

**Illinois Advisory Committee to
the U.S. Commission on Civil Rights**

**Arab and Muslim Civil Rights Issues in
the Chicago Metropolitan Area
Post-September 11**

May 2003

A report of the Illinois Advisory Committee to the U.S. Commission on Civil Rights prepared for the information and consideration of the Commission. Statements and observations in this report should not be attributed to the Commission, but only to participants at the community forum or the Advisory Committee.

The United States Commission on Civil Rights

The U.S. Commission on Civil Rights is an independent, bipartisan agency established by Congress in 1957, reconstituted in 1983, and reauthorized in 1994. It is directed to investigate complaints alleging that citizens are being deprived of their right to vote by reason of their race, color, religion, sex, age, disability, or national origin, or by reason of fraudulent practices; study and collect information relating to discrimination or a denial of equal protection of the laws under the Constitution because of race, color, religion, sex, age, disability, or national origin, or in the administration of justice; appraise federal laws and policies with respect to discrimination or denial of equal protection of the laws because of race, color, religion, sex, age, disability, or national origin, or in the administration of justice; serve as a national clearinghouse for information in respect to discrimination or denial of equal protection of the laws because of race, color, religion, sex, age, disability, or national origin; submit reports, findings, and recommendations to the President and Congress; and issue public service announcements to discourage discrimination or denial of equal protection of the laws.

The State Advisory Committees

By law, the U.S. Commission on Civil Rights has established an advisory committee in each of the 50 states and the District of Columbia. The committees are composed of state citizens who serve without compensation. The committees advise the Commission of civil rights issues in their states that are within the Commission's jurisdiction. More specifically, they are authorized to advise the Commission on matters of their state's concern in the preparation of Commission reports to the President and the Congress; receive reports, suggestions, and recommendations from individuals, public officials, and representatives of public and private organizations to committee inquiries; forward advice and recommendations to the Commission, as requested; and observe any open hearing or conference conducted by the Commission in their states.

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the Chicago Metropolitan Area
Post-September 11**

Letter of Transmittal

Illinois Advisory Committee to
the U.S. Commission on Civil Rights

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The Illinois Advisory Committee submits this report, *Arab and Muslim Civil Rights Issues in the Chicago Metropolitan Area Post-September 11*, as part of its responsibility to advise the Commission on civil rights issues within the state. The report was unanimously adopted by the Advisory Committee by a 16–0 vote.

This report contains information received by the Illinois Advisory Committee at a community forum held in Chicago on June 17 and 18, 2002. The Advisory Committee is indebted to the individuals who testified at the public meeting for their time and expertise and to the staff of the Midwestern Regional Office, U.S. Commission on Civil Rights, for the preparation of this report.

The Advisory Committee understands the Commission is charged to study and collect information relating to denials of the equal protection of the law, and trusts the Commission and the public will find the material in this report informative.

Respectfully,

James E. Scales, *Chairperson*
Illinois Advisory Committee

Illinois Advisory Committee to the U.S. Commission on Civil Rights

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Chapter 1

Introduction

It is fair to say that Americans awoke to an entirely different world on September 11, 2001. Amid the fear and confusion surrounding the terrorist attacks of that day, the United States and the world came together to mourn for the innocents who lost their lives and to gather strength to confront those responsible for the atrocities. The mood of the nation and the world was possibly best captured by *Le Monde*, the widely read daily newspaper in France, when it ran the headline “Nous sommes tous des Américains,” which translates to “We are all Americans.”

Unfortunately, the spirit of this headline was easier to print than to live. Many people in the Chicago metropolitan area who shared the same religion or physical characteristics of the September 11 terrorists had difficulties partaking in the atmosphere that we are all Americans. Instead, many felt that they were immediately placed under a scope of suspicion by their neighbors and their government.

The Illinois Advisory Committee to the U.S. Commission on Civil Rights is composed of 15 members. It is bipartisan, including representation from both political parties, as well as the different geographic regions of the state. The Committee is also independent of any national, state, or local administration or policy group. In response to the Commission’s request that State Advisory Committees review and report on post-9/11 civil rights issues, the Committee held a briefing titled “Arab and Muslim Civil Rights Concerns Since September 11, 2001” on March 29, 2002. Committee members decided on that date that the topic deserved further inquiry through a two-day community forum. Members voted unanimously to undertake the study.

This report is a summary statement of the Illinois Advisory Committee’s review of “Arab and

Muslim Civil Rights Issues in the Chicago Metropolitan Area Post-September 11” and includes observations. Much of the report is based on information received by the Committee at a community forum held in Chicago on June 17 and 18, 2002.

After a brief introductory chapter about the communities involved and some of their civil rights concerns, the report is divided into chapters, each of which covers a specific civil rights issue related to the topic at the forum. Because the scope of the initiative was limited to a solicitation of opinion, without analysis of those opinions, each chapter is composed primarily of the transcribed statements of presenters at the community forum. The Illinois Advisory Committee strove to achieve balance in the forum. Therefore, the chapters contain the testimonies of diverse individuals, including community leaders, academics, government and local officials, and other interested parties. The final chapter includes the overall observations of the Illinois Advisory Committee in light of all testimony received during the community forum.

Ethnic and Religious Clarification

The primary focus of this report is the Arab and Muslim communities of greater Chicago. Even before September 11, a substantial percentage of the American public misunderstood and stereotyped these communities. After the terrorist attacks, some of those misconceptions were revealed. Many innocent Muslims, Arab Americans, Southeast Asians, and other people of color became victims of hate crimes and discrimination because they shared a similar appearance or cultural and religious background with the accused terrorists. The Illinois Advisory

Committee made it a priority to learn about and understand these communities.

Arab Americans

Most Arab Americans can trace their family heritage to one of the 22 Arab countries, which stretch from Morocco in Northwest Africa to Oman in the Persian Gulf.¹ Although independent states, these nations for the most part share common linguistic, cultural, and political traditions. Possibly as helpful as learning who Arabs are is learning who Arabs are not. People from the countries of Turkey, Iran, Afghanistan, Pakistan, and India are usually not Arab, although these people are commonly mistaken as Arabs.

Although they trace their roots to these countries, it is believed that most Arab Americans were born in the United States. This is because Arabs have been in this country for many years. Two large waves brought Arab people to the United States. The first wave was between 1875 and 1920. The second wave began in the 1940s. Despite such a long presence in the country, the exact number of Arab Americans in the Chicago area and the United States is difficult to ascertain.² The U.S. Census Bureau does not currently track Arab Americans, and members of this group identify themselves in various ways. It has been estimated that 3 million Arab Americans live in the United States, but no “official” estimates appear to exist.³

Like European and African Americans, Arab Americans practice diverse religious faiths. Not all Arab Americans are Muslims. In fact, a minority of Arab Americans are Muslim. Although the statistics vary, the large majority of Arabs in the United States are Christians. It is estimated that 42 percent of Arab Americans are Catholic, 12 percent are Protestant, and 23 percent are Orthodox. The remaining 23 percent of Arab Americans are Muslim.⁴

¹ For a map of the Arab world, see Arab American Institute, <http://www.aaiusa.org/images/arab_world_map.jpg>.

² For more information on migration and Arab Americans in Chicago, see appendix A.

³ *Detroit Free Press*, “100 Questions and Answers About Arab Americans: A Journalist’s Guide,” n.d., <<http://www.freep.com/jobspage/arabs.htm>> (Jan. 15, 2003).

⁴ Arab American Institute, “Demographics,” n.d., <<http://www.aaiusa.org/demographics.htm>> (June 10, 2002).

As a group, Arab Americans have fared better than most Americans in terms of education and economic standing. Percentage-wise, Arab Americans are twice as likely as other Americans to have a degree beyond a bachelor’s. In addition, Arab American households have a higher than average median income. However, in some areas of the nation, Arab Americans’ income is below the average. So it should not be assumed that all Arab Americans are well educated and wealthy.

Muslims

Muslims are believers in the religion of Islam. The term Muslim is comparable to the term Christian or Jew, and the term Islam is comparable to the term Christianity or Judaism. Similar in many ways to these other traditions, Islam is a monotheistic religion, which is to say that it is a religion that instructs its believers that there is only one God, whom Muslims call Allah.

The countries of the world where a majority of the inhabitants are Muslim stretch from Morocco in the west to Indonesia in the east. Islam has its roots in the Middle East, where it is still dominant in nearly all countries, but a majority of its practitioners now live in South Asia and Southeast Asia. The world’s largest Muslim country is Indonesia.

Muslims first came to America during the Atlantic slave trade in the 16th century. Today, there are an estimated 3.5 million Muslims in the United States.⁵ However, it is difficult to tell the exact number of Muslims because of the diverse characteristics of the believers. Thus, others estimate that there may be 6 million to 8 million Muslims in the United States, approximately 30 percent of whom are African American Muslims.⁶

The word “Islam” means submission, and a “Muslim” is one who submits. A Muslim traditionally sees the self as submitting to the will of God, which is understood in two senses. First, the will of God is understood as a preordained force in history. In this understanding, God, or Allah, is the creator of all things. Second, the will of God is composed of a very complex set of

⁵ Mohamed Nimer, *The North American Muslim Resource Guide: Muslim Community Life in the United States and Canada* (New York: Routledge, 2002), p. 5.

⁶ Don Terry, “A Leap of Faith,” *Chicago Tribune Magazine*, Oct. 20, 2002, p. 14.

rules that dictates how Muslims live virtually every phase of their life, from birth until death.

Islam is in the Abrahamic family of religions. It diverges from the other religions in this family in that most Muslims see themselves as descendants of Abraham's son Ismail, not Isaac.⁷ Muslims believe Allah revealed the Quran, the sacred text of Islam, to the prophet Muhammad between 610 and 632 C.E. The Quran is believed to be the final revelation from God that will guide the previous revelatory traditions of Judaism and Christianity back onto the path of righteousness. Thus, the God that Muslims refer to is seen as being the God of Abraham and the God of Moses and the God of Jesus (the latter being seen as prophet rather than as God), and many if not most American Muslims equate the God that they worship with the God of Judaism or Christianity.

Although traditionally Muslims believe that the Quran is the unerring word of God, the book itself does not deal fully with the way Muslims should live their lives in their dealings with others. According to Dr. Kevin Jaques of Indiana University's Department of Religious Studies, of the Quran's 6,000-plus verses, only about 500 deal with rules about how people are supposed to live in relation to each other. The Five Pillars of Islam that the Quran provides are primarily principles that regulate the private life of Muslims in their dealings with God.⁸ These Five Pillars are the following: belief in the *shehada*, the statement that "There is no god but God, and Muhammad is his prophet"; *salat*, prayer five times a day; *zakat*, the sharing of alms with the poor; fasting during the holy month of Ramadan; and the hajj, or pilgrimage to Mecca in Saudi Arabia.

