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Middle Eastern Americans and Criminal Justice

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Middle-Eastern Americans ; Muslims ; 9/11 ; Patriot Act ; Racial profiling ; secret detention ; hate crimes ; civil liberties ; surveillance

Description: This brief will explore the relationships between Middle-Eastern Americans and US criminal justice by focusing essentially on the way anti-terrorist and immigration legislation have affected this group since 9/11, and how they responded to it. Particular attention will be given to Arab and Muslim Americans, who were especially impacted by these policies.

Key points:

* Middle Eastern Americans are a heterogeneous groups, in terms of national origins and religious affiliations whose presence in the United States date back to the late nineteenth century.

* The September 11 attacks of 2001 have given way to policies that have especially targeted Middle Eastern Americans on behalf of the war of terror, and led to the criminalization of individuals of Arab descent and Muslim background – and allowed the spreading of an important anti-Arab and Muslim sentiment.

* As a result, a number of Middle Eastern Americans organizations, mainly Arab Americans, as well as Muslim American institutions have organized civically in response to these practices.

Brief:

I. Middle Eastern Americans

Middle Eastern Americans represent a significant proportion of the US population, although a heterogeneous group, being extremely diverse in their ethnicities and national origins . They indeed come from a wide range of countries dominated by Arab-Speaking states (the Gulf Monarchies and Emirates, Lebanon, Syria, Jordan the West Bank, Egypt, Libya) but also including Iran, Turkey, Israel and Armenia. This region is thus marked by an Arabic/Non-Arabic cleavage that is well reflected in the Middle Eastern American group: it is indeed overwhelmingly dominated by Arab-Americans, who in 2010 stood for 1,177,340 of the whole population (and who account for the huge diversity in national origins), followed by Iranian-Americans (360,108), Armenian-Americans (330,215) ,Turk-Americans (217,937) and Israeli-Americans (92,645).

This diversity in ethnicity and ancestry is not the only reason for the group heterogeneity: immigration trajectories and integration into American society are also factors of difference/differentiation. Middle Eastern immigration to the US is generally divided into two periods: a predominantly Christian Syrian wave from the Ottoman Empire, between the 1875

and the 1920's (95,000 entered the US territory between 1880 and 1924; at the same date, there were about 200,000 Arab people). A second wave started after IIWW. It was more diverse, being no longer exclusively Syrian, to include other Arab nationalities, but also a lot of Iranians fleeing the political turmoil in their countries. It was also more predominantly Muslim

Today, a majority of Middle Eastern Americans are US citizens, with an equal proportion of native-born and foreign born. In terms of geographic distribution they live in all the 50 states, with concentrations in the North-East, California (Los Angeles has an important Iranian diaspora) and Michigan (in which the majority of the Arab-American population is to be found, especially in Dearborn).

They are as a whole well assimilated, socio-economically and in terms of education (Pew Research Center, 2007)

II. The Post 9/11 Backlash

Anti-Middle Eastern discrimination existed prior to 9/11 and often expressed at time of crises involving the United States in the Middle East (the Iranian revolution, the Gulf War, the Israel-Palestine conflicts). However, the 9/11 attacks saw an increase in anti-Middle Easterner bias, that especially targeted Arabs and Muslims (some of them not even being necessarily of Middle-Eastern descent). This bias was popular, and was imported into law in the context of the "War on Terror", in the hyper criminalization of these groups. Thus, not only did suspicion against Middle Easterners concern their potential involvement in terrorist activities: it was also their patriotism which was under scrutiny. The WTC attacks created a the fear of "homegrown terrorism" and gave way to a series of measures of which the 2001 *US Patriot Act* is perhaps the most emblematic piece: it empowered a number of agencies with means traditionally considered extra-legal to gather intelligence about terrorism-related activities. It expanded surveillance of Middle Eastern individuals' and communities' activities, granting Federal agents with the authority to intercept all sorts of communications and use them as criminal evidence if they deemed it necessary – including "preemptive prosecution", namely the discretion to prosecute an individual with very little proof. The list of terrorism-related activities was enlarged, on a "guilt by association" principle: hence, a series of Muslim-led charities were blacklisted and their funding made illegal; likewise, "association with someone connected to terrorism" was suspicious.

