

Richard Pham
Professor Raymond Smith
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Criminal Justice and Arab-Americans

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Description: Since September 11, 2001, Middle Eastern Americans have been the target of vilification and ostracization by a large part of the American Community as a result of heightened public fear of terrorism. How has this impacted the relation between criminal justice and Arab-Americans?

Key points:

- Who are Middle Eastern Americans?
- What is the Patriot Act?
- How have has the relation between Arab-Americans and the Criminal Justice system c hanged?
- Is the Patriot Act constitutional?

Brief:

Arab-Americans encompass an ambiguous grouping of people with a variety of different cultures and languages and within a wide region of the world. Historically, they have been counted in the US census under the “white” ethnoracial group. For analytical purposes, the term Arab-American is less obscure as it is based on ethnic aspects such as culture and language instead of encompassing a geographic region. Although Arab-Americans are often thought of as homogenous, they include people originating from the 22 different countries. Furthermore, despite being often associated with Islam, an estimated two-thirds of Arab-Americans are Christian (Henderson & Ortiz). Within the context of the system of practices and institutions within the American criminal justice system, the Arab-

American group is pertinent to this topic as their criminal justice landscape has changed drastically since the September 11 attacks.

The events of September 11, 2001 had a profound impact on the living experiences of Arab-Americans. Many Arab-Americans have reported a heightened sense of public fear and suspicion toward them. This sentiment is intensified by increased media attention and targeted governmental policies such as special registration requirements and voluntary interviews (Henderson & Ortiz). Some researchers have described this as the “de-Americanization” of Arab-Americans, as they are cast as “Perpetual foreigners” deemed more loyal to their country of origin than to America (Audi). As a result, Arab-Americans and Muslims have been the target of vilification and alienation from parts of the larger American community. Specifically, one aspect where the reverberations of these events were felt most was the relation between Arab-Americans and the system of practices and institutions within the American criminal justice system.

One repercussion of the September 11 attacks were the official government policies enacted to combat terrorism. One such act is the USA Patriot act (Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism). This act provides the legal framework for much of the “war on terrorism”. The Patriot Act has justified many infringements on civil rights as it has spurred Justice initiatives and executive orders that gave the government more investigative powers and changed immigration rules to make them more

restrictive to those coming from Middle Eastern countries (Audi). Arab-Americans have been subject to the phenomenon of racial profiling, or the singling out of “suspects” based on physical features or attire. This has been increasingly true as public fear and suspicion toward Arab-Americans has increased.

The relation between Arab-Americans and the US criminal justice system can be analyzed on two levels: local and federal. At the federal level, many Arab-American communities have a sentiment of suspicion, fear, and frustration. Among other things, this can be attributed to the invasive governmental policies made possible by the Patriot Act. Many Arab-Americans feel that government policies and actions have cultivated a “climate of fear” (Henderson & Ortiz). At the local level however, Arab-American communities expressed a fair amount of goodwill toward local police agencies. They do not blame law-enforcement for the strenuous relation; there is a commonly made distinction between the makers and enforcers of policies.

The changes in the criminal justice landscape of Arab-Americans has raised concerned over the constitutionality of government policies such as the Patriot Act. In July 2003, a number of national and local Arab-American community organizations filed a lawsuit in U.S. District Court in Detroit charging that the FBI’s broadened powers violated the First, Fourth, and Fifth Amendments of the Constitution. The issue is part of a larger debate about the balance between National Security and individual rights.

Exhibit 5: Community Concerns

Responses to "What are the main concerns of your community at this moment?"

% of respondents (n=50)

<i>Government policies and actions</i>	
Immigration enforcement	17
Racial profiling by law enforcement	14
The USA Patriot Act/civil liberties	13
Detentions and deportations	10
Special registration	8
<i>Victimization</i>	
Viewed with suspicion	9
Harassment	6
Hate crimes	4
Employment discrimination	3