Because of this lack of explicit social teachings in the Quran, Muslims came to believe that the prophet Muhammad himself was, in a sense, living revelation. His life example, or his *sunna*, becomes the second source of revelation and rules for Muslims. The third source of rules for Muslims evolved from cultural differences as the

religion spread throughout the world. This disparity is still a major issue for Islam, as it is for many religions today. To alleviate the difficulty of how a Muslim in the United States, for example, lives a religious life with rules that were meant for first-century Mecca, most look to a class of Muslim intellectuals known as the *fiqh*, or the jurists, who developed methods of interpreting the Quran and the *sunna* so that these could be made applicable to changing cultural circumstances. Therefore, it is believed, no matter where a Muslim lives, the Quran and the *sunna* can provide guidance on how one should live.⁹

Because much of this is dependent on individual applications of reason and methods of interpretation, over time there developed great diversity in Muslims' social ethics, or how Muslims are supposed to live and relate with others. Therefore, it is possible for some Muslims to believe that the terrorist acts of September 11 were justified in God's eyes.¹⁰ However, by far the large majority of Muslims in the United States and around the world have condemned the attacks and any other attacks on innocent individuals. This condemnation is illustrated by the fact that almost every major Muslim organization in the United States has publicly denounced the events of September 11.¹¹

Demographics of Chicago

Chicago is the third largest city in the United States with an approximate population of 2,896,016. The approximate population of the Chicago metropolitan area is 8,008,507.¹² Because the U.S. Census Bureau does not track Arab Americans or Muslims, it is very difficult to know the size of these communities. However, reasonable estimates have the population of the Arab community in the Chicago area at 150,000.¹³ Outside of the city itself, the largest concentration of Arab Americans is to be found in the southwest suburbs.

⁷ Huston Smith, *The World's Religions* (San Francisco: HarperCollins, 1991), p. 223.

⁸ Kevin Jaques, statement before the Indiana Advisory Committee to the U.S. Commission on Civil Rights, community forum, "Civil Rights Issues Facing Muslims and Arab Americans in Indiana Post-September 11," Indianapolis, IN, May 30, 2002.

⁹ Ibid.

¹⁰ Ibid.

¹¹ Council on American-Islamic Relations, *American Muslims: One Year After 9-11*, 2002, pp. 3–5.

¹² U.S. Census Bureau, 2000 Census.

¹³ Ray Hanania, "Chicago's Arab American Community: An Introduction," 2000, <<http://www.hanania.com/aaintro.htm>> (May 3, 2002).

An estimated 400,000 Muslims live in the Chicago area, and there are about 90 mosques.¹⁴ Historically, the city is a center for African American Muslims. It is the headquarters of Louis Farrakhan's Nation of Islam and the home of Imam Warith Deen Mohammed, leader of the Muslim American Society. In addition to a large number of African American Muslims, there are a large number of Muslims from the continent of India and from Southeast Asia in the Chicago area. Arab Americans compose a relatively small portion of Chicago-area Muslims.

Civil Rights Issues Since 9/11

Even before September 11, Arab Americans and Muslim Americans faced civil rights issues in Chicago. Following the atrocities that occurred on that date, they have claimed to face further discrimination. These issues continue despite that spokespersons for the local Arab and Muslim communities have condemned the attacks loudly and publicly. In addition, they have condemned the civil rights backlash that they feel has been unfairly targeted upon them. Those issues of civil rights and civil liberties have been the subject of much public discussion and of several reports.¹⁵

Hate Crimes

The Chicago region has been the site of an increase in hate crimes against Arabs and Muslims. Data reported in the community forum suggest that immediately after September 11 there was a significant increase in hate crimes against Arabs, Muslims, and those mistaken as members of these communities. The increase in

hate crimes, which rose in the wake of 9/11, appeared to taper in the months that followed.

Muslim women have been particularly vulnerable to hate crimes because the traditional *hajib* many wear to cover their heads and faces makes them easily identifiable as Muslims. The crimes directed at Arabs and Muslims have also affected other communities in Chicago. In particular, Sikhs of Chicago, especially in the early days after 9/11, were often mistaken for Muslims because of the turbans many Sikhs wear as head covering. They became common targets, even though their head covering bore little relation to any Muslim dress. As it happens, Sikhs are religious believers who historically have been influenced more by Indian Hinduism than Islam.

Education, Employment, Housing, and Transportation Discrimination

In addition to hate crimes, some Arab and Muslim Americans have suffered further discrimination in their everyday lives. Community members have brought many cases of employment, education, and housing discrimination to the federal and state agencies that oversee these issues. In some cases, the complaints continued well beyond September 11 and into the next year, possibly because some of the fear of reporting discrimination in the heated environment immediately after the attacks lessened.

In addition, profiling at airports continues to be an issue for Arab and Muslim Americans. Even before September 11, members of these communities felt that they were profiled for extra security at airports. In response to these concerns, the airline industry implemented an automated profiling system, Computer Assisted Passenger Screening (CAPS), industrywide in 1998. This system was employed, in part, to prevent ethnic or racial profiling by airport security. CAPS involves the collection of data on passengers prior to their boarding a plane. The information is entered into a computer database that determines whether the passenger poses a potential security risk and should be subjected to heightened security procedures. The criteria for selection are secret, but the Federal Aviation Administration (FAA) denies that its profiling procedures are discriminatory. The FAA insists

¹⁴ *Chicago Sun Times*, "U.S. Seeing Big Growth in Muslim Population," n.d., <<http://www.suntimes.com/output/news/mus02.html>> (June 15, 2002).

¹⁵ Many groups have completed reports on the large issue of civil rights and liberties after September 11, 2001. These include "American Backlash: Terrorists Bring War Home in More Ways Than One," South Asian American Leaders of Tomorrow, <www.saalt.org>, 2001; "We Are Not the Enemy: Hate Crimes Against Arabs, Muslims, and Those Perceived to Be Arab or Muslim after September 11," Human Rights Watch, <www.hrw.org>, 2001; and Stephen Schulhofer, "The Enemy Within: Intelligence Gathering, Law Enforcement, and Civil Liberties in the Wake of September 11," the Century Foundation, <www.tcf.org>, 2002.

that the CAPS system does not target any group based on race, national origin, or religion.¹⁶

Federal Legislation and Government Policies

On April 19, 1995, the Edward P. Murrah Federal Building in Oklahoma City was the site of the worst terrorist attack the country had seen up until then. Afterward, Congress passed and President Clinton signed the federal Antiterrorism and Effective Death Penalty Act of 1996¹⁷ in an effort to strengthen the government's ability to defend the nation against terrorism. Much of this law concerned immigration restrictions. Specifically, it empowered the federal government to hold secret hearings, using evidence that cannot be challenged, on legal immigrants for deportation proceedings. Despite that the terrorists in Oklahoma City were American citizens, the federal Antiterrorism and Effective Death Penalty Act had the largest impact on Arab Muslims. Nearly all immigrants who were held in prison and had secret evidence used against them even prior to the September 11 attacks were Arab Muslims.¹⁸ Many Arab and Muslim leaders, as well as civil liberties advocates, denounced the 1996 law as a discriminatory denial of due process.

Since September 11, 2001, Congress has passed and President Bush signed into law the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA Patriot Act).¹⁹ This law has strengthened the 1996 anti-terrorism law by expanding the government's ability to conduct secret searches,²⁰ allowing for the indefinite detention of noncitizens who are not terrorists on minor visa violations if they cannot be deported,²¹ minimizing judicial super-

vision over law enforcement's surveillance of telephones and Internet,²² providing the U.S. attorney general and the secretary of state the power to deport any noncitizen who belongs to an organization they designate as terrorist-affiliated,²³ and giving the FBI wide access to the business records of individuals without having to prove evidence of a crime.²⁴

As with the 1996 antiterrorism act, the USA Patriot Act has been criticized by Arab and Muslim leaders. The law does reinforce the concept that the civil rights of Arab Americans must be protected, that acts of violence against any Americans must be condemned, and that the citizenship rights of all ethnicities, races, and religions must be recognized. However, many in the Arab and Muslim communities claim that the act still has unfairly targeted them and put them under a scope of suspicion by law enforcement and other U.S. citizens.

Islamic Charities

In Chicago, the new powers provided to law enforcement have been most clearly visible in press reportage of the seizure of some local Islamic charities' assets and the prosecution of one charity's official.²⁵ Two large charities that had their assets seized on December 14, 2001, are based in the Chicago metropolitan area: Global Relief Foundation and Benevolence International Foundation. A third charity that had its

¹⁶ Michigan Advisory Committee to the U.S. Commission on Civil Rights, *Civil Rights Issues Facing Arab Americans in Michigan*, 2001, p. 11.

¹⁷ Pub. L. No. 104-132, 110 Stat. 1214 (1996).

¹⁸ Michigan Advisory Committee, *Civil Rights Issues Facing Arab Americans*, p. 2.

¹⁹ Pub. L. No. 107-56, 115 Stat. 272 (2001).

²⁰ 50 U.S.C. § 1861 (2003) (prohibits persons from disclosing that they have any knowledge of seizure of business records and other tangible items, and the court issuing the subpoena from disclosing the purpose of the order).

²¹ 8 U.S.C. § 1226a (2003) (provides for detention of suspected terrorists by the U.S. attorney general).

²² 50 U.S.C. § 1842 (2003) (expands the pen register and trap and trace authority to include any investigations to obtain foreign intelligence information not concerning a United States person, or to protect against international terrorism or clandestine intelligence activities); 50 U.S.C. § 3123(a) (2003) (orders are based on "certification" that the information sought is related to a professed law enforcement purpose, done without notice to the subject of the surveillance, anywhere in the United States, and can be against unspecified persons, rather than specific communications providers).

²³ Designation of 39 "Terrorist Organizations" under the "PATRIOT Act," 66 Fed. Reg. 63,620 (2001) (classifying 39 groups as "terrorist organizations" as of December 5, 2001).

²⁴ 15 U.S.C. § 1861 (2003).

²⁵ *United States v. Enaam M. Arnaout*, No. 02 CR 892, 2003 U.S. Dist. LEXIS 1635 (D. Ill. Feb. 4, 2003); *United States v. Enaam M. Arnaout*, 236 F. Supp. 2d 916 (D. Ill. 2003); *United States v. Enaam M. Arnaout*, No. 02 CR 892, 2002 U.S. Dist. LEXIS 24262 (D. Ill. Dec. 18, 2002); *United States v. Enaam M. Arnaout*, 231 F. Supp. 2d 797 (D. Ill. 2002); *United States of America v. Benevolence Int'l Found., Inc. and Enaam M. Arnaout*, No. 02 CR 414, 2002 U.S. Dist. LEXIS 17223 (D. Ill. Sept. 13, 2002).

assets frozen, Holy Land Foundation, has offices in the region.

The freezing of Islamic charities is a major concern of Muslims. As stated previously, one of the Five Pillars of Islam that the Quran set out for Muslims to follow is giving to charity, or *zakaat*. Organizations like Global Relief and Benevolence International were popular organizations to which American Muslims gave because these groups were believed to do a great deal of work with orphans and poor people throughout the world. Many Muslims are now concerned that their money may have helped terrorist activities or that they may be considered suspects for having given financial support to these charities.

Fear

Fear may not be a “legal” civil rights issue, but the fear that many in the Arab and Muslim

communities experience as a result of hate crimes, discrimination, and government actions must be discussed in any thorough study of these communities post-September 11. Throughout the two days of the community forum, nearly all community leaders and government officials who testified before the Illinois Advisory Committee mentioned that fear was rampant in these groups. It may not be possible to establish the extent to which the reasons for these fears are justifiable, but there is little question that these feelings do exist, and they are presumably exacerbated by the fear of the effect of future terrorist attacks on the United States. The Illinois Advisory Committee believes that understanding the nature of these fears and the reasons for them is relevant to its civil rights examination.

