving a swastika was found to be directed against Asians rather than Jews. Other "speeches, articles, marches, symbols, and other events," although "offensive to Jewish students," were not based on religion or national origin, but were political criticisms of Israeli policies. Most speakers "distinguished opposition to Zionism from opposition to Jews."

November 2007, New York City, NY

Barnard College granted tenure to Palestinian-American anthropology professor Nadia Abu El-Haj, despite a campaign against her led by Barnard alumnae, anti-Arab websites Campus Watch and Front Page, and criticism by a number of anthropologists and archaeologists. El-Haj's book, *Facts on the Ground: Archaeological Practice and Territorial Self-Fashioning in Israeli Society* (University Of Chicago Press, 2002), had challenged accepted views by examining the role of archaeology in Israeli state-building and its interrelationship with Israeli nationalism. Critics aroused opposition to her by claiming that she could not speak Hebrew or read Hebrew sources and that her book denied the existence of the ancient biblical Israelite kingdoms. These claims were untrue.

No date, Ithaca, NY

An internal assessment of diversity issues at the Cornell University Cooperative Extension (CCE) included the report of an Arab American, who commented that most of the CCE workforce was uneducated about the Middle East, resulting in an "unwelcoming atmosphere" and "constant Arab bashing" from some other staff members. He or she was afraid to educate people about Arab culture for fear of post-9/11 backlash attacks. Another staff member reported a taken-for-granted assumption that most employees are Christians, especially in regard to holiday decorations.

SECTION V

DEFAMATION AND BIAS IN THE MEDIA

There seems little doubt that defamation in the media and popular culture is the most pressing problem facing the Arab-American community. Since the 9/11 attacks, defamation is the only element of the backlash that has unquestionably worsened at every stage. The other issues dealt with in this Report, including civil rights concerns such as employment discrimination, civil liberties violations (such as unwarranted or unlawful detentions or racial profiling by law enforcement), or hate crimes by bigoted individuals have all involved more complex patterns since 2001. In some cases they have improved, in other cases worsened, intensified, or eased.

Stereotyping and more commonly outright defamation, however, have continued to intensify and deteriorate during the same period. Particularly vicious forms of anti-Muslim and anti-Arab bigotry have made significant and increasing inroads into the mainstream of American discourse. No sector of these communities is untouched by the negative effects of this pattern of defamation, whether they are assimilated or first-generation immigrants, well-to-do and working class, Arab-American Muslims or Christians. The ethnic Arab who was the target of the pattern of stereotyping in the entertainment industry dominant in the pre-9/11 era was always assumed also to be a Muslim, while the Muslims targeted by post-9/11 religious denigration are presumed to Arabs (or, possibly Iranians, Pakistanis or Afghans).

What is most striking about the way in which defamation has

developed in the post 9/11 era is a two-fold shift in the medium and manifest content of the vilification. Before the 9/11 attacks, defamation was primarily aimed at the Arabs as an ethnic group and at Arab culture and supposed political attitudes. This content has now shifted to a religiously-dominated set of slurs that target Muslims as a religious community and Islam as a faith. Moreover, defamation is no longer centered in the entertainment industry. Indeed, as outlined below, using the standards that ADC and other groups applied when dealing with the entertainment industry before the 9/11 attacks, it can be fairly said that, for very complex reasons, Hollywood has not produced a major anti-Arab film thus far in the post-9/11 period. This does not mean, sadly, that defamation has eased or that the cultural conditions facing Arab Americans have improved. In fact, they have plainly deteriorated. This is in large part due to the fact that not only have the manifest, surface-level, content of the calumnies shifted from the ethnic to the religious and intensified in their brazenness and viciousness, but that the medium for their dissemination has shifted from the world of fictional entertainment to the field of non-fiction political commentary in books, magazines, newspapers, television news and talk radio.

In short, those who would defame and smear Arabs, Muslims and Islam need no longer make an expensive film in which these negative ideas are encoded in the representations and hope that the audience takes them to heart. Now, sufficient political and cultural space has opened up, includ-

ing in much of the mainstream news media, for the simple, straight-forward expression of the most hateful, bigoted and fear-promoting slanders imaginable, up to and including the overt promotion of systematic discrimination and, on talk radio at least, sentiments that are virtually genocidal.

The highly negative cultural atmosphere about Islam, Muslims and Arabs which is growing in American political discourse and culture could potentially threaten every aspect of life for these communities. In the event of another tragedy or terrorist attack in the United States, or other dangerous increases in tension between our country and elements in the Middle East or the Islamic world, this cultural atmosphere could easily lead to an explosion of hate crimes, discrimination and civil liberties violations outstripping what was experienced after 9/11 and which was outlined in the previous *ADC Report on Hate Crimes and Discrimination against Arab Americans: The Post September 11 Backlash, Sept. 11, 2001-Oct. 11, 2002* (ADC, 2003). The deepest concern regarding patterns of defamation is that promoters of fear and hatred are deliberately or unwittingly preparing American society to see American Muslims and Arab Americans as a fifth column that is disloyal, violent and anti-American. Obviously such perceptions set the stage for potentially serious civil rights and civil liberties abuses in the event of additional terrorist attacks in our country by Arab or Muslim extremists, or in the event of deepening tensions and conflicts in the Middle East involving the United States.

1. A LONG HISTORY OF NEGATIVE STEREOTYPING IN THE AMERICAN ENTERTAINMENT INDUSTRY

The traditional patterns of anti-Arab stereotyping in the American entertainment industry that dominated cultural perceptions of Arabs and the Middle East for most of the 20th Century have been thoroughly analyzed by a number of influential scholars such as Edward Said, Jack Shaheen, Melani McAlister and others. They have their roots in traditional antipathies between the Christian west and the Islamic east dating back to the period immediately following the emergence of Islam. The specific ideas about the “oriental character” that dominate western representations of the Arab and Islamic worlds were solidified in the enlightenment era and the period of colonialism running mainly from the late 18th until the mid 20th centuries. The classic

study of Western attitudes towards and representations of the Islamic world is, of course, *Orientalism* by Edward Said (Vintage Books, 1979). This study focused on 19th and 20th century western representations of the Middle East and its peoples, and demonstrated the connection between the knowledge and representation Europeans asserted over the Arab world on the one hand and their imperial projects in the region on the other.

The essential elements of Western representations of the Arab and Islamic worlds are sensuous, over-sexualized, indulgent, luxurious, feminized, barbarous, cruel, despotic, fanatical, fatalistic, irrational, violent and dangerous. Plainly, many of these essential tropes can be seen in contemporary American forms of Islamophobia, and there is no question that the United States inherited this tradition, along with all other essential elements of Western culture, from its European cultural origins. As most famously exemplified by the Rudolph Valentino vehicle *The Sheik* (1921), the licentious, luxurious, cruel and savage – but also sexually exciting – Arabs of the “orientalist” tradition were common themes of early American films. They served as villains, as alluring but ultimately unacceptable sexual partners (“the sheik” of the film’s name turns out to actually be an English lord, rehabilitating the female lead’s apparent desire for him from deeply troubling to perfectly understandable), as comic relief, and as inhabitants of exotic locals for fantasy tales of the “Arabian Nights” tradition, or for spy films and thrillers. The exemplary work of Jack Shaheen, especially his invaluable compendium of American films featuring negative stereotypes of Arabs and Muslims, *Reel Bad Arabs: How Hollywood Vilifies a People* (Interlink, 2001), demonstrates conclusively the scope and prevalence of these negative stereotypes in American films.

These have been aptly summed up as the “three b’s: billionaires, bombers and belly dancers.” The “belly dancers” aspect of this pattern stands in not only for the stereotypical representation of Arab women, but also for the whole “orientalist” tradition of the luxurious, decadent and hyper-sexualized east. It is a synecdoche representing the cultural baggage about the Middle East American society inherited from its European cultural origins.

Billionaires come into play in the 1970s, following the 1973 oil embargo. This experience led directly to the emergence of a new stereotype that would become almost ubiquitous in American entertainments, especially comedies, throughout the 1970s – the “oil sheik.” Dirty, ignorant, rapacious, lustful, profligate, cruel and irrational, the oil sheik was, as many have noted, a slightly-warmed over version of the old-

est of anti-Semitic calumnies – the Jewish money lender – transposed onto another group of Semites. This almost always involved a depiction of caricatured Semitic features instantly recognizable from European anti-Semitic traditions. The oil sheik became such a ubiquitous device of comedy, villainy and corruption in 1970s American popular culture that, at the end of the decade, when the FBI wanted to test the willingness of some members of Congress to accept bribes in the notorious ABSCAM sting operation, they dressed Italian-American agents up as “oil sheiks” - one purporting to be from Lebanon, a country without any oil reserves whatsoever. When the then-head of the FBI William Webster was confronted with the question of why the Bureau would have posed Italian-American agents as Arabs, he replied that there was a need to approach the Congressmen in question in the guise of someone who might be expected or easily believed to be capable of offering a bribe to a politician (although at that time there were no known cases in which Arabs had bribed members of Congress). This scandal was the proximate cause for the creation of the American-Arab Anti-Discrimination Committee (ADC) in 1980.

In the early 1980s, the oil sheik was supplanted with a new, more ominous dominant stereotype of the Arab in the American entertainment industry – the Arab-Muslim terrorist. The experiences of the United States with the Iranian Revolution and its strongly anti-American tone, above all the seizing of the U.S. Embassy in Tehran and the holding of its staff as hostages for many months, combined with the bombing of the marine barracks and U.S. Embassy in Beirut and the spate of hostage-taking incidents in Lebanon, helped give the Arab-Muslim terrorist a central place in the imagination of American audiences. A long series of films made by an Israeli company, Cannon Films (also known as Golan-Globus Productions), promoted this image in a series of highly successful low-budget movies that depicted heroic Americans (often with Israeli allies) battling crazed fundamentalist killers. Films such as *Wanted Dead or Alive* (1987), *Iron Eagle* (1986), *Delta Force* (1986) and many others did their best to promote the ugliest stereotypes of the cruel but cowardly Arab terrorist as the essential and fundamental enemy of the West and Israel specifically, and decency and humanity in general. In the main, these films were characterized also by a distinctly low-budget, low-brow quality that partially helped to offset their defamatory content. The 1990s saw a mainstreaming of these images into higher budget, higher profile films, a process that culminated in the blockbuster *True Lies* (1994), a blockbuster vehicle for Arnold Schwarzenegger. Further details on anti-Arab stereotyping in the American entertainment industry during the 1990s can

be found in previous ADC reports on hate crimes and discrimination against Arab Americans.

These two relatively recent and distinctly American anti-Arab stereotypes were not only tied to specific political events, they also constituted revived versions of the two favorite anti-Jewish stereotypes employed by traditional anti-Semites: the rapacious Jewish banker and the wild-eyed, bomb-throwing Jewish revolutionary. These calumnies found their contemporary Arab parallels in the oil sheikh which is the updated version of the Jewish moneylender or banker, and in the figure of the insane Arab-Muslim terrorist, the contemporary version of the fanatical Jewish bomb-throwing revolutionary or subversive.