Exhibit 4: Total anti-Islamic hate crimes 1996-2004,
Uniform Crime Report³⁵

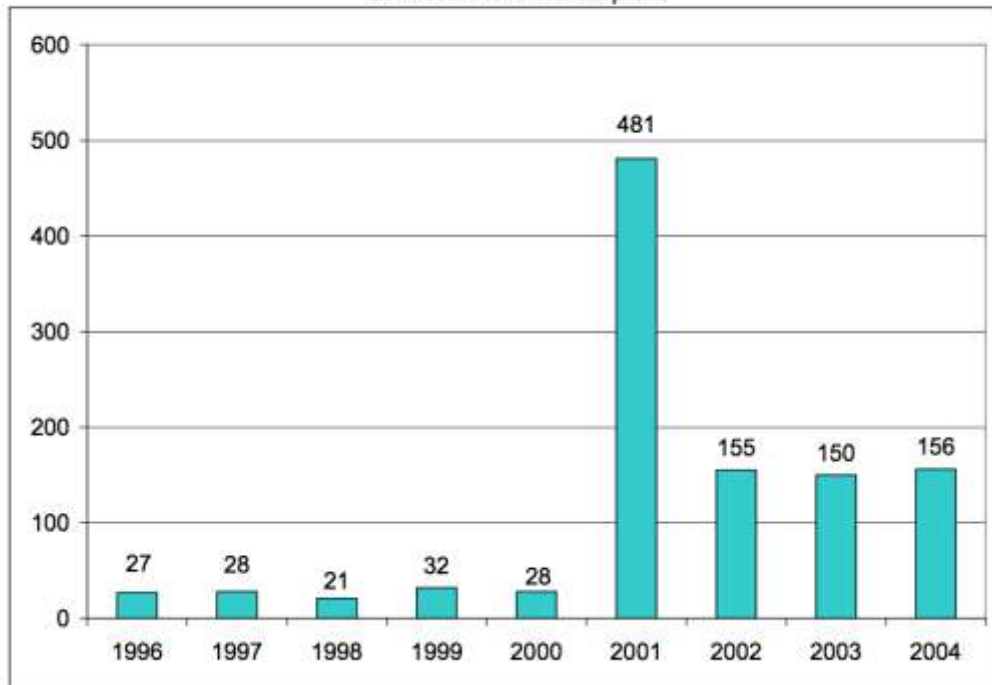
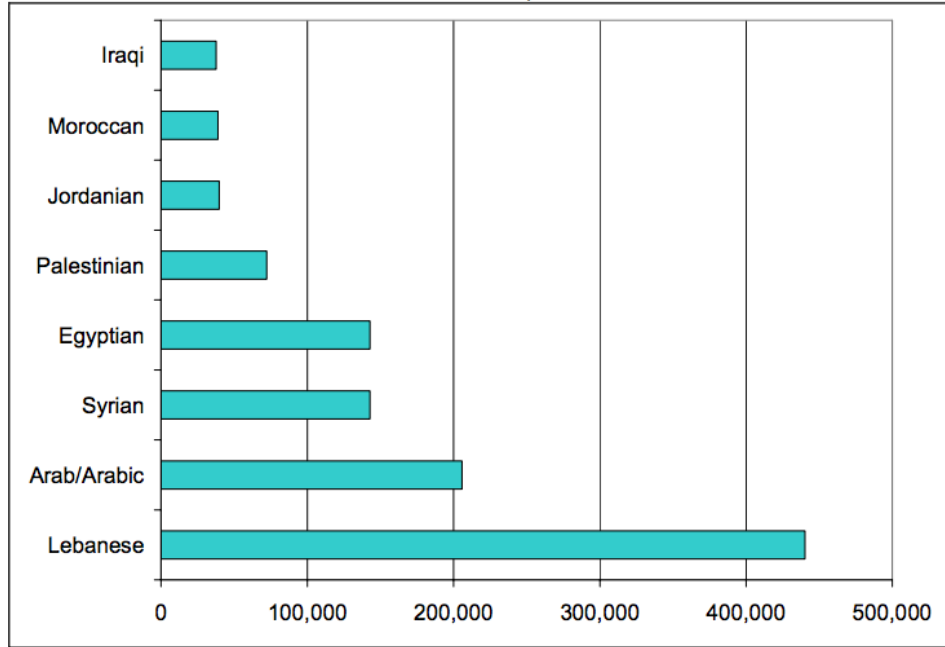


Exhibit 2: Distribution of Arab ancestry groups in the United States, Census 2000



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