Chapter 2

Hate Crimes

Between September 11 and September 17, 2001, there were 32 reported hate crimes perpetrated against Arabs, Muslims, and people mistaken for Arabs and Muslims in Illinois, most of these occurring in the Chicagoland area.¹ These crimes took the form of violence against individuals, schools, and mosques; verbal harassment and threats; mob incidents; and anti-Arab protests. In 2001, Illinois State Police recorded 49 hate crimes against people of Arab descent, up from nine reported in 2000.² Likewise, the city of Chicago reported 60 hate crimes against Arabs in 2001, up from four in 2000.³

However, important steps taken by police and government officials may have prevented the matter from being worse. A report issued by Human Rights Watch stated that the Arab Community Advisory Council, formed by Mayor Richard Daley, played a crucial role after September 11 in facilitating communications between the city, police, and Arab communities.⁴ Furthermore, the U.S. attorney's office, state's attorney's office, and the FBI all worked diligently with community leaders to prevent backlash violence against these communities. They also made it clear repeatedly that those who

commit hate crimes would be prosecuted to the full extent of the law.

Community Representatives

Elizabeth Shuman-Moore Chicago Lawyers' Committee for Civil Rights Under Law

I wanted to talk a little bit about the hate crime information that we have. The FBI, the Chicago Commission on Human Relations, the Chicago Police Department, and the Illinois State Police collect and report data on hate crimes on an annual basis.⁵ The largest category consistently of victims of hate crimes is race at about half to two-thirds for any one year. Ethnic origin accounts for probably 10 percent in any one year. Those are very low numbers generally.

We don't have the reports for the year 2001 yet, so I have to refer to 2000.⁶ So, for the city of Chicago, about 41 percent of ethnic origin hate crimes were anti-Latino and, kind of interestingly, about one-third were anti-Bosnian. But that was out of a total of only 27 reported hate crimes based on ethnic origin. And the numbers for religion are similarly low, about 10 to 15 percent of total. Again, I'm talking about the city statistics. And, in 2000, 62 percent of those were anti-Jewish hate crimes, and 14 percent were anti-Islamic.

I'm giving you a kind of a baseline, and that's all it is in order to say what the general patterns are as far as hate crime is. One thing that became quite evident, if it hadn't been before, is that there seems to be no Arab category in the

¹ South Asian American Leaders of Tomorrow, "American Backlash: Terrorists Bring War Home in More Ways Than One," 2001, p. 53.

² Richard Wronski, "Fear of Hate Crime Lingers," *Chicago Tribune*, Sept. 5, 2002, Metro, p. 1.

³ Chicago Police Department, "Hate Crimes in Chicago: 2001," p. 11.

⁴ Human Rights Watch, "We Are Not the Enemy: Hate Crimes Against Arabs, Muslims, and Those Perceived to Be Arab or Muslim After September 11," 2002, <www.hrw.org/reports/2002/usahate>.

⁵ 20 Ill. COMP. STAT. 2605/2605-390 (2003).

⁶ The FBI's 2001 hate crime report can be accessed at <<http://www.fbi.gov/ucr/01hate.pdf>>.

city, and I think that probably goes across all the agencies. I went back and looked at the FBI reports, and they seem to categorize anti-Arab hate crimes as “ethnic origin other.” So, that’s something I would advocate attending to, that there be an actual line item for that. They do have in the religion category Islam or anti-Islamic, but there seems to be no line for that. And, like I said, the reports have not been released yet, including the city reports. I would hope that the 2001 reports would be released soon. They generally are released at least by this time.

A little more information about hate crimes: The typical perpetrator is a young male. Again with the 2000 city hate crime report, about 75 percent of acts of bias violence were committed by those age 25 and under. And I think that may go along with what Dr. Jody was saying about the marches they were having, seems like perhaps the same demographic group was involved in those. And another dynamic is that perpetrators of hate crimes are more likely to attack in groups than in other crimes. The criminologists tell us also they’re more likely to involve strangers than other crimes, which does provide an additional challenge for law enforcement to solve those crimes. We know, and I think you’ve heard that there was, from both official and unofficial sources, a big spike in the usual level of hate crimes after September 11. I don’t think we can be relaxed about thinking that the worst is behind us because an event at any level of the world, national or local, could cause that to spike up again to cause hate crimes to increase.

I believe that other people have touched on this as well but, underreporting, I think it’s widely considered in general on hate crimes that probably most hate crimes are not reported to official authorities. So, the numbers I’ve been citing are what’s reported initially, but there’s a big problem of underreporting hate crimes. So, we can’t assume that the numbers that we’re talking about are the actual number of hate crimes that have happened. And some of the reasons for not reporting by victims include lack of knowledge, and sometimes they’re reported but not reported as hate crimes. There can be language obstacles, and then I think, most importantly to us now, a distrust and fear of both the criminal justice system and the government at large can cause people to not report hate crimes. And then there’s also concerns about law enforcement not reporting it. And they also need

to be educated and sensitized to the importance of reporting it and recording it.

So, at the Chicago Lawyers’ Committee, we feel that hate crime and discrimination in general have been widely underreported, particularly to official agencies since September 11. So, we’ve been directing a lot of our efforts to outreach and education to Muslims, Arabs, those from the Middle East, South Asia, and immigrants. And that’s to both respond to and prevent hate crimes. I agree with other speakers, including Dr. Jody, that it’s important not just to direct our efforts at the target population, but also potential perpetrators and the larger community. It’s important to develop a diverse network against hate crime and discrimination and support of people targeted by hate crimes and discrimination.

**William Haddad, Executive Director
Arab American Bar Association**

In the Chicago area, after 9/11, we saw corrections officers and friends on motorcycles take down an Arab American cab driver, beat him up saying, “This is what you get, you mass murderer.” Chicago police reported 13 hate crime arrests in the first month. They only had three the year before. One of them was a south side grocery store owned by an Arab American, and the attacker said, “I’m going to blow up the store the same way the World Trade Center was blown up.”

There’s a Catholic church on the north side that happens to be an Assyrian Catholic church, the Assyrian community in Chicago is perhaps the oldest community here. They’ve been out on the north side for many years. Their church was set on fire, arson, and it happened to be the day of the prayer vigil in New York.

On the south side, an Arab American community center was also set on fire. A community center that not only tutors Arab Americans, but also African Americans and other people in the community. It’s gone. My secretary’s mother worked at that community center.

**Ray Hanania, Publisher
Arab American View**

I saw how easily people resorted to stereotyping and hatred as a means of dealing with this tragedy. In the weeks after September 11, a man who identified himself by name and said he was

one of my neighbors was among hundreds of people who sent e-mails threatening my life. What does it say about a society when someone can feel comfortable in their hatred with no fear of punishment?

He was a victim really of the atmosphere of hatred that followed September 11 as much as I was. I saw how individuals felt comfortable on the streets of Bridgeview to express their anger at a mosque that is a Muslim house of worship. They waved the American flag and the confederate flag. They chanted, "Kill the Arabs." More than a dozen Arab-owned stores nearby had their windows shattered. I met Arab Americans who were suddenly afraid to say they were Arab or Muslim. This anti-Arab bigotry is not new. We saw it prior to September 11 when a community with some 22 Christian churches refused to allow one mosque to open there.

Months ago, I parked at a shopping mall in Orland Park, and I pulled up next to a white Ford. The owner had painted phrases on the window in broad strokes of yellow paint. The large rear window had this message painted: "If you want to see Ala, A-l-a, or Jihad, J-a-h-a-d, then mess with an American."

This person couldn't even spell the words that he grew to hate. Why does an American paint a message like that on their car? To inform Saddam Hussein or Osama bin Laden that America will not stand silent in the face of terrorism? Or was it to provoke people like me, Arab Americans and Muslims who live in large numbers in Orland Park and the surrounding suburbs? I wanted to find this motorist and tell him or her that I am more of an American than they were.

Itedal Shalabi **Arab American Family Services**

The second night after the terrorist attacks, my children and I could not believe what we were seeing in our community. I live in Bridgeview, and you all heard some testimony about how a mob was demonstrating towards the mosque. The demonstrators were walking; they were screaming; they were yelling; they were honking. My children heard the words that they were saying.

My children started asking, "Why do they hate us, mom? We did not have anything to do with what happened in New York City. Why are

they blaming us? Are we going to have to move from this house? Are you going to keep wearing the *hijab*? Is our school safe? When are we going back to school? Will they throw a bomb at our school, our mosque? Don't they know that Islam is a peaceful religion?"

All these questions were coming at me, and I did not know how to catch them. My middle son, Suhai, looked out from the window and said, "Mom, why are there Israeli soldiers outside my window?" You see, my two oldest sons visited their grandfather in Palestine, and when their father passed away, I brought them back. They have seen Israeli soldiers come into the villages. So, the officer outside my window was dressed in full riot gear and resembled an Israeli soldier to him. We had 10 police departments send officers to protect us and keep the demonstrators in line. For almost three to four days, we had to show IDs upon entering our community to go to our homes.

Bassam Jody, President **Mosque Foundation of Bridgeview**

After September 11, many of our people found themselves in a position where their loyalty was being questioned. In particular, many of our sisters who wear the *hijab* found themselves harassed. Just to give you one example, one sister was driving her kids to school, and she stopped at the red light. A couple of guys jumped from their van, stood in front of her, and started shouting obscenities. She said that the only thing she could do was make sure the windows were closed. All she could do was cry and pray that they would move out of her way so that she could go.

Also after September 11, we had to close the schools around the mosque. There are two schools near the mosque, and we had to close both schools for a few days because of serious concern for the security and safety of the children.

I think two days after the tragic events of September 11, we started hearing rumors going around in the community that we Muslims were burning American flags in the mosque, and other acts of anti-Americanism. And that night, I was in the mosque at about 9 p.m. All of a sudden, a couple of police officers came knocking on the door and asked us to please leave. They said, "We have to escort you out because there is a march on the mosque, several hundred people

are marching on the mosque.” I looked at one of the police officers and said, “Why?”

He said, “Look, I don’t know. Looks like there are hundreds of young men out there, and I think you should leave.” Well, I told the other brothers there that yes, we should leave. The police escorted us out.

As I said, the police officers escorted us out before they reached us, so I saw the mob mostly on the TV, the majority of whom were probably in the 25 and under category. They were mostly carrying signs saying, “God Bless America.” Some of them were kind of hostile. One of them even had a sign on his truck that said, “Kill All the Arabs.”

The majority of them were just young people. That is why I say it is not a matter of just hate, but probably lack of understanding that we are their neighbors and that we are Americans like them. We believe in America and we want to work with them because it is our country. In our community on the southwest side, probably 75 percent of us were born and raised in the Chicago area, probably have never been outside the Chicago area except maybe for a vacation. So, it is mostly the young people who get moved by what they hear on the news and start profiling a whole community.

The marches continued, I think, for three nights. It made us feel sort of insecure. It made me feel bad because I strongly believe that our people, who are fifth, fourth, third, second, and first generation Americans and some immigrants, are good citizens. We believe in the values of the country. We respect the laws, and we feel hurt again that we are being harassed and attacked by our fellow citizens.