While there were a few notable exceptions – *The 13th Warrior* (1999), which featured an Arab Muslim hero, and *Three Kings* (1999), which dealt with the first Gulf War in a manner sympathetic to the Iraqis in general – virtually all depictions of Arabs and Muslims in Hollywood films (and U.S. television as well) in the 20th Century were in some manner negative. Neutral or positive characters were few and far between, almost unnoticeable among the multitudes of crazed bombers and oil sheiks. For many years, Arab-American and American Muslim organizations, above all ADC, had been warning film producers and television networks that this pattern of negative representation of Arabs and Muslims, especially the stereotype of the crazed Muslim terrorist, and the virtual absence of neutral or positive depictions, could, under the wrong circumstances, contribute to a wave of hate crimes and discrimination. The obvious links between this pattern of stereotyping and the surge in hate crimes following the 9/11 terrorist attacks were outlined in the last ADC report on hate crimes and discrimination against Arab Americans.

2. HOW HOLLYWOOD CHANGED AFTER 9/11

Counter-intuitively, after 9/11, the entertainment industry has generally behaved in an infinitely more responsible manner with regard to Arabs and Muslims than they had before the terrorist attacks. To be sure, the traumatic experience of 9/11 has permeated cultural production in our country ever since, and scores of films have been produced that are clearly “post-9/11 movies” in the sense that they encode and attempt to manage anxieties and concerns that are directly connected to the emotions and affects the attacks generated

in American minds. However, there has been no repeat of *True Lies* or anything reminiscent of that genre. Many if not most post-9/11 American films including Arab characters (some of them truly villainous terrorists, to be sure) have been at pains to include positive and neutral Arab characters as well. This alone represents a significant break from pre-9/11 patterns of stereotyping in which virtually all Arab characters were negative in some sense or other.

Hollywood films dealing with anxieties produced by the 9/11 attacks have projected and displaced the experience onto other times, places and scenarios than Muslim terrorists attacking the American homeland. These have thus far fallen into three broad categories that developed over time, but with overlapping rather than sharply defined time-frames.

The first broad post-9/11 film genre displaces post-9/11 anxieties entirely onto a different set of “end of the world” or “crisis from the blue” scenario. It is impossible to watch Steven Spielberg’s *War of the Worlds* (2005), for example, without seeing much of the 9/11 experience in the alien invasion of earth. The aliens attack viciously out of the blue sky, like Al Qaeda, but in the end turn out to be behaving more like Israelis in the West Bank or Americans in Iraq: “Occupations always fail,” Tim Robbins’ character helpfully reminds us (the casting for this part was surely not coincidental, Robbins being a well-known anti-war activist). In *The Manchurian Candidate* (2005) post-9/11 anxieties are projected onto the machinations of a malevolent and unaccountable multinational corporation and the corrupt Vice-President who represents its interests in the government, a scenario plainly inspired by a deeply negative view of the role of corporations such as Halliburton and the influence of politicians closely linked to those corporations such as former Halliburton CEO, Vice-President Dick Cheney. One of the potentially most damaging films to Muslim-Christian relations in post-9/11 America, Ridley Scott’s epic about the crusades *Kingdom of Heaven* (2005), avoided contributing to the general trend of alienation by featuring, alongside its virtuous crusader hero, Muslims under the leadership of Saladin that are generally more appealing and chivalrous than most of the crusaders. In particular, a scene towards the end of the film in which Saladin carefully and respectfully raises a fallen cross is among the most positive and moving images of a Muslim in any Hollywood production. *Flightplan* (2005) and *Red Eye* (2005) represented post-9/11 anxieties about air travel without invoking anti-Arab stereotypes, and in the case of *Flight Plan* actually repudiating them with suspicions against Arab passengers shown to be unjustified.

Spielberg’s other overtly post-9/11 film, *Munich* (2005),

drew obvious parallels between the “terrorist threat” facing Israelis in the 1970s (and now) and the United States post-9/11, and similar anxieties about the wisdom of responding to violence in kind and without attending to the political issues that give rise to conflict. The final shot of *Munich* underlines this symmetry. It features in the background the skyline of New York, displaying and invoking the ghostly shapes of the twin towers. However, *Munich* essentially counsels against both the Israeli and the Bush Administration’s approaches to the problem of terrorism. The film manifestly serves as a critical commentary on both Israel’s tactics in trying to suppress the second Palestinian Intifada (mainly by assassinating Palestinian leaders and activists) and American responses to 9/11. In its own tentative and not fully-realized way, *Munich* represents a significant break with the traditionally uncritical and celebratory depiction of “non-fiction” or “based-on-real-events” since in *Munich*, Israel is no longer assumed to be always right, clean and pure. Palestinians, though not fully developed characters, are much more than cardboard villains.

The second broad theme in post-9/11 film productions deals more directly with the 9/11 attacks, but still focuses on its causes or effects rather than on the events themselves. Some films attempt to deal directly with the question of so-called “salafist-jihadist” terrorism in and emanating from the Middle East, but hardly in the crude manner of the old Golan-Globus formula. *Syriana* (2005) in particular went to great pains to break with the stereotypical depictions of Arabs and the Middle East that have informed the usual Hollywood fare. Indeed, it would be easy to argue that *Syriana* is in many ways more of a pro-Arab than an anti-Arab film, and at very least it takes a deeply hostile view of the role of the U.S. government and corporations in the Middle East, and represents the most sustained critique of U.S. foreign policy in the region ever produced in Hollywood. On the other hand, the film does manage to reinforce the mystified impression that political realities in the Arab world are simply too complex, byzantine, corrupt and convoluted to make sense of, as exemplified by Matt Damon’s character’s retreat to the familiar safety of suburban America.

Less politically sophisticated but also not in any meaningful sense anti-Arab, *The Kingdom* (2007) depicts a Khobar Towers-like attack on an American compound in Saudi Arabia and efforts by a team of FBI agents to investigate the crime inside Saudi Arabia. While the film has none of the ambitions of *Syriana* towards political and intellectual sophistication (the extent to which the former realizes its aims is debatable), its depiction of Saudi Arabia is in no way unfair

or promoting of negative stereotypes. The terrorist villains are Arab Muslims, to be sure, and they are truly reprehensible. They engage in suicide bombings, attempted beheadings on camera and other despicable atrocities (all of which have been characteristic of the behavior of al-Qaeda and other self-described salafist-jihadist groups). However, they are shown to be marginal and underground, operating without the support of the general public and in the face of concerted opposition from the government. Several of the film's more positive characters are Saudi, and one of its main heroes, a valiant Saudi police officer, stands in marked contrast to these villains. Maybe the most negative portrait in the film other than the actual terrorists themselves is that of the state department and other government officials who continuously attempt (for unclear reasons) to impede and cut short the investigation.

The animated feature film by the producers of the notorious South Park television cartoon, *Team America: World Police* (2005), which lampoons the Bush Administration's global "war on terror" might well have been the source of crude stereotypes of Arabs, Muslims and others, but instead proves to be a merciless satire of the fanciful and wholly imaginary stereotypes of foreign societies in certain elements of American culture. The exaggerated and absurd stereotyping of not only Arabs and Muslims, including an extended scene in Cairo which is depicted as a desert encampment populated entirely by terrorists, as well as lampoons of the French, Panamanians and North Koreans among others, takes aim squarely at the absurdity of these crude clichés. For any thoughtful viewer, the joke is not on the Arabs and Muslims, or the French Panamanians and North Koreans for that matter, but on forms of chauvinism and racism that pervade certain aspects of American culture, especially on the political right (the film also mocks the political left, mainly taking aim at Hollywood and the entertainment industry). Perhaps the most unexpected of these post-9/11 scenarios, for those of us anticipating and preparing to assess the impact of politically charged films, was the low-key romantic comedy *The Great New Wonderful* (2005) about New Yorkers trying to rebuild their shattered lives after the trauma of the terrorist attacks.

The third genre, still barely developed, are those films dealing directly with the terrorist attacks themselves rather than displacing the resulting anxieties onto different scenarios or dealing with the causes and effects of the attacks. *United 93* (2006), a film depicting the harrowing events on board the fourth 9/11 hijacked plane, headed for an undetermined location in Washington, DC, that crashed as a result of a re-

bellion by outraged passengers, has been cited by some as an exception to the disavowal of anti-Arab prejudice in Hollywood post-9/11. However, the film is a sober depiction of an important event in which Arab Muslims did, in fact, play the central villainous role. The film, in other words, could do no other, given that it restricted itself to a limited narrative mainly onboard the flight in question. It would be difficult to find anything unfair or unjustified, or anti-Arab, in this, unless one were to make the argument that this event should never be the subject of a movie. Oliver Stone's *World Trade Center* (2006) dealt directly with the tragedy by focusing on the heroism of the first responders at ground zero in New York City. It avoided negative stereotypes completely. Some argued that both of these films, especially *United 93*, were "too soon" for the public to accept depictions of the actual events of the 9/11 attacks, but in the end both were well-received by both the public and critics.

The reaction of television programs has been roughly similar, although less clear-cut, to that of the film industry: storylines featuring Arab and Muslim characters were in many cases far more nuanced than before. Police and trial dramas focused on the moral and legal ambiguities of the immediate post-9/11 moment, and the challenges of trying to balance liberty and security. The television record was a much more mixed one than that of the film industry, however, and there have been a number of episodes of programs that have been deeply troubling. On the other hand, many programs, ranging from sitcoms to cop and trial dramas and even cartoons like *South Park* have featured powerful episodes highlighting the moral and practical problems inherent in profiling and stereotyping.

The program which has raised the most concerns has been Fox's *24*, which has in fact featured a number of egregious episodes in which an Arab Muslim family, completely assimilated in small-town America, sits happily at the breakfast table while plotting mayhem. This episode immediately raised serious red flags, and, in the event, it was aired with a disclaimer from the program's star Kiefer Sutherland stating that it was fictional and did not represent actual Arab or Muslim Americans. *24* also immediately followed that episode with another in which helpful Arab-American characters aid the authorities in thwarting an evil plot. Neither the disclaimer nor the follow-up positive representation would have been likely in the pre-9/11 era. The winter 2007 series of *24* began with Arab terrorists exploding a nuclear device in the Los Angeles area of southern California, an episode that also raised widespread concern. However, as the season progressed villains included Russians, Americans

and many other ethnic and religious groupings, and several positive Muslim characters were also featured. By the standards used by Arab and Muslim groups in the pre-9/11 period, 24 would not have qualified as a particularly defamatory series, although its irresponsibility and artistic weakness probably would be glaring under any cultural and political circumstances. 24 ultimately comes off much more as a pro-torture program than an anti-Muslim or an anti-Arab one, with the real focus of each episode appearing to provide one or more characters the opportunity and rationalization to torture another.

Several miniseries on terrorism in recent years have also taken pains to include positive and heroic Arab and Muslim characters, while in some cases also including Arab and Muslim villains. In particular, *Aliens in America*, a sit-com that began airing in fall 2007 and included a Pakistani exchange student as a major and generally positive character demonstrates the increasing trend towards the inclusion of positive or neutral Arab or Muslim characters by the American entertainment industry post-9/11. Other shows including positive or neutral Arab or Muslim characters include *Knights of Prosperity* featuring Iranian-American comedian Maz Jobrani, *Lost*, and Whoopi Goldberg's short-lived show *Whoopi* which featured Iranian comedian Omid Djalili. This is, in fact, what ADC has always been asking for: a mix of positive, negative and neutral characters and the same treatment accorded to other ethnic groups and communities by the American entertainment media.

