

Middle Eastern Americans and The First Amendment

Keywords:

Middle Eastern Americans, the First Amendment, Islamophobia, Freedom of Religion, The Patriot Act, Terrorism

Description:

This issue brief will examine the relationship between Middle Eastern Americans and the First Amendment of the United States Constitution. It will also touch on the changes in American sentiment and political legislation concerning Middle Eastern Americans after September 11th, 2001.

Key Points:

- Since the 20th century there has been a substantive growth of Islamic immigration to the U.S.
- Middle Eastern Americans are an eclectic group that is diverse both religiously and ethnically.
- After the terrorist attacks of 9/11/01, grave misconceptions about Islam have caused anti-Islamic sentiments to rise which has led to the undue discrimination and harassment of Middle Eastern Americans.
- The U.S. Patriot Act is a controversial legislation that threatens the First Amendment Rights of Middle Eastern Americans.

Issue Brief:

Middle Eastern Americans, which can be defined as people of Middle Eastern descent, are a minority within the majority white subset of the ethnoracial structure used within the U.S. According to a 2002 report by the Center for Immigration Studies (CIS) – initiated after interest in Middle Eastern facts and figures following the September 11th, 2001 terrorist attacks – since 1970 the number of Middle Eastern immigrants in the United States has grown nearly 7-fold:

“from fewer than 200,000 in 1970 to nearly 1.5 million in 2000,¹” and approximately 2 million individuals in 2009.

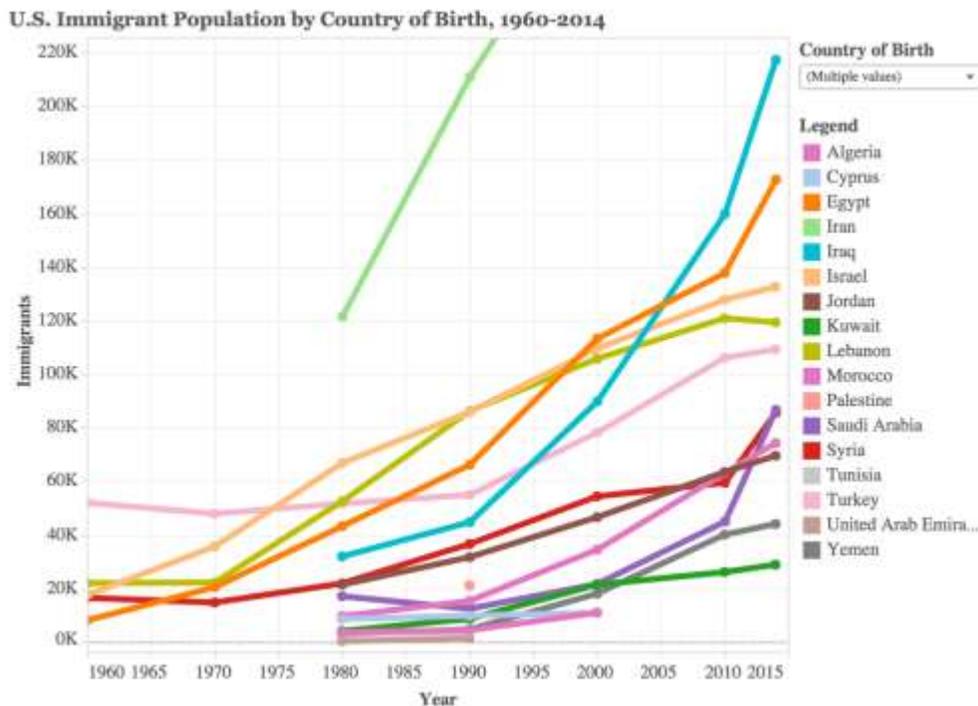


Image 1: U.S. Middle Eastern Immigration Population by country of origin courtesy of The Migration Policy Institute

A fact that is commonly misperceived is the religious and ethnic diversity of Middle Eastern Americans: Middle Eastern Americans are heterogeneous. Those within this group are from a gamut of geographical locations which include Iraq, Yemen, Syria, Saudi Arabia, Jordan, Lebanon, Algeria, Egypt, Morocco, Palestine, and other countries; their religions range from Catholicism, to Christianity, to Islamism, to being non-denominational, to practicing other religions.

Speculation over the geographic and religious affiliations of Middle Eastern Americans were brought to the forefront after 9/11. The terrorist attacks that occurred this day caused

¹ Camarota, Steven. “Immigrants from the Middle East.” Center for Immigration Studies.

insidious Islamophobia to occupy the minds and hearts of citizens in the United States. The 2001 incumbent President, George W. Bush's, "War on Terror" moved into international waters and then came back into the American homeland. People began a war on religion: their ignorance of the multitude of Islamic identities coupled with an intolerance of Middle Eastern inhabitants, who were not all practicing Muslims, called direct attention to the First Amendment.