However, I think that part of the problem is not really that it was just their hatred for us. I think probably the main reason was that those young men and women, especially the young ones who do not really know who we are, are not educated. Therefore, I think there’s a need for an educational program. They need to learn that our young men and women serve in just about every job we can think of from medical doctors to bus drivers, to scientists, engineers, and soldiers in the Army. Therefore, I really think there’s a need for educating the community at large that we are one nation under God and that we do really stand for liberty and justice for all.

Rouhy Shalabi, President Arab American Bar Association

Wherein a month after the incident took place, I was right here on Jackson near the Immigration Building in my car, ready to turn right onto Wabash when a squad car, a marked car, pulled next to me. Two police officers in it, and one of them said to me, “Where is your seat belt?” I did not have it on. I snapped it on, and turned to thank him. And he said to me jokingly, or sarcastically, “In my country, we follow the law,” and they speed off. I didn’t say anything, but it cut me very bad. I, as an American-born Muslim, and I was dressed like this, I’m an attorney. I wasn’t in a taxicab, I wasn’t wearing anything on my head, I have no beard, yet they did it to me. So, imagine what they would do to a taxi driver or to a woman who is dressed, or to a Muslim. That was troubling.

I did mention it to the police, and I’m sure they’ve done their investigations and indicated that sensitivity training would be included, and everything that takes place. But it’s a learning process. Mindful of the fact that our country was attacked horribly, and innocent people died for no apparent reason, we understand that, and that’s the trouble we have. We sympathize with that, we’re troubled by it, we hate it, we want the people captured and punished. Yet, at the same time, we’re feeling the fallout of that.

David Barkey, Midwest Civil Rights Counsel Anti-Defamation League

Based on our experience in the field of hate crimes, we know that language plays an integral part in encouraging people to commit crimes of hate. Hate is a continuum of indoctrination of beliefs, verbal expression, and also most persons who commit hate crimes have a history of engaging in lesser acts of hate. This continuum is important because it means we can intervene and that actions can be taken which prevent persons from acting on their hate.

One of the most important things we can do is speak out like we are doing today whenever we hear expressions of hatred. Speaking out prevents hatred from setting the agenda in our society; that tells us that hatred and bigotry are unacceptable.

Government and Local Officials

Richard Devine Illinois State's Attorney for Cook County

The current hate crime law in Illinois evolved from an earlier ethnic intimidation statute, which passed in 1983.⁷ Laws on hate crimes spread quickly after that. By 1998, 48 states had passed some sort of hate crime legislation. A hate crime is now a Class 4 felony in Illinois, punishable by up to three years in prison. Probation may be given in a first offense. After that, prison time is mandatory.

We have found that hate crimes follow certain patterns. The majority of offenders are male, age 24 or younger, and are often unemployed. Hate crimes seem to increase with world conflict, as we saw last September. In the 1980s, violence against Asian Americans rose when U.S. automobile workers lost jobs to Asian workers overseas. Some of that same violence hit Hispanics when businesses moved south of the border. We also have noted a copycat phenomenon with regard to hate crimes. One hate crime can lead to a series of similar attacks on the same target group, and that makes it even more critical and crucial that we move immediately when hate crimes occur.

In Illinois, a hate crime can be charged if the victim is targeted because of race, color, religion, ancestry, sexual orientation, or national origin.⁸ It may also be used if someone is singled out because of mental or physical disability. In the weeks following the terrorist attacks, we at the Cook County State's Attorney's Office filed charges in about a dozen hate crime cases. In those cases, Americans lashed out in anger and chose unfair targets, just as the terrorists had. They chose innocent members of the Arab immigrant community, the Arab American community, or people who simply appeared to be Arab.

Even before September 11, we had made the prosecution of hate crimes a priority in our office. That's because we know that each hate crime has more than one victim. It not only impacts the individual involved in the particular incident, but it also affects the individual's entire community. Hate crimes strike fear into whole populations and keep people from enjoy-

ing the freedom this country promises to all. It was ironic and sad that law-abiding Americans were terrorized after September 11 simply because of their heritage. That, of course, could not be tolerated. Two days after the terrorist attacks, we in the state's attorney's office announced that we were committed to enforcing the hate crime laws.

There was a rally in the southwestern suburbs that was initially a very positive, "Let's support our country" type of thing. It started to get a bit out of hand. And there were a portion of the people that began to march on a mosque in Bridgeview. Fortunately, the police were very much on the alert, and nothing serious happened.

The morning after that, we in the state's attorney's office had a meeting, and we were talking about the situation. I thought it was important that we do something public. There was a concern on the part of some people in the office that if we spoke out too loudly, there might be a reaction against us. But most of us concluded that our job is to stand for something. So, we did hold a press conference to announce charges in the Palos Heights case and to assure the Arab and Muslim community in Cook County that we would hold offenders responsible for any crimes that were committed.

The case we talked about that day involved a 39-year-old suburban man. He had approached another young man who was working at a Palos Heights gas station. He asked the man what he was. The man said that he was an American, but the offender wasn't satisfied. He said, "No, where are you from?" When the young worker said he was of Moroccan descent, the offender attacked him using a two-foot machete. The defendant later said he had been listening to the radio as he drove to the gas station. The news about the terrorist attack, he said, had upset him, and he lashed out at the first Arab-looking young man that he saw. That case has since progressed through the courts, and the defendant has agreed to plead guilty to aggravated battery, unlawful use of a weapon, and a hate crime. He is scheduled to enter this plea on Thursday, June 20.

In another case, a man walked into a south side Chicago store with a bag. He confronted the clerk and said, "I got a bomb in this bag, and I'm going to blow up this store like you Arabs blew up the World Trade Center." The individual pleaded guilty to a hate crime and to disorderly

⁷ 720 Ill. COMP. STAT. 5/12-7.1 (2003).

⁸ 720 Ill. COMP. STAT. 5/12-7.1(a) (2003).

conduct. He was sentenced to 24 months' probation and ordered to undergo mental health counseling. He must also complete 200 hours of community service at an organization that serves Arab immigrants. That requirement, I think, is fitting.

Meanwhile, our office is prosecuting another case in the Skokie courthouse. This one involves two Cook County deputy sheriffs. The case began when a cab driver of Moroccan descent was heading north driving a student passenger from Chicago to Northwestern University in Evanston. On the way, several men on motorcycles began following the taxi. Finally, one of them, who was a Cook County correctional officer, flashed a badge and told the driver to pull over. When the cab stopped on an Evanston street, one offender got off his motorcycle and punched the cab's window. It didn't break. Then he hit the window with a beer bottle, breaking it. Inside the cab, as you can imagine, the driver and the student were terrified. "This is what you get, you mass murderer," one of the attackers said. Then they drove away. Two men were charged with aggravated battery, hate crimes, vehicular invasion, and unlawful use of a weapon. The case is pending now in a Skokie courthouse.

In the last case I'll outline today, a Vernon Hills man went to Chicago's north side, confronted two Pakistani immigrants, a man and a woman who were waiting for a bus. The offenders cursed them and told them to go back where they came from. The incident could have been worse, perhaps a lot worse. I'm pleased to report that other Americans came to the aid of the man and woman at the bus stop. Ironically, the first man who stepped forward to help was Jewish. The Jewish man defended the rights of a Muslim. "We're all Americans," the man said, "can't we get through this thing together?"

Unfortunately, that didn't stop the offender. This individual turned and assaulted the Jewish man, punching him in the head and body. But it didn't last long. Other passersby ran up to help, stopping the attack. An off-duty police officer, who was nearby, stepped in and made the arrest. In that case, the defendant pleaded guilty to a hate crime and aggravated battery. He received 30 months' probation, and was ordered to undergo in-patient alcohol treatment and anger management classes. He must also complete 200 hours of community service.

As the months of September 11 have passed, we've seen a shift of attacks on Arab Americans to our more typical victims of hate crimes, those based on sexual orientation and race. That's not necessarily a good thing, but it does seem that Americans have responded to calls against the violence and intimidation that erupted after September 11.

We have recently been in the legislature to try to strengthen our hate crime laws. We have recently passed legislation in the legislature to make the leaders of hate groups responsible if they encourage and direct others to go out and carry out deadly acts. I'm hopeful that the governor will sign that.⁹

**William Shaver, Chief of Staff
Chicago Police Superintendent's Office**

The Chicago Police Department detected there was a sharp increase in nationalistic or ethnic hate crimes in the city, almost ninefold over the previous year, at that time, and there was a total of over 40 last year.¹⁰ And I note that's only the incidents that were reported. That's a very real concern.

**Carol Ritter, Executive Director
Governor George Ryan's Commission on
Discrimination and Hate Crimes**

In the Department of Human Rights, I know post-September 11 there have been 34 [hate crime] cases filed with the department on the basis of national origin and religion. Those have been predominantly Sikh, Muslim, and Arab individuals.

**Kenneth Gunn, First Deputy
Chicago Commission on Human Relations**

Up until 9/11 the city was seeing a relatively "good year" for hate crimes. In general, we average about 200 a year. Until September 11, the

⁹ 2002 Ill. Laws 92-0830 (on January 1, 2003, a law went into effect in Illinois that creates a new conspiracy crime for hate group leaders or members who encourage others to commit crimes and allows prosecution for a hate crime even if inspired by some other motive).

¹⁰ See Richard Wronski, "Fear of Hate Crime Lingers; Data Show Terrorist Attacks Spurred a Burst of Harassment; Some Muslims Are Still Afraid," *Chicago Tribune*, Sept. 5, 2002, Metro, p. 1.

numbers were really down. I believe we had 56 reported at that time. After 9/11, just everything totally fell apart. From September 11 through September 30, we have received 50 reported hate crimes. Of the 50, 41 were reported to be against Arabs and/or Muslims. The swelling numbers lasted probably for about three to four weeks, then the numbers tapered down significantly.

Unfortunately, we had all kinds of acts. We had people just harassed on the street. We had a major Arab center on the southwest side that became a victim of arson. It was totally gutted. We had people in cars being stopped, and unfortunately it was throughout the city. Perpetrators

were African Americans and white; there was no rhyme or reason to it. Anybody was involved.

Unfortunately, it made everybody uncomfortable and everybody feel unsafe because this is not the city and this is not the country we know it to be. So, for those three to four weeks our numbers were just incredible, and we know this is just the tip of the iceberg because a lot of people were, as always, afraid to report any acts of hate. They would tell their neighbors, they would tell their family members and other people they are comfortable with, but as far as going to the authorities, sometimes that just did not happen.

Chapter 3

Education, Employment, Housing, and Transportation Discrimination

The number of hate crimes against Arabs, Muslims, and people of similar characteristics reveals an underlying bias that some people of the Chicago area hold against these groups. However, as a number of the community forum participants mentioned, hate crimes are mostly committed by young, less educated, white males. As the presence of American flags and “God Bless America” signs at the Bridgeview march on the mosque shows, some of these people appear to be acting out a sense of perverted patriotism.