Of particular note has been the rise in prominence of a group of Arab American and Muslim comedians in the wake of the 9/11 tragedy, many of them self-consciously playing on the fears and anxieties these attacks produced in the American collective psyche and their effects on Arab Americans. One example is Maysoon Zayid, a Palestinian American comedian. Maysoon has appeared on *As The World Turns*, *Law & Order* (Episodes: Bible Study and The Dead Wives Club), and MTV to name but a few. She has been recently touring a one-woman show about her life around the country and is featured in the film starring Adam Sandler entitled *You Don't Mess With The Zohan*.

A 2007 Comedy Central online show *The Watch List*, which although not a series, joined a number of other specials including various Arab-American and Muslim comedians mocking the foibles of life in post 9/11 America. The show, which was co-created by Zayid's comedy partner Dean Obeidallah, also included stalwarts of the scene such as Aron Kader, Ahmed Ahmed, Maz Jobrani, and Nasry Malak. Ahmed, Jobrani, and one of the most talented and popular

of the young Arab-American comedians-Aron Kader, formed the "Axis of Evil" comedy troupe that toured much of the United States and has more recently taken their act to various Middle East states as well – what Time Magazine dubbed "Stand-Up Diplomacy." Several Muslim comedian were also the focus of the PBS special *Stand Up: Muslim-American Comics Come of Age* which aired in the fall 2007. The PBS special was co-directed by Glenn Baker and Omar Naim.

There can be no question that this bold foray into one of the most popular and controversial aspects of American popular culture – comedy and comedic acting – by Arab and Muslim Americans in the post-9/11 era and its generally positive reception by both the entertainment industry and the general public is yet another indication of the positive and counter-intuitive improvements in the images of Middle Eastern Americans in recent years, in spite of continuing fear and anxieties resulting from the 2001 terrorist attacks.

Other significant positive developments include increasing inroads by Arabs and Arab-Americans in both the news and entertainment media. A new crop of young Arab-American filmmakers have emerged in recent years, including Omar Naim, director and writer of science fiction film, *The Final Cut* (Lions Gate Films, 2004) starring Robin Williams. The film won the award for best screenplay at the Deauville Film Festival and was nominated for best film at the Catalan International Film Festival and Berlin International Film Festival.

Another noteworthy young Arab-American filmmaker, Jehan Noujaim, made the highly-regarded documentary *Control Room: Different Channels, Different Truth* (Noujaim Films, 2004), which studies the relationship between U.S. Central Command and Al Jazeera and other news organizations that covered the 2003 invasion of Iraq. The film won best documentary from the Boston Society of Film Critics in 2005, the Seattle Film Critics Award, and the FIPRESCI Prize at the Sydney Film Festival. It was also nominated for awards from the Broadcast Film Critics Association, Directors Guild of America and the Documentary Screenplay Award from the Writers Guild of America. More recently Noujaim won the TED (Technology Entertainment Design) prize in 2006, in which three individuals are each given \$100,000 and granted a "wish to change the world." Her plan is for a Pangea Day on May 10, 2008 in which Cairo, Kigali, London, Los Angeles, Mumbai, and Rio de Janeiro will be linked to produce a 4-hour program of films, music and speakers. The program will be broadcast live at the same time across the world. According to the festival organizers, "Pangea Day plans to use the power of film to bring the world a little closer together."

Another noteworthy young Arab-American filmmaker, Jackie Salloum produced two documentaries, *Planet of the Arabs* (2005) about the representation of Arabs in the American entertainment industry and *Arabs a Go Go* (2006), which documents Arab dancing in popular culture in the Middle East. Her latest film, and her first feature length documentary, *Slingshot Hip Hop* (2008), about Palestinian rappers, is scheduled to compete in the Documentary Competition at the 2008 Sundance Film Festival.

The period covered by this Report has also seen increased interest by Hollywood in Arab filmmakers. Elia Suleiman's film *Divine Intervention* (Filmstiftung Nordrhein-Westfalen, 2002), which focuses on a day in the life of a Palestinian living in Nazareth, whose girlfriend lives in the occupied West Bank city of Ramallah, was the recipient of numerous awards including the Jury Prize at the Cannes Film Festival and was nominated for the "Palme d'Or". It was considered for an Academy Award nomination for best foreign language picture, sparking a controversy over whether a film from Palestine could be considered given the undetermined political status of the occupied territories, with the Academy stating that "'Palestine is not a state we recognize in our rules."

Another Palestinian filmmaker, Hany Abu Assad, won massive praise for his film *Paradise Now* (Augustus Film, 2005), about two young Palestinians who become enmeshed in a suicide bomb plot. The film won numerous awards including "Best Foreign Language Film" for the 63rd Golden Globe Awards. In 2006, the film was nominated for an Academy Award in the "Best Foreign Language Film" category. It is thought to have been the first Arabic language film picked up for general release in the United States by a major distribution company, Warner Independent Pictures.

There has also been a notable increase in young Arab-American journalists in important positions in the American news media, though overall levels of representation remain woefully low. In addition to the Pulitzer Prize winner and Washington Post reporter Anthony Shadid, a former ADC intern, journalists such as Hannah Allam, Baghdad bureau chief for Knight Ridder newspapers, Ashraf Khalil, Jerusalem bureau chief for the Los Angeles Times, and Hoda Kotb of the Today Show, Dateline and other NBC program, lead the way for young Arab-American reporters. The development of a greater presence of Arab Americans in the newsrooms and studios of the American news media is vital in bringing a much-needed perspective and corrective to the coverage available to the public in the United States.

3. HOW AND WHY DEFAMATION IS ACTUALLY GETTING WORSE

Unfortunately these extraordinary changes in the tenor of American entertainment culture has not meant that anti-Arab and Muslim defamation in the American media has ended, or even improved. In fact, it is far worse than ever. In brief, what has happened since the 9/11 attacks has been a double transformation: first, a shift in content away from the ethnic, anti-Arab focus of the pre-9/11 era to a religiously-defined anti-Islamic focus (although the latent "orientalist" and bigoted message remains unchanged and the same communities affected); and second, a shift in medium from the fictional, entertainment industry-centered negative discourse to a non-fictional, political and journalistic one, which constitutes a serious deterioration. In effect, after 9/11, anyone intent on creating a negative impression of Arabs and/or Muslims, need not spend the vast amounts of time and energy required to make a film or TV show in which bigoted messages are encoded into the representations in the fictional product. It is now sadly a simple matter to go on to TV or even in a major newspaper or magazine and defame the Arab ethnic group and the Muslim religion with an unprecedented impunity. The anti-Arab defamation of the movies has given way to the anti-Muslim defamation of the news media, and this development has inaugurated a new wave and style of contemporary American Islamophobia that poses grave dangers to not only the reputation and perception of Arabs and Muslims in the United States, but potentially to their security and liberty as well.

4. DEFAMATION IN COMMENTARY AND THE NEWS MEDIA

Perhaps the most disturbing feature of the increased climate of negativity facing Arab Americans post-9/11 has been an increasingly vicious, sustained and coordinated attack by leaders of the evangelical Christian right on Islam as a faith, on the Quran, and even on the Prophet Mohammed as an individual. The late Rev. Jerry Falwell told CBS's 60 Minutes program that the Prophet Mohammed was a "terrorist." In 2007, he told his TV audience, "Ladies and gentlemen, we

have to recognize that Islam is not a religion. It is a worldwide political movement meant on domination of the world. And it is meant to subjugate all people under Islamic law.” He added that American Muslims “want to take over and we want to impose Sharia on you. And before long, ladies are going to be dressed in burqas and whatever garments they would put on them, and next thing you know, men are going to be allowed to have wife-beating and you’ll be beheading adulterers and so on and so forth.” Rev. Pat Robertson of the 700 Club said Mohammed was a “killer” and a “brigand,” and said that Islam was inherently violent and that the Quran preaches violence. Leaders of the Southern Baptist Convention called Mohammed a “demon possessed pedophile.” Rev. Franklin Graham, son of Billy Graham and head of Billy Graham Ministries Inc., and who led the prayer at President Bush’s inauguration, repeatedly denounced Islam, calling it “a very wicked, evil religion.” He also told CNN viewers that, “Islam requires its followers to become suicide bombers in order to attain salvation.”

This religiously-based anti-Islam campaign has not been restricted to extreme evangelical protestant leaders, with perhaps the most energetic religious denouncer of Islam as a faith being the Catholic writer Robert Spencer, author of a seemingly endless and endlessly repetitive series of books denouncing Islam as wicked, evil and “a false religion.”

While this campaign of defamation has been criticized in many quarters, the evangelical preachers and others involved have by no means suffered significant social or political stigmas. The Rev. Robertson’s organization was in receipt of many thousands of dollars in federal aid under the President’s Faith-Based Initiatives program. Rev. Graham was invited to give an Easter sermon at the Pentagon in 2003. None of these religious figures have been treated as pariahs as a result of their open bigotry, and all continue to be seen as legitimate public figures who make an important contribution to the national conversation.

The political allies of these right-wing Christian Islamophobes have also been busy spreading the message of fear and hatred against Arabs and Islam. While the religious right has been promoting the concept that Islam is an evil and intolerant religion bent on world domination and which promotes a terrorist mentality, much of the political right and even some liberals have been building an edifice of fear and suspicion against these same communities. It is argued, based on the work of the academics Bernard Lewis and Samuel Huntington, that there is, will inevitably be, or should be a “clash of civilizations” pitting the Islamic world, especially the Arabs, against the Christian west, especially the

United States. Following the ravings of a paranoid Israeli writer pseudonymed Bat Ye’or and the late Italian racist Oriana Falacci, many on the right now argue, completely without evidence, that Europe has been mainly, or is at least in the process of, being “overrun” by Muslims through immigration. It is further argued by commentators such as Mark Steyn and Tony Blankely that this leaves the United States alone as the final holdout of western civilization and values. The obvious corollary to this idea is that the United States potentially faces a similar fate as that of Europe, now presumed to have “fallen” to the Muslims, and that therefore American Muslims are a threat, danger and fifth column not only by virtue of their alleged potential disloyalty but simply by virtue of their existence and presence in the country. Therefore, a cottage industry of mainly right-wing commentators advocating open discrimination, racial and/or religious profiling, restrictions on immigration, special scrutiny and other repressive measures has emerged, including Daniel Pipes, Michelle Malkin, Ann Coulter, Michael Smerchovich, and many others. Indeed, these commentators often accuse the Bush Administration, which has largely avoided or abandoned security measures based simply on ethnicity or religious affiliation because of their inefficacy and illegality, as kowtowing to “political correctness.” The appeal for discrimination is generally presented as a simple exercise in “common sense” whereas most serious analyses and security, law enforcement and counter-terrorism experts have long recognized that these measures are not only ineffective but also usually unworkable and impracticable as well.