The First Amendment of the United States Constitution states: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.”² Despite the guarantee that an American has the right to freely practice any religion, after 9/11 many Middle-Easterners were unable to engage fully with their Muslim identity because they would be targeted as an anti-American or terrorist: the mosque was no longer a safe space of worship for them; if they choose to wear specific head coverings they would be targeted for their outward appearance; moreover, as targets of racial-profiling their identity was slandered through hate speech³ and their religion was disrespected through the burning of the Qur’an by religious leaders in other denominations⁴. These types of discrimination restricted the rights of expression of Middle Eastern Americans and created an unfair dynamic where some would subvert facets of their identity for safety.

Table 2. INS Estimates of Illegal Alien Population From the Middle East, 1996

Country	Illegal Alien Pop.
Pakistan	41,000
Iran	25,000
Lebanon	20,000
Jordan	14,000
Bangladesh	13,000
Israel	11,000
Egypt	11,000
Syria	3,300
Sudan	3,000
Yemen	1,800
Morocco	1,800
Afghanistan	1,700
Turkey	1,400
Iraq	1,000
Algeria	1,000
Total	150,000

Source: Estimates of the Undocumented Immigrant Population Residing in the United States: October 1996. Robert Warren, Office of Policy and Planning U.S. INS. Paper presented at the Joint Statistical Meetings, August 1997.

This fear of Islam continued when the Immigration and Naturalization Service (INS) reported in 2002 that of the 1.5 million Middle Eastern immigrants, nearly 10%, or 150,000 were illegal immigrants.⁵ This figures were concerning because the 9/11 attacks were orchestrated by a large number of illegal immigrants from Middle Eastern regions. People believed that the ways in which the Islamic religion had manifested itself in popular media — as the foundation of

² “About the First Amendment | First Amendment Center – News, Commentary, Analysis on Free Speech, Press, Religion, Assembly, Petition.”

³ Ironically, hate speech is covered by the First Amendment right of Freedom of expression

⁴ “Florida Pastor Terry Jones Arrested on Way to Burn Qur’ans | US News | The Guardian.”

⁵ Camarota, Steven. “Immigrants from the Middle East.” Center for Immigration Studies.

brutish, terror attacks devoid of human compassion — justified the rejection of Islam from the coverage of the First Amendment of the U.S. constitution: because a sect of practicing Islamists failed to comply with the typical peaceful conduct of other religions, the whole multitude was targeted publicly and politically. The infringement on the constitutional rights of Middle Eastern Americans was bolstered by the widespread American fear of an individual or faction marrying their religion with extremist political agendas.



A manifestation of this tension occurred immediately after the September 11th attacks. On October 26th 2001, 45 days after the assaults on U.S soil, the U.S. Government implemented the Patriot Acts. This new legislation opened a contentious can of worms: in order to combat any impending attacks the government

decreed that they had the right to excessive surveillance.

However, many Americans asserted that this act, which let law enforcement agencies liberally gather intelligence, violated their first amendment right of “religion” and the right to “peaceably assemble.” In the era following 9/11, the regulation meant Middle Eastern Americans would be incessantly victimized. Their communities would be monitored, their businesses infiltrated, their mosques tainted with the concealed motives of unbelieving spies.

Since the establishment of the First Amendment in 1791, the proceedings in court over the next 90 plus years have served the purpose of defining the exact times when one can be brought to trial for the words they say. Those moments are occurrences of threat which “must

pose real, imminent danger against a specific person to run afoul of the law.⁶” However, the American abruptness to lump an entire ethnoracial category into anti-American agitators working to bring the U.S. to its knees is unjustified. According to census data, less than half of Middle Eastern Americans are Muslim.

Anti Middle Eastern sentiment continues to make its way to the forefront of American politics. In 2011, an Egyptian living in California released a video to the internet that mocked prophet Mohammad. This video was then translated to Arabic and viewed by many Middle Easterners in the international world. Angry that the U.S. had done nothing to censor the content of this video, they climbed the wall of the U.S. Embassy in Cairo and replaced the American flag with a black flag representing Islam. The video, flag replacement, and subsequent political speeches led to the Benghazi attacks which killed three U.S. officials. The center of this misconduct was the First Amendment: the American government had no authority to censor the film maker in California. Furthermore, the Embassy released this statement: “The Embassy of the United States in Cairo condemns the continuing efforts by misguided individuals to hurt the religious feelings of Muslims — as we condemn efforts to offend believers of all religions... Respect for religious beliefs is a cornerstone of American democracy. We firmly reject the actions by those who abuse the universal right of free speech to hurt the religious beliefs of others.”⁷ Even a decade after the September 11th attacks, overseas and domestically, the freedom of religion and speech continue to clash head on.

⁶ Policinski, Gene. “Much of World Wants Freedom from Speech | First Amendment Center – News, Commentary, Analysis on Free Speech, Press, Religion, Assembly, Petition.”

⁷ “What They Said, Before and After the Attack in Libya.” The New York Times.

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United States Census Bureau: <http://www.census.gov/>

Migration Policy Institute: <http://www.migrationpolicy.org/>

Center for Immigration Studies: <http://www.cis.org/>

First Amendment Center: <http://www.firstamendmentcenter.org/>

Middle Eastern Americans Resources Online: <http://www.mearo.org/>