As disturbing as these actions are, possibly more alarming is the number of alleged cases of discrimination Arabs and Muslims have faced in the workplace, at schools, and at airports. In these cases, the alleged perpetrators of the acts of bias can rarely use age or knowledge levels as excuses for actions. The people responsible for these alleged incidents are civic leaders. Therefore, if proven, these incidents reveal a much deeper bias that is woven into society.

Community Representatives

Kamron Memon **Law Offices of Kamron Memon**

I’d like to give you some examples of the real people with whom I have dealt with since September 11. An Arab Muslim teacher in the Chicago public schools says she was verbally abused by teachers and students. The principal falsely criticized the teacher’s performance and had her removed from the school. She has filed a complaint at the Illinois Department of Human Rights.

An Arab Muslim truck driver says he was told he could no longer drive for the company because his vacation to Jordan was suspicious.

He offered to provide information about his vacation, but the company was not interested. He will be filing a lawsuit under Section 1981 in federal court.

An African American Muslim law enforcement officer was told she could not wear her *hijab* at work. She has filed with the EEOC.

An Arab Muslim mental health specialist at a hospital says he was verbally harassed and then fired after he filed a discrimination complaint at the Chicago Commission on Human Relations.

An African American Muslim woman was interviewed for a position at a nursing home and was told she could not wear her *hijab* at work. Following the interview, the woman was told the position would not be filled. But, in fact, the position remained open. She has filed with the EEOC.

A Pakistani Muslim woman who was traveling through O’Hare Airport says she was singled out for a strip search because she wore a *hijab*. Her lawsuit has been filed in federal court. I’m working with the ACLU on that case.

An Arab Muslim working in housekeeping at a hospital says he was interrogated by his supervisors and security regarding his religion and his national origin, and regarding what he thought of the terrorist attacks. He was then told that people were uncomfortable having him at the hospital, but he might be able to return after things calmed down. However, he was never reinstated. He has filed at the EEOC.

A Pakistani Muslim engineer says he was let go after he asked for time off for medical reasons soon after September 11, 2001. That lawsuit will be filed in federal court.

A Christian Arab waitress says she was subjected to harassment, suspended, and then fired. She has filed a complaint with the EEOC.

An Arab Muslim intern working on computer databases was told that people at work were uncomfortable having him around. He was fired. He has filed with the EEOC.

An Arab Muslim customer service representative was fired, and she has filed at the EEOC.

An Arab Muslim security guard was told by his supervisor on September 11 that he would be deported. Subsequently, he was suspended. And when he returned from suspension after several months, he was denied regular assignments.

A couple of additional points. I have seen that such discrimination affects people at various levels. Naturally, it hurts them financially. But it also hurts them emotionally. Several of the Muslims I have worked with have experienced depression and required psychiatric treatment as a result of the discrimination.

Second, I am concerned about the possibility of jury bias in the event that these cases reach a jury. This is compounded by the fact that there are rarely ever Muslims selected to be on juries, for various reasons. I believe that any Muslim who happens to be in a jury pool when one of these cases reaches the jury, that any such Muslim will be stricken by the defense on the grounds that a Muslim cannot be impartial in a case involving another Muslim's allegations of discrimination. I do not know if judges have received training since September 11 relating to how to deal with anti-Muslim bias and the lack of Muslim jurors. If this has not been done, I hope the Commission will address the issue with the federal judicial conference.

I just want to emphasize about the possibility of an employer taking an action a long time after September 11. The hostility ebbs and flows because the community will be moving along, and then suddenly some public figure will make a statement that paints Muslims in a bad light. It is quite possible that when that happens, that suddenly people who are in the general community who have heard those negative statements will say, "Hey, I've got one of these Muslims working with me or for me." And then that will lead to a discrimination problem.

You could say it all intensified, starting September 11. But it's not just September 11; it's these new incidents that keep coming up. For example, it was in the press last week that a leader of the Southern Baptists made some anti-Muslim comments and it really exploded. Now, some of their leadership is stepping back and

saying, "Look, we may have some disagreements with Muslims, but Muslims are not our enemy. Satan is our enemy." But still, there may be Southern Baptists out there who, upon hearing their leadership making certain comments may feel justified in mistreating Muslim co-workers.

Gregory Mitchell, Board Member Muslim Civil Rights Center

The first incident involved a Palestinian American and his brother who obviously is also Palestinian American. They were both employed by a local bank and subsequent to 9/11, they were written up by a particular supervisor for acts that really were not a violation of bank policy. They had more or less an office job; they were reassigned to doing more or less custodial work and ultimately one was fired and the other was asked, "Why don't you quit?" And they came to the Civil Rights Center seeking help.

Another individual was Asian American. This individual was a medical doctor practicing in Rockford, Illinois. And subsequent to September 11 he voiced to his colleagues what his opinions were relative to the causes of September 11 and whom he believed was behind it. And in expressing his opinions, the administration of the hospital deemed that he was inciting fear among the staff and he went through a process of disciplinary proceedings within the hospital.

Itedal Shalabi Arab American Family Services

We do KidCare. KidCare is a national health insurance for people who work but do not have enough money to buy insurance. This insurance is offered throughout the state for pregnant women and children under 18. It is also given to women who are not legal residents but are pregnant and will have children who are going to be born American citizens. We need to take care of them.

A lot of the women that come to the agency refuse to come and apply for this insurance because they are afraid that the government would know who they are and could come and take them or take their husbands away. I had 10 women who I tried to convince to come in and fill out this application, and they refused. Now, we have 10 children who will be born American citizens at a disadvantage because their moms did

not take care of their health while they were pregnant.

We still have school issues. We have issues of kids who had white friends for years, but they no longer want to be or play with our kids. We had kids in classrooms being invited to birthday parties except Arab or the Muslim children, even though that had not happened prior to September 11.

Girls are being picked on because they wear the *hijab*. Some students have been pulling them off their heads, and then teachers ignore it. There have been Muslim kids being picked on and hit after school, and no one saying anything about it. Even the Muslim students' parents are not saying anything. As one mom told me, "Well, they are upset and let's not push them. Look at what happened. My son only had a black eye. It's okay." Arab and Muslim kids are being told by their parents to put up with the abuse and just to ignore it.

Balwant Hansra Parliament of World Religions

Sikhs have suffered at the airport by being unnecessarily harassed. Airport security would want you basically to remove the turban right in front of everybody. They do not understand that the turban is a dress. Asking a person to remove his turban is like undressing in public, and we don't appreciate that. We recognize that there may be a security problem, so we suggest to those people and the police department of the city of Chicago to take those wearing turbans aside in a private room and search. However, do not insult them in public. That's one problem that the Sikhs have been facing.

Harvey Grossman, Legal Director American Civil Liberties Union of Illinois

We've also seen a great deal of profiling at the airports. We represent a young woman who is a U.S.-born citizen of Pakistani descent from Ohio and serves as a vista worker. She graduated from Ohio State University over a year ago, and for the last year has been volunteering with vista. She came to Chicago to attend a vista conference, and on her way out of O'Hare, she was profiled by the Illinois National Guard, who are no longer in O'Hare Airport, and one of the private security companies because she wore a *hijab*.

She is a woman of Muslim belief and she wore a head covering. When she went through the metal detector, she didn't set off a beep. They used a hand metal detector around her head. She still did not set off a beep. Nevertheless, she was asked to remove her *hijab* in public, which was against her faith, contrary to her beliefs. She indicated that she would be willing to remove the *hijab* in private in front of a woman, but not in front of a man. She was badgered repeatedly when they attempted to coerce her into removing her *hijab* in public. She finally was able to get them to take her to a place that I think is called a discreet search room at O'Hare Airport. One of the security officers, a male, still insisted that he be part of the search. Finally, she resisted, and they took her into this room.

They removed the *hijab*, they searched her scalp, and they found nothing, as might be expected. Then, for reasons that can only be attributed to the fact that she was a Muslim woman of traditional belief in having worn a *hijab* and, thus, created a suspicion in their untrained minds, or else they simply were punishing her for her assertion of her religious belief, they then subjected her to a strip search that was totally mindless. They put their hands inside of her bra. They unzipped her pants and put their hands inside of her crotch and for a 23-year-old woman, I think for anybody, but for a 23-year-old woman who had traveled here in service to her country to attend a vista conference and be subjected to that kind of treatment was just beyond humiliation and embarrassment. It was, I think, a blotch on all of us and our city that this could happen to her. That's the subject of a federal lawsuit.

I wish I could say that this was the only case we've seen. But we've seen a political science professor at Lake Forest College removed from an airplane because he switched seats. Two other people switched seats; they were Caucasian and no problem. He switched seats; he was pulled off that airplane. United did not allow him to fly that day. He was not allowed to give a lecture at another university in the Midwest that he was flying to.

Government and Local Officials

Rita Coffey, Program Analyst Equal Employment Opportunity Commission

Since the events of September 11, the EEOC has documented a significant increase in the number of charges of discrimination based on religion and national origin. Individuals who are or are perceived to be Muslim, Arab, South Asian, or Sikh have filed many of these charges. These charges most commonly allege harassment and discharge.

The EEOC, through its national charge database, regularly tracks the numbers of charges received under Title VII alleging discrimination based on race, religion, and national origin. In order to further track how many of these charges are now being filed by individuals who believe they have experienced backlash discrimination, in early October the commission implemented into its charge database a new code, process Type D, retroactive to September 11. As of May 29, 2002, EEOC field offices throughout the country have received 515 such charges. Discharge has been alleged to be an issue in 319 of these charges. And harassment has been alleged to be an issue in 206 of these charges.

Prior to September 11, EEOC already was tracking the number of charges filed nationwide alleging discrimination on the basis of several specific religions, including the Muslim faith. Between September 11, 2001, and May 29, 2002, the EEOC received 497 charges on the basis of the Muslim religion. During the comparable period one year earlier, 209 charges were received.

The EEOC has been proactive in its efforts to prevent September 11-related workplace backlash against individuals who are or perceived to be Muslims, Arabs, South Asians, and Sikhs. On September 14, 2001, Cari M. Dominguez, chair of the EEOC, called on all employers and employees across the country to promote tolerance and guard against unlawful workplace discrimination based on national origin and religion. EEOC offices around the country, including the Chicago district office, have initiated and participated in numerous outreach programs to the Arab, Sikh, and Muslim communities to address the issues of discrimination based on national origin and religion as a result of the events of September 11.

I would say that [the number of complaints filed by Muslims and Arab Americans] has dou-

bled [since September 11]. An individual does have 300 days from the time that an action occurs to file a complaint with us. Some people do wait to come in; they do not come in right away. We have found instances, too, where September 11 has come and gone, and there was really no adverse action taken. But for some reason or another, it's a new year, January, February, and the employer decides to take an adverse action against the employee. So, the complaints are still continuing to come in.

As part of EEOC's ongoing efforts to prevent backlash discrimination, three new fact sheets have been developed. The first fact sheet was developed in early October 2001 to supplement the fact sheets on religion and national origin discrimination. It is the employment discrimination based on religion, ethnicity, or national origin.¹ In May of 2002, the EEOC announced the availability of two additional fact sheets. The first one is questions and answers about employers' responsibility concerning the employment of Muslims, Arabs, South Asians, and Sikhs, which includes information about hiring and other employment decisions: harassment, religious accommodation, temporary assignment, background investigations, and where to go for more guidance.²

The second one is questions and answers about workplace rights of Muslims, Arabs, South Asians, and Sikhs under the equal employment opportunity laws, which is geared toward employees, including information about hiring and discharge, harassment, religious accommodation, and how to file a charge of discrimination.³ The new fact sheets are available by contacting EEOC's publications distribution center, as well as on EEOC's Web site, which is *www.eeoc.gov*. The Web site also offers a special September 11 information section with additional materials and resources.