Other standard accusations in the current campaign of hatred against these communities are that Muslims in the United States and around the world do not condemn terrorism, a calumny first championed by Charles Krauthammer. One of the most frustrating elements of trying to combat the misrepresentation of the political and ethical views of Arab and Muslim Americans has been the willingness of much of the mainstream media to continue to allow the question “where are the moderate voices” to be asked while at the same moment deliberately excluding or downplaying mainstream, moderate opinion and taking every opportunity to give airtime to the most marginal of extremists, oddballs and fringe radicals. Others, in an effort to prevent the rise in influence of American Muslims, no matter how mainstream or assimilated they might be, in any aspect of public service have taken up the task of describing all Arab and/or Muslim American activists, candidates, officials, commentators and public servants as “Islamists,” “radicals” or some similar pejorative. This trend was led by Daniel Pipes and Steven Emerson, but perfected by Paul Sperry’s master-

piece of paranoia *Infiltration: How Muslim Spies and Subversives have Penetrated Washington* (Nelson Current, 2005), which argues that virtually every engaged and prominent Arab and/or Muslim American, including several Bush Administration officials, are secret radicals and subversives.

As noted in the last ADC *Report on Hate Crimes and Discrimination Against Arab Americans*, the irony is that in addition to the intellectual, political and religious heirs of Henry Ford and Father Coughlin (the forces of extreme right-wing reaction and a paranoid and chauvinistic version of ultra-conservative Christianity, respectively), the other set of leading voices in the movement to promote fear and hatred of Arabs and Islam are themselves Jewish. Apparently motivated by a misguided sense that promoting anti-Arab bigotry in United States will serve Israel's interests, some Jewish supporters of the Israeli ultra-right such as Pipes, David Horowitz and Steven Emerson are among the leading figures in the campaign of anti-Arab defamation. And even more ironically, they have been now joined by a small cadre of Arab-American evangelical and/or former Muslims now angered at Islam as a faith in general and condemnatory of all practicing Muslims and Islam in all its forms.

Indeed, scores of right wing and neoconservative commentators and columnists have joined the campaign of anti-Arab defamation and vilification. The editorial section of the Wall Street Journal and the pages of the National Review and the National Review Online were particularly enthusiastic participants. The Weekly Standard and Commentary, among other magazines, have made Arab and Muslim-bashing, not to mention the promotion of avoidable wars and violence, a mainstay of their content. A particularly crude and retrograde example is an article in the May, 2004, edition of Commentary by Alain Besancon, "What Kind of Religion is Islam?" which revives medieval calumnies against Muslims and long-discredited theological arguments casting Islam as a pagan and not a monotheistic religion. The National Review online went so far as to publish articles calling for the ethnic cleansing of all Palestinians from Israel and the occupied Palestinians territories. Many American newspapers routinely include hateful and defamatory commentary directed against Arabs and/or Muslims, most notably through the work of syndicated columnists such as Ann Coulter, Cal Thomas, Michelle Malkin, and others who make a living by promoting hatred and discrimination. Further down the media foodchain, websites such as WorldnetNetDaily.com, Frontpagemag.com and JewishWorldReview.com feature racist Arab bashing articles as their mainstay and primary content.

Right-wing talk radio, a major aspect of social and political discourse in the United States, has become a bastion of hatred, rage and incitement to violence against Arabs and Muslims. Among the most shocking examples of this very wide-spread trend was Jay Severin, a highly-rated host on Boston's WTKK-FM, who in April, 2004, demanded the killing of American Muslims. He told a caller who was promoting dialogue and tolerance, "I believe that Muslims in this country are a fifth column...The vast majority of Muslims in this country are very obviously loyal, not to the United States, but to their religion." He then told the caller, "You think we should befriend them; I think we should kill them." WTKK took no action whatsoever to discipline Severin or ensure he would not continue his call for mass murders. Sadly, the examples of similar excesses on American talk-radio are a routine, almost daily occurrence on radio stations across the United States, and some other examples are included further on in this section of the report.

Sadly, anti-Arab sentiment in political commentary has not been restricted to voices from the political and religious right, as demonstrated by Michael Moore's blockbuster anti-Bush documentary *Fahrenheit 9/11* (Lions Gate, 2004). Although much of the film is devoted to attacking the Bush administration's foreign policy, especially the invasion and occupation of Iraq, the film only adds additional layers of confusion about the Middle East in American popular culture. Moore presents a detailed account of the Iraq war without mentioning Israel once, without using the word neo-conservative, and without any reference to the massive paper trail demonstrating a pre-existing agenda, which placed the overthrow of the Iraqi regime at the center of both U.S. and Israeli policies.

While analyses of the invasion of Iraq which cast the entire enterprise as simply an Israeli plot are rightly dismissed by most observers as simplistic, facile and plainly wrong, it is surely even more absurd to pretend that Israeli concerns and the powerful influence of those in and around the Bush Administration who see no distinction between Israeli and American interests were not a factor in shaping U.S. policy in the Middle East, including the decision to attack Iraq. Moore's audience never hears about the 1998 Project for a New American Century letter to then-President Bill Clinton demanding "military action" from the U.S. to overthrow Saddam Hussein. The letter was signed by current administration figures Donald Rumsfeld, Elliott Abrams, Richard Armitage, John Bolton, Zalmay Khalilzad and, of course, Paul Wolfowitz.

Rather than investigating the actual and well-documented

agenda that led to the rapid shift away from a war against al Qaeda to a war against Iraq, Moore proposes an implausible and extremely confused conspiracy theory. At the heart of Moore's film lies the malevolent influence of "the Saudis," a phrase that in the United States is increasingly employed with the same tone reserved for "the Jews" in anti-Semitic discourse, ascribing to millions of otherwise heterogeneous people the same menacing and hostile essence. In a great deal of contemporary American discourse, any group of Saudis - including the government, security services, and any collection of citizens, not to mention Osama bin Laden, al Qaeda and the hijackers of Sept. 11, 2001 - all represent "the Saudis." Moore depicts the invasion of Iraq as essentially a cover-up designed to hide the Bush family and its supporters' deep financial links to "the Saudis." Moore repeatedly asserts that the Saudi royal family, the bin Laden family and others, over the past 30 years invested \$1.4 billion in the Bush family and its business interests. Among the more disturbing passages of the film is a long segment featuring a succession of unidentified Arabs in traditional Gulf attire shown in friendly diplomatic and commercial encounters with associates of the two Bush family presidencies, as if these encounters and the political and business dealings they represent were by definition unwholesome. The film's logic is as clear as mud, but the implications are unmistakable: a parade of sinister Saudis purchased President Bush and his cronies and, somehow or other, are behind both the attacks on the United States and the attack on Iraq. This is the only explanation proffered by Fahrenheit 9/11 for the invasion of Iraq. Moore undeniably succeeded in bringing to a great many Americans the most powerful critique of U.S. foreign policy they have ever been exposed to, but it rests on a bizarre and incoherent conspiracy theory and confuses at least as much as it enlightens, especially with regard to Arabs and the Middle East.

5. PROFILES OF THE WORST OFFENDERS

Having offered a brief analysis of the new trend in defamation away from entertainment industry ethnic stereotyping towards Islamophobic commentary it may perhaps be most useful and constructive to review the output of some of the worst offenders in the field. Many of the best known and most vociferous Islamophobes and anti-Arab racists have emerged from and are supported by the far-right. Their work appears in books published by Regnery and other far-right publishers, in columns, on websites and blogs and, of course, on TV and talk radio.

Glenn Beck: Among the most prominent of the worst offenders is radio talk show host Glenn Beck, who also hosts a nightly program on CNN Headline News.

Perhaps the most egregious abuse of his CNN airtime ran in an hour-long special called "Exposed: the Extremist Agenda," which was essentially a re-cut version of the extreme-hate speech film, *Obsession: Radical Islam's War against the West*. *Obsession's* principal marketer and de facto producer was the quasi-official Israeli propaganda organization *honestreporting.com*. Eventually, even *honestreporting.com* repudiated the film as too extreme. CNN claims not to have been aware of the connections between *honestreporting.com* and *Obsession*, let alone between the organization and the Israeli Foreign Ministry. The IPS newswire reported in March 2007 that, "I was told that HonestReporting was not involved with this film," CNN spokeswoman Megan Mahoney said."

Beck did include a short interview with Aslam Abdullah at the end of his version, and it did note that Beck is not a journalist and that his program did not present a balanced view of Islam. However, these qualifiers aside, the overall effect was undiluted. It was reported that "Exposed: the Extremist Agenda," when first broadcast on November 15, 2006, was "rated the #1 show on all cable news in the 25-54 demographic."

Like numerous Islamophobic and anti-Arab films in recent years, "Exposed: the Extremist Agenda" does a masterful job of knitting together some of the worst excesses over the past decade that have been aired on (usually obscure) Arab-language and Iranian television stations and the most extreme speeches of various fringe-element Muslims and radical clerics. The unmistakable message to average Americans is clearly intended to be that Muslims in general see it as their duty, and as a matter of immutable creed, to wage violent "Jihad" against non-Muslims. It could only have been consciously designed to promote fear and hatred.

Beck told Rep.-elect Keith Ellison (D-MN), the first Muslim elected to Congress, "I have been nervous about this interview with you, because what I feel like saying is, 'Sir, prove to me that you are not working with our enemies.'" He also said: "I'm not accusing you of being an enemy, but that's the way I feel, and I think a lot of Americans will feel that way."

In a similar incident, Beck asked an American Muslim guest Sharida McKenzie, "How do we know the difference between you and those that are trying to kill us?"

He stated that if “Muslims and Arabs” don’t “act now” and “step to the plate” to condemn terrorism, they “will be looking through a razor wire fence at the West.”

Beck characterized a statement condemning Al Qaeda in Iraq as “surprising” because “the man who wrote it is a Muslim.”

Beck told his audience that “the Middle East is being overruled by 10th-century barbarians” and “if they take over ... we’re going to have to nuke the whole place.”

The Media Matters website reports that “Beck aired a mock news segment mocking the names of several missing Egyptian students in which the announcer said that one ‘may or may not be accompanied by his camel.’ The segment showed pictures of crowds and pointed to random, unidentifiable people as the missing Egyptians. It ended with a reading of the students’ names followed by the announcer pretending to gag as he struggled to pronounce them.”

Robert Spencer: One of the most tireless bashers of Islam as a faith is Catholic writer Robert Spencer, who has recently published a huge slew of books slamming Islam in all its forms as well as running at least two of the most vicious Islamophobic websites on the internet. Spencer’s titles include:

Religion of Peace?: Why Christianity Is and Islam Isn’t (Regnery Publishing, 2007)

The Truth About Muhammad: Founder of the World’s Most Intolerant Religion (Regnery Publishing, 2006)

The Politically Incorrect Guide to Islam (And the Crusades) (Regnery Publishing, 2005)

Onward Muslim Soldiers: How Jihad Still Threatens America and the West (Regnery Publishing)

Inside Islam: A Guide for Catholics (with Daniel Ali) (Ascension Press, 2003)

Islam Unveiled: Disturbing Questions About the World’s Fastest Growing Faith (Encounter Books, 2002)

Spencer’s essential methodology (he has no formal academic background or training in Islamic studies or history whatsoever) is to try to find anything that might cast Islam and Muslims in a bad light, no matter how questionable or marginal the source, and present it as the unchallengeable truth. He also specializes in identifying the most extreme interpretations of Islamic doctrine and practice throughout the ages and presenting them as the “true” or “authentic” versions of the faith. This is a common practice among Islamophobes, which can ironically bring them into complete

agreement with the extremists Muslims they claim to oppose and in opposition to all other voices.