Racial profiling was also systematized, targeting not only Arab-looking people but also "Middle Eastern looking" individuals – a new paradigm which often referred to brown skinned, bearded and sometimes turbaned males or veiled women. This process addressed both American and foreign citizens: in this respect, judicial authorities, the Homeland Security Department as well as immigration services collaborated under the aegis of the *National Security Entry-Exit Registration System* which required thousands of immigrants from 25 Muslim countries to register with the homeland security authority, so as to find out about links between terrorist activities and immigration law violation. More controversial methods were resorted to, including secret detention and FBI interviews, adding to the debate on civil liberties infringement.

Aside from that, records of anti-Muslim incidents reached a peak in the years which followed 9/11, sometimes affecting people who were not of Arab descent (and sometimes not even Muslim): the August 2012 Sikh temple shooting in Oak Creek, Wisconsin by a White supremacist who mistaken the victims for Muslims is the most recent occurrence of such

crimes. According to a report released in 2005 by the Council on American Islamic Relations, reported an 52 percent increase in actual and potential anti-Muslim hate crimes, compared to 2003. It also recorded that incidents reports involving civil rights increased by 49 percents ; the study cites 1522 cases including violence and harrassment (CAIR, 2005)



Cartoon by Khalil Bendib,
<<http://otherwords.org/un-christian-activities-committee-cartoon/>>

II. Surveillance and the NYPD scandal

The debate on civil liberties and the infringement of Arab and Muslim Americans' rights reached a peak in the summer of 2011, when the Associated Press released a series of report documenting surveillance programs targeting Muslims in New York City. Beside wiretapping or monitoring, and practicing ethnic profiling, evidence that a number of officers had infiltrated Muslim and Arab community institutions was found; public scandal escalated by the unveiling of the methods of the NYPD counterterrorism unit, revealing discriminatory programs involving stereotypes about Arabs, Islam (Sharp,2012) and religious radicalization (growing a beard, quitting smoking or drinking alcohol, going to the mosque were such criteria). As a result of these infiltrations, several judicial cases were brought to the courts involving several Muslim and Arab-American individuals suspected of involvement of terrorist activities.

Such practices contributed to further criminalize Americans of Arab and Muslim descent ; yet the reactions they provoked seem to testify a turning point in the debate about and awareness of this issue.

Anti-NYPD protest on February 3rd, 2012

<http://www.wnyc.org/blogs/wnyc-news-blog/2012/feb/03/muslim-groups-protest-nypd-practices/>

IV. Impact on the Middle Eastern American community

Arab and Muslim-American community activism emerged in response to the situations we exposed. Associations such as the Arab-American Institute, the American Arab Anti Discrimination Committee, or the Council on American-Islamic Relations focus a lot on hate-crime recording and reporting all sorts of bias-incidents or instances of discrimination against people of Arab descent and/or Muslim background. The question of civil rights protection has emerged as crucial and the last few years witnessed interfaith coalitions between Arab Americans, Muslim Americans and other organizations. To a certain extent, this issue contributed to the reinforcement of these groups, in terms of community building and leadership.

9/11 also brought about a new feature: the debate on civil rights switched to the question of collective recognition. Hence, a lot of organizations have been recently dedicated to emphasizing the contribution of their community to the national fabric and legacy and their status as legitimate American citizens or residents. Another recently debated issue deals with the notion of race: indeed, Middle-Eastern Americans are classified as “White” on the census, but the use of racial profiling and the notion of “Middle Eastern looking” shows a discrepancy and a differentiation. Therefore, a lot of organizations have argued for the creation of a specific category, either “Middle Eastern” or “Arab” – somehow following the “Latino or Hispanic Origin” model. Parallel to that, important efforts are dedicated to fighting ethnic and religious stereotypes.



Anti NYPD protest on February 3rd, 2012

<http://www.wnyc.org/articles/wnyc-news/2013/mar/11/new-report-outlines-impact-nypds-surveillance-muslims/>

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