In January 2002, the Chicago district office settled a religious discrimination claim against Motorola. In May of 2000, well before the events of September 11, Motorola failed to accommodate two Muslim workers' request to leave work to attend prayer services at a mosque, and then fired them after they attended prayer services.

¹ See appendices B and C.

² See appendix D.

³ See appendix E.

The consent decree required Motorola to pay \$60,000 to the two individuals who filed the charges of discrimination. In addition, Motorola is required to reasonably accommodate employees who request to attend religious services and enjoined them from retaliating against individuals who assert their rights under Title VII. Motorola must also provide training to management employees at the Arlington Heights facility. While this took place before September 11, it should send a signal to employers and workers that the EEOC will work vigorously to enforce the Title VII rights of all employees of all religious faiths and not tolerate discrimination against Muslims.

The other thing that EEOC has been doing is outreach where we have met with members of the Sikh community, and we've met with the American-Arab Anti-Discrimination Committee. We met with them because they are the ones who can go out into the community and tell those who will not come forward because they're afraid of the government that they need not be afraid.

**William Shaver, Chief of Staff
Chicago Police Superintendent's Office**

We're committed to creating a series of training videos based off of a series of multicultural forums to create a library of videos to discuss the diversity and individuals who the police can encounter in the city and work with in the city. Those videos will be available for checking out. In addition, the police department has a streaming system where we can show the video to every individual in the department through a video streaming system. The videos can be shown during roll call training so that everyone will be exposed to the videos that are specifically produced on these issues.

Interestingly, the first video has been produced because the Chicago Police Department recently took the responsibility of manning checkpoints at O'Hare and Midway airports after the National Guard was pulled out by the Transportation Department. As part of the four-hour shift training, it's mandatory they view a video that's been produced to discuss different nationalities, to discuss how to approach those individuals, to discuss their beliefs, to discuss the type of courtesy and respect each individual deserves, regardless of how they're dressed or how they appear. Included in that video are

members from the Sikh community, from the Muslim community, and from the Greek Orthodox community describing the significance of their dress. For example, a turban isn't just a hat. It is a piece of religious garb to be treated with respect. It can be patted down, but in private. The individuals on the video each express to the officers that they're simply looking for respect. They are happy to comply, and each and every one of those individuals realizes the need for security at those airports. We all do.

It's not just a police issue, it's a community issue, every community in the city. The Muslim woman on the tape indicates that there's significance to her wearing her scarf, and she would prefer, if there's a need for a pat down, to be searched by a woman, not a man, because she can't take that scarf off in the company of men who are outside of her family.

These are simply things that, as law enforcement to perform our duties in a professional manner, we need to know. And we're making sure that those individuals on the front line know about that. But also, we show the video to other individuals at the airport and provide it to other law enforcement agencies. We also want to continue producing other videos that can help us in educating ourselves. I think it goes part and parcel with the commitment of the Chicago Police Department to community policing. We have to reach out to every segment and every community to include people, to make sure that they know that they are welcome. Not just welcome, but vital to the equation. People in the community need to know the police department condemns any type of enforcement action where only the national origin, only the religious beliefs, only the personal beliefs of the individual are taken into account for the stop, or for the arrest, or for the detention, or for an investigatory stop.

**Helen Serassio, Attorney
Office of Aviation and Enforcement Proceedings
U.S. Department of Transportation**

Let me begin by explaining our jurisdiction and the respective responsibilities of the three agencies within the Department of Transportation that play a role in airline security and related issues. First, there's the newly created Transportation Security Administration, which was tasked with developing airline security re-

quirements, as well as investigating complaints alleging discriminatory treatment by federal security screeners.

Second, there is the Federal Aviation Administration, which is responsible for investigating complaints alleging discriminatory treatment by airport personnel. For example, airport police.

And, third, there's the Office of General Counsel and the Office of the Secretary, which is responsible for investigating key security-related discrimination complaints and allegations of discriminatory treatment by air carrier personnel. This is the agency I work with.

Members of the public who feel they have been the subject of discriminatory actions or treatment by air carriers, airports, or screeners may file a complaint to these various agencies within the Department of Transportation.⁴ The department's Web site, <http://airconsumer.ost.dot.gov/problems.htm>, has this information available. And we've actually listed which agency you would file with depending on who you feel has violated your civil rights. Because there are more players now at the airport when you go through the different levels, it has become very confusing for the general public to know where they should turn. So, this is laid out and made much more simplistic to know where to turn to file your complaints.

In regard to the investigatory process for civil rights complaints in the general counsel's Aviation Enforcement Office, we receive a discrimination complaint and we enter that complaint into our computerized industry monitoring system. Then we send an acknowledgment letter to the complainant. After we get the complaint, we send it out to the airline and ask the airline to reply to the passenger with a copy of their response to us. We also request a separate response to us from the airline concerning any information required by law to remain confidential. We then review the carrier's response and take further action as appropriate.

Generally, we pursue enforcement action on the basis of the number of complaints that we receive against an airline, if we can infer a pattern or a practice of discrimination. However, there are those occasional egregious conducts done by airlines that warrant individual responses to them. And in those cases, we will

pursue individual enforcement action on the individual egregious occurrences.

The highest priority in the general counsel's Aviation Enforcement Office is to ensure that the civil rights of air travelers are not abused by airlines we regulate. Therefore, we thoroughly investigate each and every discrimination complaint that we receive.

The enforcement office is statutorily limited in the remedies it may pursue against airlines in violation of the federal antidiscrimination statute.⁵ We may not award monetary damages or pecuniary relief to the injured party. The enforcement office is limited to issuing cease and desist orders describing unlawful conduct by carriers in the future, and assessing civil penalties payable to the government. We may assess civil penalties of up to \$2,500 for each violation of federal antidiscrimination statutes prohibiting U.S. and foreign air carriers from subjecting any air travelers to discrimination on the basis of race, color, national origin, religion, sex, or ancestry. We may only take such action through settlement negotiations, enforcement action, or after a formal hearing before an administrative law judge.

Since September 11, we have received 32 complaints from persons alleging that they were removed from flights or denied permission to board because they are or were perceived to be Arab, Asian, Southeast Asian descent, or Muslim, three of which were received after January 1 of 2002. In addition, the enforcement office has received 112 complaints alleging discrimination by air carriers based on race, color, ethnicity, religion, national origin, or gender prior to boarding at airline checkpoints, passenger screening locations, or boarding gates. Twenty-seven of these complaints were received after January 1, 2002.

Clearly, there's been a significant reduction in the number of security-related discrimination complaints in recent months. However, the department feels that even one security-related discrimination complaint is one too many. The allegations of discrimination that are currently being investigated involve various airlines and passengers throughout the country. The Department of Transportation takes these cases very seriously, and we continue to take various

⁴ 49 C.F.R. pt. 21 (2002). See appendices F and G.

⁵ 49 U.S.C. §§ 40127, 41310, 41712, 46301 (2002).

actions to protect our authority to pursue it. We change airline procedures that lead to these complaints and attempt to increase our resources to pursue these cases more effectively.

Next, let me move on to the steps we have taken with regard to security and discrimination since the hijackings and tragic events of September 11. First, we have encouraged each airline to take steps so employees understand that it is not only wrong, but also illegal to discriminate against people based on their race, ethnicity, or religion. We have reminded airlines that federal law prohibits air carriers from discriminating against passengers on the basis of race, color, national origin, religion, sex, or ancestry.

A copy of the tolerance memo that we e-mailed to the airlines on September 21, 2001, has also been placed on our Web site.⁶ We distributed a policy statement to all DOT [Department of Transportation] employees involving transportation security and inspection services across all modes of transportation. Longstanding DOT policy prohibits unlawful discrimination against individuals because of their race, color, religion, ethnicity, or national origin. We have mailed letters to the general counsel of all major U.S. carriers requesting that airlines provide us information about incidents that may have

occurred between September 11 and December 31, 2001, involving the removal of passengers from the flight or for safety and security reasons. And we have gone over each and every one of those that we've received from the airlines.

We've issued guidance on frequently asked questions of September 11 concerning the air travel of people who are or may appear to be of Arab, Middle Eastern, or South Asian descents or Muslim and Sikh.⁷ We have participated and will participate in a number of forums like these sponsored by the Department of Justice, Department of Education, state officials, and we have been to quite a few by the U.S. Commission on Civil Rights. We have met with representatives of the Sikh, Arab, and Muslim communities on numerous occasions to hear their concerns about recent discriminatory treatment in the wake of the terrorist attacks of September 11. And we have worked with them on finding out what issues these communities have had, and what we can do to help address them.

In conclusion, we pray and will continue to be vigilant in ensuring that the airport security procedures mandated by the FAA and implemented by the airlines are not unlawfully discriminatory at the DOT. Protecting the rights of airlines passenger, next to safety, is our highest priority.

⁶ See <http://airconsumer.ost.dot.gov/rules/200109_21.htm>.

⁷ See appendix H.

Chapter 4

Government Policies Since 9/11

In the briefing the Illinois Advisory Committee held on March 29, 2002, in Chicago, Muslim and Arab leaders expressed strong concern that any study of civil rights issues following the events of September 11 must include an investigation of government policies. In this chapter, the Committee does not intend to investigate or make conclusions regarding government policies. However, it does hope to allow the concerns and voices of community leaders and representatives to be heard. It also hopes to spur further open discussion and public debate on the issues.

Community Representatives

William Haddad, Executive Director Arab American Bar Association

The government has taken some measures. And for homeland security purposes, I'm sure that these measures are well intentioned and done in good faith. I'm not here to point fingers at the United States government, but I am here to say that what they're doing is affecting our community. It's having a negative effect. It's ostracizing and separating our community from the American mainstream. The U.S., a patriotic people, took that as some sort of targeting of Arab Americans or some sort of focusing on Muslims in our community.

With the increased governmental search powers and the detention of foreigners right after the 9/11 attack, most of whom were Middle Eastern, some of whom ironically were Jews, there were 1,100 to 1,400 immigrants who were at that time detained and kept. Many of them were kept for several months. One of them died who had not committed any act of terrorism; who was not involved in anything.

Claims of ethnic and racial profiling are rampant throughout the United States. I'm sure it's exaggerated, but it's perceived in our community in a bad way. We saw 5,000 to 8,000 Middle Eastern men targeted for voluntary interrogation by law enforcement. Some police chiefs wouldn't do it. I don't know how effective it was. It might be legitimate law enforcement. You go to the neighborhood, question people, and try to find out what's going on, but it created a bad perception in our community. The media might have fired that up, too. The State Department expelled 6,000 illegal alien Middle Eastern men. Well, there are a lot of illegal aliens in the United States. Again, our community took this badly. The fingerprinting of thousands of foreign visitors coming into the United States from the Middle East—this will be probably over a 100,000 before it's over with—is creating some concern in our community. The government alerts that are being issued all the time, look out for suspicious activity. Well, my goodness, what's that? In my opinion, it is the FBI getting calls about people that have thick, ethnic accents and who are or may look Middle Eastern. They're bogus calls, but people are starting to inform on one another.