Spencer’s basic view of Islam was summed up in the following analysis: “Islam itself is an incomplete, misleading, and often downright false revelation which, in many ways, directly contradicts what God has revealed through the prophets of the Old Testament and through his Son Jesus Christ, the Word made flesh... For several reasons... Islam constitutes a threat to the world at large.”

The following statements were published on Robert Spencer’s websites www.jihadwatch.com and www.dhimmiwatch.com, and are all from the text of edited and officially published articles, not comments posted on the site:

“I have written on numerous occasions that there is no distinction in the American Muslim community between peaceful Muslims and jihadists.”

Calls for “A complete ban on Muslim migration to the Western world (which needs to be undertaken in any case), and limits put on any contact between Muslims living in the West, who may already have obtained citizenship and — unless they are native-born converts — their countries of origin.”

“And the first way is to put a complete stop to Muslim immigration, and to find creative ways to deport all Muslim non-citizens. These two measures would be accompanied by the creation of an environment where the practice of Islam is made not easy but difficult.”

Calls for “Careful review of how citizenship is obtained, and what oaths of loyalty are administered, and if those oaths can possibly have been meant by those whose sole loyalty, by the very tenets of their belief-system, can only be to Islam and the Community of Believers, the *umma al-islamiyya*.”

“For the safety of our own citizens in the West, we can’t take any more Muslims, and certainly not the most dangerous of all, the Shock Troops of the Lesser Jihad, the local Arabs who were carefully renamed the ‘Palestinians.’”

“The Americans can always seize, and without much difficulty, in case of absolute necessity, the natural gas fields of Qatar, the oilfields of tiny Kuwait and the Emirates, and of course the fields in the Eastern Province of Saudi Arabia — could do it, and in case of need, not American need (remember that oil is fungible) but the need of all oil-consuming nations, would certainly do so, and a great many

countries would be relieved, and applaud the act.”

“Millions of Muslim migrants, now settled in Western Europe and even, to a thankfully much lesser degree, in North America. They give no signs of abandoning their loyalty to Islam and no signs of any permanent acceptance of the principles on which the Infidel nation-states in which they have been permitted to settle are built. They give no signs, en masse, of truly integrating into a world which, of course, since every political, intellectual and moral principle of that world is flatly contradicted by Islam, of course they would not. Only a handful, who essentially abandon Islam (even if they pretend they have not, often calling themselves “cultural Muslims” by which they mean little more than a fond memory of certain kinds of cooking), can be intelligently integrated into Western societies. The rest remain a permanent source of disruption, misinformation, threat, and of course potential menace.”

“... there are millions of peaceful Muslims, but no reliable way to determine whether any given Muslim individual or group actually rejects the jihad ideology and Islamic supremacy or not.”

Daniel Pipes: A veteran of the project of bashing Arab and Muslim Americans, Daniel Pipes has been clear from the outset that his concerns were that increased influence of these communities might lead to the creation of a Palestinian state, to which he is passionately opposed. He has long been an ardent opponent of peace between Israel and the Palestinians and has stated that, “If the last seventy years teach anything, it is that there can be only one state west of the Jordan River. Therefore, to those who ask why the Palestinians must be deprived of a state, the answer is simple: grant them one and you set in motion a chain of events that will lead either to its extinction or the extinction of Israel.” Pipes’ political motivation for his campaign of hostility to Arab and Muslim Americans has never been carefully disguised. Therefore Pipes is in favor of a large variety of discriminatory measures that would single out Arab and Muslim Americans and limit their political involvement and influence as well as damage their civil rights and liberties and their overall standing in American society.

Ironically, in the late 1980s, Pipes was an ardent advocate of U.S. support for Saddam Hussein, however he strongly supported the 2003 invasion of Iraq, predicting that. “The war in Iraq will lead to a reduction in terrorism.” Pipes is also an outspoken supporter of the Iranian opposition group the

Mujahedeen-e Khalq, which has been officially designated as a terrorist group by the U.S. government since the late 1990s.

In 2002, Pipes co-founded Campus Watch, an extremist pro-Israel website designed to monitor Middle East studies and similar scholarship on U.S. campuses, intimidate academic critics of Israeli policies and, in its earliest incarnations, to create a blacklist of professors deemed insufficiently supportive of the Israeli far-right. The initial mission statement of Campus Watch, which was quickly revised, made its ideological and ethnic bias crystal-clear, stating plainly: “Middle East studies in the United States has become the preserve of Middle Eastern Arabs, who have brought their views with them. Membership in the Middle East Studies Association (MESA), the main scholarly association, is now 50 percent of Middle Eastern origin.” This concern about Arab and other Middle Easterner Americans taking part in scholarship on the region of their own heritage alarmed Pipes for the same reason that all increases in the presence, success, stature and, in his own words, enfranchisement (i.e., voting) of Arab and Muslim Americans – he believes it to be a threat to long-term U.S. support to his allies on the Israeli extreme-right who oppose peace with the Palestinians and a two-state solution to the conflict in the Middle East. In other words, it all boils down to his ardent opposition to stated U.S. policy goals in the region and the cause of peace itself.

Pipes promotes bigotry against many communities, but is particularly hostile to African-Americans, claiming that, “black converts tend to hold vehemently anti-American, anti-Christian, and anti-Semitic attitudes,” and referring to “a well-established tradition of American blacks who convert to Islam turning against their country.” On several occasions, he has refused to make any comment on the propriety of the internment of Japanese-Americans during World War II, claiming that his Ph.D. in history from Harvard left him without sufficient information to make a judgment on the matter. Finally, Pipes joined fellow Islamophobe Michelle Malkin as one of the few notable Americans to openly endorse the imprisonment of the Japanese American population during World War II, stating, “Yes, I do support the internment of Japanese Americans in World War II.”

Given Pipes’ not only well-established pattern of bigotry but also his staunch opposition to efforts to craft a workable peace between Israel and the Palestinians, many were taken aback by efforts by the Bush Administration to appoint Pipes to the Board of Directors of the U.S. Institute for Peace in 2003. On July 23, the Senate Health, Education, Labor and Pensions Committee declined to approve the nomination

and postponed its vote indefinitely following expressions of concern by several senators regarding Mr. Pipes' long record of bigotry. The White House resorted to a recess appointment of Pipes which bypassed the normal Senate confirmation process and restricted him to a two-year term on the Board.

Other Pipes comments include:

At a 2007 speech at New York University, Pipes was asked, "So basically, as long as there is terrorism in the world, people should be afraid of me because I'm Muslim?" "I'm afraid so," was Pipes' answer.

Conversion to Islam substantially increases the probability of a person's involvement in terrorism."

"The Muslim population in this country is not like any other group... they harbor designs for this country that warrant urgent and serious attention."

In October, 2001 Pipes said, before the convention of the American Jewish Congress. "I worry very much, from the Jewish point of view, that the presence, and increased stature, and affluence, and enfranchisement of American Muslims, because they are so much led by an Islamist leadership, that this will present true dangers to American Jews."

Not just Jewish Americans are somehow "threatened" by the prospect of Muslim Americans voting, according to Pipes. He told the Nation magazine that, "I make the same point respectively to audiences of women, gays, civil libertarians, Hindus, Evangelical Christians, atheists, and scholars of Islam, among others, all of whom face 'true dangers' as the number of Muslims increases..."

"The mischievous goal of creating 'Palestine' will inspire more fervor to eliminate the Jewish state."

David Horowitz: A former campus radical from the 1960s, David Horowitz has been involved with groups such as the Black Panther Party and other revolutionary organizations. In the late 1970s, he became disillusioned with his radical left-wing orientation and began to drift towards the extreme right. Since then he has established himself as one of the most strident voices on the American far-right, indulging in extreme racism, warmongering and the promotion of hate and intolerance through a number of institutions and websites. In the fall of 2007, Horowitz sponsored a so-called "Is-

lamo-Fascism Awareness Week" in an effort to scapegoat and vilify the American Muslim community on campuses across the nation and to spread intolerance and bigotry.

Horowitz is among the most extreme noteworthy American haters of Palestine and the Palestinians and it would be extremely difficult to identify anyone more extreme in their positions on Israeli policy, including among the overtly racist supporters of the late Rabbi Meir Kahane. Horowitz endorses not only Israel's occupation of Palestinian lands and millions of Palestinian people, he also is a proponent of the expulsion of the Palestinians from the occupied territories. He routinely refers to Palestinians in general as "Nazis" and Arabs as "barbarians" and other overtly racist pejoratives. His organizations have taken pride in distributing a pamphlet "the Nazi Roots of Palestinian Nationalism."

His offensive and very extreme pronouncements on the subject, which are far too numerous to list comprehensively, appearing weekly and at times daily on his various websites, include:

"Israel had every right to annex the West Bank and Gaza (which had in fact been annexed by Jordan and Egypt after the 1948 war with no complaint from the so-called "Palestinians" or from any of the Arab states. Israel should have done just that and expelled the Arab aggressors from Gaza and the West Bank."

"The Israelis didn't realize they were dealing with barbarians... [sic]"

"As I have pointed out in the past, the Palestinians are the only people in the history of mankind who may truly be called genocidal."

"Decent Americans will cheer the Israeli armies [invading Lebanon in 2006] on."

"Palestinians: No decency, no humanity. No peace"

"The Palestinian people have joined en masse the Axis of Evil. They are the self-declared enemies of Jews, of America and of civilized values, and should be treated as such."

"The Palestinians are the first people in the history of humanity to embrace terror and genocide as a way of life."

"This [Palestinian culture] is the sickest culture on the face of the earth, and the fact that is supported by the American

secular left reveals the terminal sickness of those who crusade in the name of social justice.”

“Abbas is running a classic Palestinian campaign of deceit, gesturing towards the “peace process” that has already resulted in the murder of thousands of innocent Israelis, while signaling to the terrorist Palestinian majority that the destruction of Israel is still his goal. Unfortunately, the forces of evil in the Middle East have many credulous well-wishers in the West not least because of institutions like the New York Times which abet their deceptions.”

“Leftists don’t give a damn about the Palestinians. They just hate Israel. If the Palestinians succeed in their war to destroy Israel they will establish an Islamic totalitarian state from the Jordan to the sea. This will be a state that kills little children, that oppresses women and gays, that has kept the Palestinians miserable and poor for fifty years while socking billions away in Swiss bank accounts. This state will be another monument to the inhumanity of the political left.”

“They already have in Jordan a Palestinian state but they don’t want it because there are no Jews to kill there.”

“... for Arabs, peace is war continued by other means.”

“The Palestinians invented modern terror in the 1960s and launched the war that is now engulfing the world. The Palestine Liberation Organization is the true inspirer of Al-Qaeda and until it is dealt with exactly the way we are dealing with Al-Qaeda the miseries of the Middle East will continue.”