Rouhy Shalabi, President Arab American Bar Association

The laws that are coming into effect, personally, I welcome. I welcome laws that secure our nation. The problem that we see is that the laws seem to be pointing at one particular group. The latest proposal of fingerprinting immigrants that come from Middle Eastern or Muslim countries is troubling, not because they're going to do that—we welcome the security aspect—but be-

cause you're targeting one particular group. Do it across the board.

**Kareem Irfan, President
Council of Islamic Organizations of Greater Chicago**

As we address concerns about civil rights, I would like to cover some escalating concerns of many Americans, Muslims included, about the role that our government is playing in the nation's war on terrorism. Our concern is particularly with government policies based on religious and ethnic profiling and targeting. These have yielded little, if any, value and have merely led to harassment, abuse of authority, and trampling of individual rights and liberties, which are the linchpin of our free society. The representative in this category is the subjection of hundreds of legal Muslim and Arab visa holders to so-called voluntary interviews. Also, the detention of hundreds of Muslims without due process in conditions that, even now, despite a variety of legal challenges, remain largely secret. Of the more than 300,000 illegal immigrants who ignore deportation orders, we have concerns that only Muslims and Arabs among them were detained. The recent Department of Justice guidelines that target Muslim visitors for photographing, for fingerprinting, and registration cap off this disturbing trend in the post-September 11 era.¹

We are concerned that these initiatives merely sanction the targeted harassment of innocent students, tourists, committed workers, and relatives of Americans who actively contribute to keep American society running. And when you couple this with the recent Department of Justice announcement freeing FBI agents, among other questionable approvals, to spy on religious institutions such as mosques and synagogues and churches who may be engaged in thoroughly legal activities, these initiatives can only alienate millions of law-abiding, peaceful, and innocent members of American society whose support is absolutely essential as we continue our war on terrorism.²

¹ Registration and Monitoring of Certain Nonimmigrants, 67 Fed. Reg. 52584 (2002) (codified at 8 C.F.R. pts. 214 and 264).

² U.S. Department of Justice, *The Attorney General's Guidelines on General Crimes, Racketeering Enterprise and Terrorism Enterprise Investigations*, 2002, VI.A.2—Visiting Public Places and Events, p. 22 (authorizes the FBI to visit any

**Mohammad Kaiseruddin, President
Muslim Community Center**

We are extremely concerned about the policies that are being adopted by the Justice Department: fingerprinting of the immigrants, especially the immigrants from the Middle East and Muslim immigrants.³ We believe it's an extremely unfortunate decision, and several people have already pointed out that that may not even improve the security here, considering the fact that after September 11, the major arrests that were made, whether you take Mr. Lindh or Mr. Padilla, were not people of Middle Eastern origin. They were not people who are being targeted at this time for fingerprinting. So, it begs the question, do you really improve the security when you implement these types of regulations?

**Dean Koldenhoven
2002 John F. Kennedy Profile in Courage Award Winner**

Look at the catch phrases that [the government] uses. They use "combatants," they use "war on terror," they coin phrases just so they can grab people. I don't like that. It is a direct violation of our Fourth Amendment, and it seems to be okay with the general public because the war on terrorism is kept in our face. We know the dangers of the war on terror, but we also must protect what this country stands for: its Constitution and its Bill of Rights. That's more important. And you must maintain that. Someone has to tell these people that you cannot be doing this because we think more of the Constitution than we do of some person on a mission.

**Gregory Mitchell, Board Member
Muslim Civil Rights Center**

What's been thrust upon the Americans in general and the Muslims in particular are very general, nebulous laws that seek to eradicate terrorism. The most fundamental question is,

place and attend any event open to the public, on the same terms and conditions as members of the public generally) <<http://www.usdoj.gov/olp/index.html>>.

³ Registration and Monitoring of Certain Nonimmigrants, 67 Fed. Reg. 52584 (2002) (to be codified at 8 C.F.R. pts. 214 and 264); Registration and Monitoring of Certain Nonimmigrants from Designated Countries, 67 Fed. Reg. 57032 (2002) (applies to nationals or citizens of Iran, Iraq Libya, Sudan, and Syria).

whose defining who is a terrorist? Muslims have no role in that process. We've seen just by this recent indictment of the executive director of the Benevolence Foundation here in the western suburbs that one of the things that the Justice Department relied on was an association that that man had nearly 10 years ago when the government itself was supporting the Afghan people in the fight against the Soviet Union. So, now we're talking about associations. Association somebody had allegedly with Osama bin Laden 10, 12 years ago. At least from what we've heard to date, there hasn't been any evidence as to what wrongdoing that individual has done.⁴

But the point that I'm trying to make here this afternoon is now we have a situation where if you have someone either in your midst, in the midst of a conversation or within the halls of your community center or mosque, now is it necessary to monitor everything that they say? And then to the extent that they do say something that doesn't reflect the attitude of the United States government, is it then incumbent upon them to label a disclaimer across everything that they said to kick them out, to bar their access to this institution?

Here's a situation. I mean, if we draw on your background, how many religious institutions in the United States have now had to call on an attorney to craft policy guidelines to tell them what people can say when they come into their place of worship? That's what we've been asked to do; "Come in and tell us because oh, we don't want someone to be labeled a terrorist." And now we know the next issue is, do we now need to start to investigate an individual's background? Well, we know based on what the criminal prosecutions have been instituted here in the Northern District of Illinois, we need to go back at least 10 years to see if you have had any associations with somebody who has now been declared a terrorist by the executive branch of this government? This is a very chilling effect on

the First Amendment rights of Muslim Americans in the United States.

**Azhar Usman, Spokesman
Council of Islamic Organizations of Greater Chicago**

A delicate constitutional balancing act is what is happening. And I think as any attorney knows, probably even a lot of educated nonattorneys know, the government has an obligation to show a compelling state interest when it wants to effect the rights of people in a very disparate way. And in this case, I think what we've seen is a delicate balancing act between combating terrorism, which is, of course, the compelling state interest, and the negative impact it had on civil rights and civil liberties. And as any constitutional scholar will tell you, the government, when it can show that it has a compelling state interest, must also show that it employed the least restrictive and least burdensome means to effect whatever change it is after. In this case, combating terrorism.

In other words, if the government can prove, which it of course has, that fighting terrorism is a legitimate and compelling state interest, it must use tactics which are least burdensome on civil liberties. And I think in this case, what we've found is that the government simply has gone too far. I don't think that any one in the Arab or Muslim community in America is complaining that fighting terrorism is not a compelling interest. Nobody who talks that talk or walks that walk would frankly find any support.

It is quite obvious that we're living in a very difficult time and particularly in the aftermath of September 11, all of us need to be on alert concerning terrorism. However, when the government goes so far as to dissolve the rules of evidence when it went to set up a court process that really cannot be categorized as anything but a kangaroo court—one that you might expect to find in the Middle East, in a repressive regime where some of these alleged terrorists are coming from—I think all of us have to really take a step back and ask ourselves whether or not our government has gone too far. When it conducts raids against legitimate Muslim charities, when it detains individuals with no basis or reasonable suspicion, when it effectively eviscerates the attorney-client privilege, when it criminalizes civil litigants, and when it goes so far as that they have created a mosaic of evidence—

⁴ United States v. Enaam M. Arnaout, No. 02 CR 892, 2003 U.S. Dist. LEXIS 1635 (D. Ill. Feb. 4, 2003); United States v. Enaam M. Arnaout, 236 F. Supp. 2d 916 (D. Ill. 2003); United States v. Enaam M. Arnaout, No. 02 CR 892, 2002 U.S. Dist. LEXIS 24262 (D. Ill. Dec. 18, 2002); United States v. Enaam M. Arnaout, 231 F. Supp. 2d 797 (D. Ill. 2002); United States of America v. Benevolence Int'l Found., Inc. and Enaam M. Arnaout, No. 02 CR 414, 2002 U.S. Dist. LEXIS 17223 (D. Ill. Sept. 13, 2002).

which is a code word for secret evidence, which is, of course, a code word for no evidence—I think all of us should be concerned as Americans.

**Harvey Grossman, Legal Director
American Civil Liberties Union of Illinois**

First of all, we understand as all Americans understand that there is an important and critical government interest in making our land safe for all persons. But we also believe that the rule of law and fairness and equality must be adhered to, or we would have lost the very things that are at issue in the war on terrorists.

It has been our experience that government is doing a bad job in trying to achieve that balance. We have seen that repeatedly. We think it's laudable, for example, that the President of the United States saw fit to visit a mosque in the days after September 11, and counsel that we should have no animosity towards Muslims or to Arabs. However, in fact, his actions and those of other government players give quite a different message. We believe that we are seeing a great deal of institutionalized discrimination against persons thought to be Muslim or Arab, or of Arab descent here in Illinois. It's a discomfoting thought that discrimination profiling, as we have come to call it, is occurring at the level that it is because it's a disservice to the interest that government seeks to achieve.

We believe that profiling does not work. That it does not make us safer. That it diverts resources from where they should be to a kind of mindless and bigoted purge of the very communities that this government needs to be able to reach out to and establish rapport with in order to ensure that, in fact, our country is safe.

We've been down this road before. For decades law enforcement officials here in Chicago, in Illinois, all over the country targeted African Americans and Hispanic Americans in the war on drugs. That policy was a total failure. Study after study demonstrated that the more that police officers engage in racial profiling, the less they find contraband because race is simply not the indicator of criminality. In short, we believe that racial, ethnic, and religious profiling is immoral and will physically endanger our country. Nonetheless, we believe that it is occurring.

The first instance of racial profiling that we saw in the aftermath of 9/11 was the mass detention of over 1,200 young men between the

ages of 18 and 35 who were primarily on non-immigrant visas here in the United States. Many of our offices all over the country were contacted in the aftermath of the initial roundup, and that occurred with our office as well. There are people who were detained from Illinois who were living in Illinois at the time of their arrest and detention who were taken to New York City, who initially were identified as having some interest by the FBI. They were bounced back and forth between detention centers in Brooklyn, a holding facility in Hudson County, New Jersey, and other INS detention facilities around the country. For months and months no one could really get a handle on what was happening to those people, and some of you may know the ACLU has filed lawsuits; one in Washington, D.C., against the Justice Department to get the information of who these detainees are.⁵ We know that hundreds and hundreds and hundreds have been released, but over 100 men continue to be in detention. But we still don't know who they are and where they are, and we don't know in large measure what the basis of their detention is. All we know is that they are Muslim, they are Arab, they are South Asian and that very few, if any, of them have any relationship to terrorism.