The following statements were all published on David Horowitz’s website www.frontpagemagazine.com, and all from the text of edited and officially published articles, not comments posted on the site:

“Osama bin Laden is a very good Muslim — a model one, in fact, and one of the most devout in the 1400 years of Islam.”

“Arabs do nothing on impulse... Muslims, who have no allegiance to any country. Their only allegiance is to Islam. This is what they have been taught since birth. It is all they know. Muslims have no borders.”

“...an average Moslem who lives up the life recommended by the Quran, behaves like a beast who has forsaken his freedom to exercise his faculty of forming an independent judge-

ment of whom to Love and whom to hate? Like a soulless robot he/she hates all non-Moslems. They have the body of a human being, but their mind no longer has the freedom of forming an independent judgement... Thus while having the body of the Human being, a Moslem who unquestioningly follows the Quran, behaves like a soulless beast who has forsaken his/her capacity of independent thinking.”

“The Judeo-Christian basis of our society is superior to Islam as an organizing principle for the moral life of man...”

“Unlike Judaism, Christianity, Buddhism, Hinduism and most other religions, Islam is a politically driven religion bound on military triumph, conquest and subjugation...”

“France will become a Muslim country. French leaders know it. They will never take a decision that could make young radical Muslims angry... France is already the main enemy of western civilization.”

“Equality in sexual relations is unimaginable in Islam, whether heterosexual or homosexual.”

“There has been lots of talk in American media about a difference between ‘moderate’ and fundamentalist Muslims... there is no theological or cultural distinction between the two.”

“The biggest lie of all is the existence of a ‘Palestinian People.’”

Steven Emerson: Appearing to have similar motivations as Daniel Pipes, Steven Emerson but has been extremely secretive about his background and political views and affiliations. Emerson began casting aspersions on Arab and Muslim Americans in the early 1990s, but his career was badly damaged by his numerous false accusations, including blaming Arabs for the Oklahoma City bombing that was later proven to be the work of Timothy McVeigh and declaring that the crash of TWA flight 800 was a result of the bombing. He was also brought into disrepute by his inflammatory claim that “(Islam)...sanctions genocide, planned genocide, as part of its religious doctrine.” Before the 9/11 attacks, Emerson was largely restricted to commentaries in the Wall Street Journal and appearances on programs hosted by his friend Geraldo Rivera. Most mainstream news organizations shunned him as a proven charlatan.

Following the 9/11 attacks however, Emerson found himself

rehabilitated. Even though the attacks did not in any way bear out his claims that the Arab-American community and its organizations generally provided a home and front for terrorist groups bent on attacking the United States, Emerson and his supporters were able to claim that he had somehow been vindicated. Emerson published a new book entitled *American Jihad: The Terrorists Living Among Us* (Free Press, 2002), which continued with his long-standing campaign of false accusations, guilt by association and Arab bashing. He found himself once again welcomed by the mainstream media, including those such as National Public Radio which had previously committed itself to not using him as a commentator or an expert on the grounds that he was notoriously inaccurate. He even became a paid expert commentator for NBC television. In the atmosphere of fear and suspicion generated by the 9/11 attacks, Emerson's irresponsible rhetoric once again became cast as legitimate and even insightful. Most recently he co-founded the "counterterrorism blog" which includes the work of more serious observers and journalists as well as outright Islamophobes, but which generally tends to reinforce the impression of the American Muslim community as a suspicious and potentially dangerous minority

Emerson seems to have learned from his past errors and misjudgments and is now careful to leave the dirty work of outright defamation mostly to subordinates and affiliates. However, an ongoing feud with the moderate Muslim Public Affairs Council (MPAC), and especially its Executive Director Salam Al-Marayati, has once again publicly revealed Emerson's aim of slandering all prominent American Muslim leaders and groups and of using the most shameless distortions to do so.

In January 2006, Emerson appeared on FoxNews Channel and denounced the Attorney General of the United States for meeting with a number of major American Muslim organizations, including MPAC. This appearance was characterized by grotesque mischaracterizations of MPAC's history, positions and role in the American Muslim community. MPAC's attorneys responded with a letter to Emerson demanding an apology and an end to the false accusations, and reminding him that legal remedies for false accusations are available to victims of liable and slander in the United States.

On March 14, 2007, Emerson published an article on FrontPageMagazine.com, preposterously entitled, "Threatened by the Jihad." Obviously, even the title itself gives the game away: although this entire affair stems from Emerson's campaign of false accusations against MPAC (and other American Muslim organizations, for that matter), he is the one who is

"threatened," in other words he positions himself as the victim when in fact he is the aggressor. Worse still, the title suggests that MPAC is synonymous with "the Jihad," which, in Emerson and Horowitz' rhetoric means terrorism and extremism - the fundamental accusation Emerson routinely makes against any and all prominent American Muslim organizations and leaders no matter what their actual policies and positions might be. This pattern was very clearly demonstrated in the final section of his most recent book, *Jihad Incorporated: A Guide to Militant Islam in the U.S.* (Prometheus Books, 2006), in which he lists almost all of the major American Muslim organizations and institutions as supporters of radical "Jihad." A rebuttal of Emerson's false charges was issued by MPAC, but his personal vendetta against the group and its leadership must be seen as a major slip-up in an otherwise slick campaign to leave the work of outright defamation to underlings while personally staying "above the fray" in order to avoid a repetition of his media ostracization of the late 1990s.

Ann Coulter: A right-wing attorney, author and commentator, Ann Coulter rose to prominence in the late 1990s as a vociferous critic of President Bill Clinton. After 9/11, she has been among the most vicious critics of Arabs, Islam and Muslims, even though she has also been reputedly romantically linked to a Muslim businessman in New York City. Coulter has made use of the term "ragheads" on a number of occasions and caused an uproar when she told Jewish talk show host Donny Deutsch on his CNBC program "The Big Idea" that Christians viewed themselves as "perfected Jews" and that Jews should therefore all convert to Christianity in order to be "perfected." Deutsch and numerous mainstream Jewish organizations pointed out that it was impossible not to see her comments as implicitly if not explicitly anti-Semitic. Coulter also discredited herself by referring to former Senator and Democratic presidential candidate John Edwards, who is not gay, as a "faggot."

"We should invade their [Arab and Muslim] countries, kill their leaders and convert them to Christianity. We weren't punctilious about locating and punishing only Hitler and his top officers. We carpet-bombed German cities; we killed civilians. That's war. And this is war."

"This is a religious war, not against Islam but for Christianity, for a Christian nation. When this nation was founded, there was nothing like it. Our founders said there is a God and we are all equal before God. The ideal of equality and tolerance is like nothing that has ever existed in the world before. That, too, is a Christian value. The concept of equality, es-

pecially when it comes to gender equality, was not invented by Gloria Steinem. It was invented by Jesus Christ. As long as people look long enough, they will always come to Christianity.”

She described Islam a “car burning cult.”

Coulter argued that “profiling Muslims is more like profiling the Klan” than it is like profiling African-Americans, “because of the history of discrimination against blacks in this country.”

“If only we could get Muslims to boycott all airlines, we could dispense with airport security altogether.”

“I think our motto should be, post-9-11: raghead talks tough, raghead faces consequences.”

“...I believe our motto should be after 9/11: Jihad monkey talks tough; jihad monkey takes the consequences. Sorry, I realize that’s offensive. How about ‘camel jockey’? What? Now what’d I say? Boy, you tent merchants sure are touchy. Grow up, would you?”

Time Magazine reported: “Coulter actually favors discrimination based on skin color in airports. She argues that airports should establish a separate line for men and boys whose complexion suggests they could be from the Middle East; they would be screened more thoroughly than other passengers.”

“Liberals are about to become the last people to figure out that Arabs lie.”

Michael Savage: Radio talk show host Michael Savage, born Michael Alan Weiner, is a San Francisco-based right-wing author and radio personality. His syndicated radio program Savage Nation appears on approximately 350 stations, reaching an estimated weekly audience of 8 million listeners. He is a vicious critic of liberals, homosexuals, Muslims and many other groups.

“Arabs aren’t really human and most Americans would just like to drop a nuclear bomb on them - any of them”.

He argues that to “save the United States,” Congress should enact “an outright ban on Muslim immigration.” Savage urged a ban on “the construction of mosques illegal in America, and the speaking of English only in the streets of the

United States the law.”

Savage espoused “kill[ing] 100 million” Muslims. He argued that “intelligent people, wealthy people ... are very depressed by the weakness that America is showing to these psychotics in the Muslim world. They say, ‘Oh, there’s a billion of them.’ I said, ‘So, kill 100 million of them, then there’d be 900 million of them.’ I mean ... would you rather us die than them?”

Savage called Islam “a bloodthirsty religion that’s practiced over there by a bunch of throwbacks, and we’re gonna kill ‘em.” He said that U.S. government policy should be: “That’s it, we’re leaving them; we’re killing them.”

“I think [Muslims] need to be forcibly converted to Christianity...It’s the only thing that can probably turn them into human beings.”

“I’m not gonna put my wife in a hijab. And I’m not gonna put my daughter in a burqa. And I’m not gettin on my all-fours and braying to Mecca. And you could drop dead if you don’t like it. You can shove it up your pipe. I don’t wanna hear anymore about Islam. I don’t wanna hear one more word about Islam. Take your religion and shove it up your behind. I’m sick of you.”

“What kind of religion is this? What kind of world are you living in when you let them in here with that throwback document in their hand, which is a book of hate. Don’t tell me I need reeducation. They need deportation. I don’t need reeducation. Deportation, not reeducation. You can take C-A-I-R and throw ‘em out of my country. I’d raise the American flag and I’d get out my trumpet if you did it. Without due process. You can take your due process and shove it.”

“What sane nation that worships the U.S. constitution, which is the greatest document of freedom ever written, would bring in people who worship a book that tells them the exact opposite. Make no mistake about it, the Quran is not a document of freedom. The Quran is a document of slavery and chattel. It teaches you that you are a slave.”

Neil Boortz: The Neal Boortz Show, is based in Atlanta, Georgia, and in national syndication has an estimated audience of about 3.75 million Americans per week. Boortz considers himself a libertarian and in recent years has become one of talk radio’s most consistent and merciless condemners of Islam and Muslims, refusing any distinctions between ex-

tremists and mainstream Muslims.

“Islam is a deadly virus. It is perfectly safe to say all terrorists are Muslims. All of them. If it was not for the religion of Islam, this world would be a much, much, much more peaceful place today. If it were not for the religion of Islam, there would be many thousands, maybe tens, maybe hundreds of thousands of people alive today living peaceful, happy, and fulfilled lives than there are. Agony, misery, death is occurring all over this world, brought to us by the wonderful, peaceful religion of Islam.”

Boortz told his audience that “at its core,” Islam is a “violent, violent religion,” called “this Muhammad guy just a phony rag-picker,” and said that “it is perfectly legitimate, perhaps even praiseworthy, to recognize Islam as a religion of vicious, violent, bloodthirsty cretins.”

“There is no true God but God, and Muhammad is the messenger of God. Say that with conviction, folks, and the next thing you know, you’re strapping on a suicide bomb.”

Michelle Maklin: In 2004, right-wing columnist Michelle Malkin published *In Defense of Internment* (Regenry, 2004), which argues in favor of extensive discrimination and racial profiling against Arab Americans and Muslims in the United States, and passionately defends the imprisonment of tens of thousands of Japanese Americans during the Second World War. A rising star on the American extreme right, Malkin specifically denies advocating the mass imprisonment of Arabs and Muslims, but the logic of her book strongly contradicts these apparently pro forma disavowals. “Make no mistake: I am not advocating rounding up all Arabs or Muslims and tossing them into camps, but when we are under attack, ‘Racial profiling’ - or more precisely, threat profiling- is justified,” she writes. However, given her full-throated defense of the wartime imprisonment of tens of thousands of Japanese American men, women and children on the supposition that because of their ethnicity, they might have posed a security threat, Malkin’s book does in fact constitute the brief for the potential internment of Arab and Muslim Americans. At the very least, the logic of her arguments and the evidence she presents would make it impossible for her to object were such internments implemented in the present day.

Whatever reservations Malkin may have about a mass incarceration of Arab and Muslim Americans are confined to a single sentence: “In part because of the geographical dis-

persion of the current threat of Islamofascism, it is hard to imagine parallel circumstances under which America would be compelled to replicate something on the scale of the West Coast evacuation and relocation during World War II.” Her only apparent concerns have to do with practicality and scale, not any consideration of the legal and constitutional rights of Arab and Muslim Americans or the moral implications of locking up large numbers of people based solely on their identity – a situation she repeatedly characterizes as an “inconvenience.”

In an effort to justify the politics of discrimination, Malkin’s book argues that the mass internment of Japanese Americans, was a military necessity. Malkin says that she was drawn to the subject because critics of post-9/11 profiling persistently cited the Japanese internment as an example of the logical conclusion of security measures based on ethnic stereotyping. Her book presents no new information regarding the World War II internments, and relies heavily on a set of decrypted cables which indicate that the Japanese government intended to establish a spy network in the United States in the build-up to the attack on Pearl Harbor in 1941. However, the cables express more interest in recruiting non-Japanese spies. None of the “evacuated and relocated” Japanese Americans was ever arrested or even accused of being a spy or saboteur. There were very few instances of Japanese-American disloyalty, and, on the contrary, thousands served in the military with the greatest distinction. In spite of these well-documented facts, Malkin, in effect embraces the racist logic of the time that, “you can’t tell a good Jap from a bad Jap.”

Malkin’s thesis that the internments were a bona fide military necessity directly contradicts a national consensus defined by the conclusion of the Commission on Wartime Relocation and Internment of Civilians, which said in 1981 that “it should be common knowledge that the detention of Americans of Japanese ancestry during World War Two was not an act of military necessity but an act of racial discrimination.” Malkin condemns the apology issued by President Ronald Regan and the compensation paid to the detainees, and dismisses the commission’s work as replete with “injustice, irony, intellectual dishonesty, and incompetence.” Eric Muller, a University of North Carolina law professor who has written extensively on the subject, noted that “Malkin’s argument depends on a studied ignorance of the overwhelming evidence in the historical record, documented by dozens of scholars, of the impact of racism and wartime hysteria on those who conceived of and planned and implemented the incarceration of Japanese Americans in World

War II.” Another leading scholar of the internments, Prof. Greg Robinson, author of *By Order of the President: FDR and the Internment of Japanese Americans* (Harvard University Press, 2003), observed that “there was a climate of racism against Japanese Americans on the West Coast that began well before Pearl Harbor – fears about Japanese American farmers about to poison vegetables or training with foreign armies long before the war started. You can’t extricate these fears from the decisions that were made, and Malkin shows bad faith by excluding this history completely from her arguments.”

Even without another mass internment, Malkin insists, “There is much else we can learn from the past if it is viewed without a knee-jerk impulse to cry ‘racism’ at every turn.” Malkin calls for extensive, systematized discrimination, arguing that, “it is of questionable wisdom to continue allowing Muslims to serve the U.S. military in combat roles in the Middle East and to have access to classified information, except under extraordinary circumstances and after thorough background checks.” She calls for “the strictest scrutiny” for “Muslim chaplains in the military and prisons,” and urges across-the-board profiling on the basis of “Race, ethnicity, religion, and nationality.”

By contrast, the senior-most officials in charge of American national security have been increasingly acknowledging that such approaches, which boil down to little more than the crudest stereotyping, are completely ineffective. Among the senior officials to express such reservations was the Secretary of Homeland Security, Tom Ridge, who, during the same month Malkin’s book was published, explained, “There was a legitimate concern right after 9/11 that the face of international terrorism was basically from the Middle East. We know differently. We don’t have the luxury of kidding ourselves that there is an ethnic or racial or country profile.”

6. BIGOTED STATEMENTS BY MEMBERS OF CONGRESS

We conclude with bigoted statements from some of those closest to the centers of power in our country – members of Congress, beginning with individual statements and concluding with a review of bigoted comments associated with the Dubai Ports World scandal, which shows, among other things, that liberals and Democrats are as susceptible to this kind of bias as those on the right.

A) Individual Statements

Texas Congressman Sam Johnson (R-TX): In March 2005, at a church gathering, Congressman Sam Johnson was quoted as saying, “Syria is the problem. Syria is where those weapons of mass destruction are, in my view. You know, I can fly an F-15, put two nukes on ‘em and I’ll make one pass. We won’t have to worry about Syria anymore.”

Colorado Congressman Tom Tancredo (R-CO): During a July 2005 radio interview Congressman Tom Tancredo suggested that a preemptive attack on Mecca would be enough of a threat to make terrorists think twice about attacking the United States again. On the campaign trail as a candidate for the Republican presidential nomination, Tancredo reiterated the sentiment while speaking to a group of voters in Iowa on August 3, 2007. The congressman said “If it is up to me, we are going to explain that an attack on this homeland...would be followed by an attack on the holy sites in Mecca and Medina; that is the only thing I can think of that might deter somebody from doing what they would otherwise do. If I am wrong, fine, tell me, and I would be happy to do something else. But you had better find a deterrent, or you will find an attack.”

New York Congressman Peter King (R-NY): In August 2006, New York Congressman and Chairman of the House Committee on Homeland Security, Peter King stated in an interview that in order to protect our country from terrorism we, “should consider Middle Eastern ethnic background as a reason for further questioning.” The Republican representative made his comments to National Journals’ Congress Daily PM in response to a foiled terrorism plot in Britain that was allegedly being planned by several British citizens of South Asian descent.

More recently, on September 20, 2007, in an interview with *The Politico*, Rep. King said, “Unfortunately, we have too many mosques in this country. There are too many people who are sympathetic to radical Islam. We should be looking at them more carefully. We should be finding out how we can infiltrate. [...] King added, “I think there’s been a lack of full cooperation from too many people in the Muslim community. And it’s a real threat here in this country.”

Virginia Congressman Virgil Goode (R-VA): In a letter sent to constituents shortly after the 2006 elections, Virginia Virgil Goode expressed his opposition to using the Koran during an unofficial and optional swearing-in ceremony for the nation’s first elected Muslim congressman, Member-Elect Keith Ellison of Minnesota. Goode also expressed his, “fear that in

the next century we will have many more Muslims in the United States if we do not adopt the strict immigration policies that I believe are necessary to preserve the values and beliefs traditional to the United States of America and to prevent our resources from being swamped.”

In response to Goode’s letter, New Jersey Congressman Bill Pascrell expressed his disappointment with what he called, “ethnically offensive remarks the Congressman wrote about the use of the Koran in U.S. Representative-elect Keith Ellison’s unofficial swearing-in ceremony to the House of Representatives.” Pascrell also expressed alarm with Congressman Goode wrongfully equating the issue of immigration with a fear of Muslim integration in our society.

B) The Dubai Ports World Scandal

In early 2006, news broke that a company owned by the United Arab Emirates was acquiring a British-based company that managed several east coast U.S. sea ports. An industry leader, the UAE-based Dubai Ports Worlds (DPW) was purchasing the London-based company, Peninsular and Oriental Steam Navigation Co. (P&O) in a multi-billion dollar deal. The transfer of leases between the two companies was approved by the Committee on Foreign Investment in the United States, an inter-agency board chaired by the U.S. Secretary of the Treasury that reviews the national security implications of foreign interests acquiring U.S. companies or operations.

Despite the fact that 80% of U.S. port terminals are managed by foreign entities, national security concerns were not publicly raised until the involvement of an Arab company. Critics of the deal claimed that in a post-9/11 environment allowing an Arab company access to U.S. sea ports would pose a national security threat. Beyond a national discussion on port security the DP World deal also dredged up somewhat racist remarks by several members of Congress. Congressional criticism of the acquisition suggested racial profiling at a corporate level. Doing any business with Arabs was equated with doing business with terrorists. As diplomatic relations between the U.S. and most Arab nations remains strained, business provides one of the few means of exchange and cooperation.

New York Senator Chuck Schumer (D-NY) led the congressional effort to block the deal. Several measures were introduced and language was attached to a spending bill to undo the deal. Bush threatened to veto any congressional attempt to block the business deal citing it would send the wrong message to an ally in the war on terror. During a press conference, Bush stated, “...explain why a Middle Eastern com-

pany is held to a different standard.” In the end because of the controversy and political attacks, Dubai Ports World eventually sold the operation of the P&O terminals to an American company.

New York Senator Chuck Schumer (D-NY): In defense of his proposed legislation, New York Senator Chuck Schumer reasoned on more than one occasion that the UAE has had a “nexus of involvement with terrorism”. In one statement he went so far as to say that allowing the Arab company to manage ports “is a homeland security accident waiting to happen.”

New York Senator Hillary Clinton (D-NY): On March 21, CNN quoted New York Senator Hillary Clinton as saying, “Port security is too important an issue to be treated so cavalierly.”

New York Congressman Peter King (R-NY): On February 20, 2006, Time Magazine reported New York Republican Congressman Peter King insisted the Administration revisit its approval of the transfer of control of U.S. ports to “a company coming out of a country where al Qaeda has such a strong presence,” and which could be easily infiltrated by the terrorist network. On the same day, Newsmax.com quoted the congressman as saying, “By having a company right out of the heartland of al-Qaeda managing those ports without being properly cleared or investigated, to me is madness.”

New Jersey Senator Robert Menendez (D-NJ): In a 2006 interview, New Jersey Senator Robert Menendez stated, “I just don’t believe that our ports should be handed over to foreign governments.” He emphasized that Dubai has “serious and dubious history” as a transit point for terrorism and therefore should not be permitted to operate the ports.

New Jersey Senator Frank Lautenberg (D-NJ): At a rally in his state, New Jersey Senator Frank Lautenberg claimed that transferring the title of operations of American ports to Dubai would constitute an Arab “occupation.” He stated, “We wouldn’t transfer the title to the Devil; we’re not going to transfer it to Dubai.”

In response to his statement, ADC members from New Jersey met with Lautenberg in Washington DC. The senator apologized to his constituents for any comment he made “that was considered offensive regarding Dubai at the Port Newark event.” During the meeting, he added that he hoped to work to foster a positive relationship with the Arab-American community. The senator also issued a letter of apology for his comments.

North Carolina Congresswoman Sue Myrick (R-NC): In re-

response to the port deal, North Carolina Congresswoman Sue Myrick sent President George Bush a letter with a single sentence: “In regards to selling American ports to the United Arab Emirates, not just NO — but HELL NO!”

SECTION VI

COMMUNICATION AND COOPERATION BETWEEN ARAB AMERICAN ORGANIZATIONS AND GOVERNMENT AGENCIES

In recent years, in addition to the ongoing concerns and issues outlined in the rest of this Report, the United States government has undertaken constructive proactive steps at regular dialogue with ADC and the Arab, Muslim, and South Asian American communities. This constructive approach has indeed resulted in addressing some very serious civil rights violations in what can only be categorized as a professional and, on average, consistent manner. ADC has publicly acknowledged and thanked them for doing so in public on numerous occasions.

Moreover, since the 9/11 terrorist attacks, Arab and Muslim Americans have recognized the special role they have as partners with law enforcement and other government agencies in protecting our country. ADC and others can provide multiple examples where we stood shoulder-to-shoulder with law enforcement agencies, providing our resources and coordinating efforts to compliment the U.S. Government's legitimate efforts in combating terrorism and violent extremism. As noted earlier in this Report, one specific example of such coordination includes the ADC Diversity and Law Enforcement Outreach Program (LEOP) launched in 2002. This program has trained approximately eight-thousand of U.S. law enforcement officials in cultural competency; providing them with the necessary tools to exercise their duties more efficiently and effectively by expertly differentiating actual threats and behavior from cultural or religious norms and mores associated with Arab culture and Islam, in addition to providing specific community partners available to

coordinate legitimate efforts with federal law enforcement around the nation.

At the same time, we must acknowledge that some U.S. Government policies designed to combat terrorism have proven ineffective in fulfilling their mandates and have had a negative impact on the ability of the Arab-American community to actively participate, as members of civil society, in reaching its full-potential in assisting legitimate efforts aimed at preventing terrorism and violent extremism and working more constructively with law enforcement and intelligence agencies in fulfilling their missions and in protecting our nation. Some of the policies undertaken in the immediate aftermath of the 9/11 attacks and some more recent decisions made in the name of combating terrorism, have needlessly promoted fear and mistrust within the Arab and Muslim American communities. These policies have included targeted immigration enforcement measures such as NSEERS, perceived racial profiling in the approach to conduct voluntary interviews by the FBI and other law enforcement agencies, airport security screenings using the watch and no fly lists, the Immigration Absconder Apprehension Initiative, the NSA warrantless surveillance programs and their impact on electronic communication with the Middle East and Muslim countries, delays in naturalizations due to background checks and the perception of profiling in those checks, and customs and border protection secondary searches and interviews.

All of these have directly countered the proactive efforts on the part of many government agencies to build dialogue and cooperation with the Arab-American community.

Among the most significant of these outreach and substantive dialogue efforts have been made by the FBI National Recruitment and Marketing Unit and, on a broader level, the U.S. Department of Homeland Security Office for Civil Rights and Civil Liberties (DHS CRCL) and the U.S. Department of Justice Civil Rights Division; in particular the early efforts by a former Assistant Attorney General and those continuing efforts by the Special Counsel on Religious Discrimination.

Since 2003, DHS CRCL has lead the Federal Government's effective constructive outreach to the Arab and Muslim American communities. Specific examples have included the creation of the DHS CRCL Incident Management Team (CRCL IMT) spearheaded by the DHS Officer for Civil Rights and Civil Liberties. This team provides a real-time response and coordination mechanism to national security incidents that may relate to the communities. The team meets via conference call with the appropriate members of the intelligence community and law enforcement agencies and addresses key-concerns relating to the incident at-hand on both the communities' side and that of the federal agencies. This tool has proven extremely effective in substantively engaging the Arab and Muslim communities as constructive partners with DHS. In 2007, DHS held a day-long exercise of the CRCL IMT in Washington, DC. This included a three-scenario reality-based policy discussion tabletop exercise with representatives from most DHS component agencies, other concerned federal agencies including the FBI, state, and not for profit and private sector partners and external stakeholders, including some from the Arab-American community.

Moreover, the DHS CRCL effort has also included engaging the Arab and Muslim communities with major national-security exercises and obtaining those communities' input. A specific example is the DHS effort to ensure the participation of the Arab and Muslim American communities as external stakeholders in the TOPOFF 3 incident management exercise where community representatives were asked to contribute specific feedback to DHS for inclusion in the "after action review" of that multi-agency multi-national exercise designed to assess our nation's response to major national security incidents.

Finally, the substantive open engagement on the part of DHS CRCL has effectively worked to demystify DHS to the Arab and Muslim American communities and has constructively

built a close working-relationship where the concerns of all parties are addressed in a collegial and substantive atmosphere. ADC and government agencies may not always agree about specific policies, but we share the broader goals of protecting our nation while preserving the values, freedoms, and liberties that have defined this nation since its inception.

An additional form of outreach to the community can be seen in the work of the FBI National Recruitment and Marketing Unit (FBI NRMU). An example of their engagement with the Arab and Muslim community has included incorporating audience-specific recruitment efforts that are designed to directly counter the negative stigma associated with the intelligence community, in this case the FBI.

For example, in 2007 ADC helped organize the inaugural Future Agents In Training Camp (FAIT) for high school juniors and seniors from all walks of life, with special focus on students from the post 9/11 communities, namely Arab, Muslim, and Sikh Americans. The camp was coordinated by the FBI NRMU and the FBI Washington Field Office. The goal was to introduce the FBI to the students and at the same time help demystify the heritage communities to the FBI. Basic Arabic phrases were among the many seminars presented during the week-long camp which was free to participants. Students also were involved in team building, learned about cybercrime threats, and conducted a bank robbery investigation from start to finish at the FBI Academy in Quantico, Virginia. The FAIT camp was a great success and enthusiastic students are already interested in the next scheduled camp for 2008.

When engaging the Arab and Muslim American communities, it is vital to address the challenges as well as the opportunities. One federal agency that took the first substantive step in doing so is the U.S. Department of Justice Civil Rights Division. Former Assistant Attorney General for Civil Rights R. Alexander Acosta spearheaded a meeting that has convened on a regular basis, every six-weeks, at the U.S. Department of Justice in Washington, DC, between federal agencies and the Arab, Muslim, Sikh, and South Asian American communities. This meeting, which has met every six weeks since 2002 in Washington, DC, serves as an example of the federal government's proactive engagement to help address the heritage communities' concerns about certain policies; especially those related to countering terrorism and violent extremism. Thanks to the steps undertaken by the Special Counsel on Religious Discrimination, this meeting now attracts great support by the heritage communities as

a tool that facilitates a two-way discussion necessary to surpassing negative perceptions and addressing serious challenges in a constructive fashion.

There is no doubt that U.S. Government agencies have taken many proactive steps at constructive dialogue and communication in the past few years. The Arab-American community has reciprocated and taken pro-active measures of its own to further enhance this dialogue. ADC hopes and expects that both parties will continue to press for enhanced communication and cooperation in the coming years, which is strongly in the interests of the Arab-American community, the government and our country in general.

SECTION VII

RECOMMENDATIONS

TO THE GOVERNMENT

- It is imperative that the government continues to resist calls for racial or religious profiling, and recognize that counter-terrorism policies based on stigmatizing broad identity groups have failed, and will not provide reliable security in the future.
- Terrorism watch and “no fly” lists should be consolidated and rationalized between all agencies and kept to a manageable size. Effective mechanisms for challenging inclusion or distinguishing between persons supposed to be included as opposed to those with similar names, as well as processes allowing persons routinely falsely caught up with these lists, should be instituted to avoid unnecessary problems.
- The Customs and Border Protection (CBT) agency should create a civil rights division or a similar wing to deal with complaints and concerns, and the government should make every effort to explain customs and border procedures to the public whenever appropriate.
- The government should avoid any form of preventative detention, which has no place in the American legal system.
- All relevant agencies need to take steps to ensure that unnecessary naturalization and immigration status adjustment petitions are not unnecessarily delayed.

- In considering any potential homegrown terrorist threat, Congress and executive branch agencies should take every effort to avoid stigmatizing entire communities.
- Congress should also act to preserve civil liberties by repealing sections of the PATRIOT Act, curbing executive branch excesses such as warrantless wiretapping, and by ensuring that measures such as comprehensive immigration reform and immigration law enforcement generally do not violate the fundamental rights of any individual.
- The leaders of both parties in Congress should ensure that members of the House and Senate do not make bigoted or stereotyping remarks without censure or disciplinary action, whether formal or informal.
- Since this would be the single most positive step that the United States could take in promoting better relations with the Arab world and reversing the alienation between Arab and American societies, American foreign policy should prioritize resolving the conflict in the Middle East by at long last ending the Israeli occupation and establishing a Palestinian state to live alongside Israel in peace.

TO SCHOOLS AND UNIVERSITIES

- Secondary and primary schools around the country should ensure that Arab-American students are not subject to any discrimination, abuse or harassment based on their ethnicity and that Arab culture or Islam is not the subject of dis-

paraging or biased characterizations by faculty or in the curricula.

- Universities should protect faculty, especially untenured professors, from politically motivated campaigns of harassment and should resist outside efforts to interfere with tenure and promotion processes plainly designed to enforce political orthodoxy and stifle academic freedom and dissent.

TO THE MEDIA

- The entertainment industry should make every effort to continue the pattern of more balanced representations of Arabs and Muslims in American popular culture since the 9/11 terrorist attacks took place, and not revert to the unbalanced ethnic stereotyping that characterized earlier decades. As this Report goes to press, and at a time not covered by the scope of this Report, two major motion pictures released in May 2008, *Iron Man* and *Nim's Secret* suggested the possibility of a new trend reverting to older forms of ethnic stereotyping in American films. Such a regression in our popular culture would be extremely dangerous and damaging to all Americans.

- The news media and publishers should employ a single standard of basic respect for all identity groups and communities regarding commentary that promotes racism, ethnic or religious intolerance and stereotyping. Censorship is unacceptable, but respectable news outlets properly draw limits on the kind of expression they deliberately invite for inclusion in public debates and quite appropriately maintain standards regarding fundamental propriety. Arab Americans and American Muslims should be treated with the same level of respect and decency as all other communities, within the context of a society that properly chooses to maximize the range of free speech. Needless to say, government should play no role in defining these standards and practices.

TO THE ARAB-AMERICAN COMMUNITY

- Arab-American organizations and government agencies should continue to explore all available mechanisms for dialogue and cooperation whenever appropriate.

- Arab Americans should redouble their efforts to organize themselves as a community and engage the political system of our country at every level, both individually and as a collective.

- Arab Americans should expand their efforts at building

coalitions with like-minded communities and organizations on all major issues of concern.

- Arab Americans, while vigilant in fighting stereotyping and discrimination, should be sensitive to and vehemently reject any extremism that may emerge from fringe elements within the community.

- Arab American parents should encourage their children to pursue professions in government service and the media if they are so inclined.

- Arab Americans should passionately promote patriotism and public service within the community, and emphasize that they are proud and enthusiastic Americans when communicating with our fellow citizens.



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