The second instance that we saw of racial profiling here in Illinois was the mass interrogations that took place. The Ashcroft 5,000 as that group of nonimmigrant visa holders was characterized. Those young men came from all over the Chicago metropolitan area; that is, those who were in the Northern District of Illinois. I'd like to tell you that we sent out letters from my office to all of the U.S. attorneys in the state of Illinois. We sent a letter to Charles Grace in the Southern District in East St. Louis. We sent one to the Central District. We sent one to the Northern District of Illinois, and the response was really mixed from the U.S. attorney. We were actually kind of surprised how they approached that. As many of you know, a large number of the Ashcroft 5,000 interviews took place in Detroit where there's a large, substantial population of Arab Americans. And the U.S. attorney there I think set a good spirit, a good tone, for those interviews, if they had to take place at all, by

⁵ *Ctr. for Nat'l Sec. Studies v. United States DOJ*, 217 F. Supp. 2d 58 (D.C. Cir. 2002).

sending out letters to individuals advising them of their right to counsel. Giving them names of persons who would provide counsel to them. Here in the Northern District the response was a little strange, and my co-speaker and I, along with other lawyers, organized a group of lawyers to provide services to anybody who sought representation in those interviews.

The U.S. attorney in the Northern District here indicated in a letter that he sent out to the prospective interviewees that he would provide the phone number of the hot line that we had set up for lawyers. In fact, whether it was intentional or not, no number was ever included in that letter.⁶ And as a consequence, the letter itself I think was more confusing than it was helpful. Nevertheless, the hot line that we had set up was well publicized and subscribed to. We either counseled or attended approximately 20 interviews. Those interviews were virtually worthless. I didn't think that there was a moment of useful information or colloquy that occurred in any of the interviewees that I was a party to, or that any of the lawyers in my office either were a party to or consulted. They were just a waste of time, and I think that in large measure we've heard from the national press that the FBI was not enamored of the idea of these interviews. It came down from the top to conduct these interviews.

But I can tell you that I have had clients who have been interviewed by the FBI before and this was a unique experience. It truly was I think scary and intimidating for the individuals who got those letters. Government looks a little different in many of the countries where these gentlemen came from than it does in our own country, and while the FBI agent couldn't have been more courteous in the manner in which he conducted those interviews. Nevertheless, they were difficult interviews for the individuals to go through and they benefited government not at all. And I think if anything, it's another example of mindless profiling.

Perhaps the most invidious of all of this profiling that has occurred is the watch list. I don't know how many of you have heard that phrase since 9/11, but in fact, there are several watch lists. One watch list is an FBI watch list, and that watch list seems to be pasted and glued to-

gether from virtually any source that's willing to share information with the FBI. It's very sketchy. It has names on it. Sometimes it has country of origin, sometimes it doesn't. Sometimes it has physical description, sometimes it doesn't. A gentleman presented himself in our office several months ago and he is U.S. citizen, born in Egypt, family man, strong roots to the community, owns a business, has owned a business for a long time in the suburbs. He was flying and presented himself at the airport. He has a name which I am told if you were to look in the Cairo phone book you would find pages of his name. It is as common as John Smith is in our country. He was stopped that day. FBI agents and local police authorities refused to allow him to board an airplane. He was detained for several hours in custody. He was searched. He was interrogated. His bags were searched. He was not allowed to fly out of the airport that day to visit his sister who was visiting from another country on the sole basis that his name was John Smith.

I think we have to ask ourselves a question. If the only information that the FBI has was that they were looking for a person named John Smith, do you think they'd stop every John Smith that flew an American airplane on any given day and detain them for two hours in a locked room, search them, interrogate them, subject them to heart palpitations. This was a middle-aged gentleman who was so intimidated by this process that he started suffering palpitations during the process.

Azam Nizamuddin Council of Islamic Organizations of Greater Chicago

I think that the interfaith communities have talked about government policies since September 11 in a very general sense. However, we only go as far as to say that on a theoretical level, constitutional rights and civil rights are important. I think after 9/11, it's time to really test the waters, in a sense. Meaning that we as Americans really place a humongous emphasis on the whole notion of rights, constitutional rights, civil rights, and so forth. We can talk all we want about that. We can talk about that as politicians and parents, as institutions. The question is, when issues come up such as 9/11 or World War II or others how then do we as American people,

⁶ See appendix I.

as well as American institutions, then interpret the Constitution and how do we react?

Maybe my ideals are too ambitious and too high, but I have not seen the kind of support for Muslim civil rights and constitutional rights from those proponents of these kinds of ideals as really there should be. And perhaps this is only a Muslim issue, only Muslims should be advocating Muslim rights perhaps. Besides the local groups that I've worked with, I haven't seen on a national setting various religious and other kinds of organizations come out to protect and advocate a strong emphasis on Muslim civil rights. What I've heard instead is well, this is an exception, this is a different time; we're fighting terrorism. And slowly, we're beginning to see U.S. citizens who are being implicated without any kind of due process, being denied access to courts, and lawyers, and so forth. Now, this is something I think we as American people, and even the Commission such as yourself is something that is going to have to keep an eye on because this is something that's going to affect us.

**Jim Fennerty, President
Chicago Chapter of the National Lawyers Guild**

Most recently I am representing a young man who was a student at the University of Illinois in Champaign. This man is a Moroccan citizen. He is very active in terms of organizing events for the Palestinians. He is very concerned with what is happening with the Palestinians in the West Bank and in Gaza.

He made one big mistake. He was out of student status because he was depressed one semester and he dropped out of school. So, on May 30, 2002, the FBI came to see him, and they arrested him. They turned him over to immigration.

Normally when you get turned over to immigration because you're out of status, you get a bond set by the district director. You may not be able to afford to make it, the bond may be too high, but you get a bond set. They refused to set a bond in this case. Usually, the only time you don't get a bond set is if you have been convicted of a crime. He had never been convicted of a crime and never been arrested.

Last Wednesday, we went to immigration for the bond hearing. Finally, he got them up here about a week and a half later and I find out he's under this special investigation, special inquiry. He's actually being held by immigration, and

that's why there's no bond. In the Haddad case, the Sixth Circuit says you have to have an open hearing.⁷ But when I raised that point, they said that the prosecutor is a private attorney and that's the Sixth Circuit, this is the Seventh Circuit. Two weeks ago, after the Sixth Circuit decision, immigration came out with new regulations about closing hearings, even though the Sixth Circuit told them they couldn't do that in Haddad's case.⁸

So what did they do? They cleared the courtroom of all the spectators. The government asked for a continuance of the bond hearing, and he is still being held with no bond. And I was told that next Friday, that is this coming Friday, that they may introduce secret evidence. You know, secret evidence that I can't see just for the bond hearing to keep him locked up. And after many, many conversations with this young man, going out and talking to him at the DuPage County jail, I think the only thing he did, like I said, he was very outspoken. He was organizing on campus for Palestinian issues, and when he first went to the university he went to a mosque and I think he may have donated money at the mosque and the mosque may have belonged to a charity or something. But that's all he did. He's never been convicted of a crime. Nobody said he committed a crime. But he is being held here on secret evidence that we can't see and no bond.

And those are the things that have been happening since 9/11, which is really, really bad.

Government Officials

**Patrick Fitzgerald, U.S. Attorney
Northern District of Illinois**

The one concern I do have, if the persons are being detained as material witnesses, they have the right to appear before the federal district judge. They're presented to the federal district judge and told this person is a material witness. The judge can set bail and have them released. And the government has the burden to show why it is that that person will not be here for the opportunity to testify before the grand jury, and

⁷ Detroit Free Press v. Ashcroft, 303 F.3d 681 (6th Cir. 2002). But see ACLU of New Jersey v. County of Hudson, 352 N.J. Super. 44; 799 A.2d 629 (2002).

⁸ Protective Orders in Immigration Administrative Proceedings, 67 Fed. Reg. 36799 (2002).

why it is that their information or testimony is important. If, during that process, the government doesn't reveal everything it knows about someone, which frankly if it were my case, I'd like to let the judge know we're investigating a bank robbery, we're investigating a terrorist plot, or terrorist financing, the judge puts limits and says, "Okay, well, I understand they're going into grand jury next Wednesday, you should be done by a certain date. And if it is not done, I will hear back from you." Those attorneys have a right to go back into court, and that's not different.⁹

So, they do have attorneys, it's being handled by a district judge, and I think there's a perception out there that the rules are not being followed. And that's not true. Material witness warrants have existed well before 9/11. They were used well before 9/11 in a variety of different cases, and there are ground rules. Sometimes the attorneys are not happy that their clients are held as material witness, but they have the vehicle to walk into the United States District Court and vindicate those rights. Nothing has changed about that. I recognize there is a huge perception problem, which we're trying to battle. But it's hard to fight in the shadows and rebut cases that you don't know the specifics of. They have attorneys, they have dates in court, they have rights under the statute.

I guess the two major actions, and you can refresh me if I'm missing one, since 9/11 is we did participate in the interview process where a number of persons who had come from certain countries were interviewed. And in that process, we made plain to everyone that the people being interviewed were not suspects. And I can tell you, we carried out the interviews by making sure the people knew they were not suspects. I personally wanted to make sure that every state and local law enforcement officer and FBI who went out to conduct one of these interviews not only knew they were supposed to tell the person they were not a suspect, but believed it. I gathered with Tom Kneir and Brian Perryman, all the state and local law enforcement officers participating in those interviews, and I told them I

⁹ 8 U.S.C. § 3144 (2003) (if it appears from an affidavit filed by a party that the testimony of a person is material in a criminal proceeding, and it is shown that it may become impracticable to secure the presence of the person by subpoena, a judicial officer may order the arrest of the person and order him to be detained).

was personally representing that the persons were not subjects. And I caused all the names of people to be interviewed to be run through all the appropriate databases to make sure they were not suspects. Because, frankly, if the person was a suspect, we did not want to go out and interview them. I did not want to put a law enforcement officer unknowingly in harm's way. I think by understanding that we had personally verified that these people were not suspects, that people who conducted the interviews understood that.

We received no complaints about how those interviews were conducted. We sent the questions out to the public in advance. That is not how we would conduct an investigation. We also sent letters in advance at the request of the community to let people know we were looking to speak with them about information they might have. That was a request made by the community at the last minute. We thought they were right. We sent those letters. We also received a letter from the American Civil Liberties Union saying they were prepared to provide counsel free of charge to anyone being interviewed. We included that notice in the letter asking them to participate in the interview. We gave them the toll-free number to call the ACLU. When conducting that effort, we did not hesitate to make people know that they were not suspects. We did not hesitate to give them access to counsel as provided by the ACLU. We conducted the interviews as if the people were not suspects, because they were not. Nothing was held back in terms of national security in terms of addressing the people being interviewed about what we were doing.

The story gets melded between people who are picked up because they were ordered by a court to be deported and have illegally been in the country, despite a ruling, for several years. Cases where people were picked up for other various reasons, cases where people who are material witnesses who are being held so they can provide information, they have an attorney, and a judge who can set bail and say, "If you're not going to resolve this matter in the next six days, the witness goes free." In criminal cases, we tend to lose sight of them and meld them together in numbers. In some of those cases where people have indicated they do not want their names released, it is the witnesses who do not want their names released. And that's because

frankly, many of them come from countries where they have the perception, which may well be the reality, that if their name is at all associated with an investigation, whether or not, in fact, it turns out they're cleared, that that name will forever tarnish their image back in their home country because of the repercussions to their families when they travel back there. So, in many cases, it's the nonterrorism context where we have an obligation to take people who are arrested in foreign countries, and then they will have the right to tell their consulate that they're in jail so they can come see them and make sure they're being taken care of. They have a lawyer. They will insist that we not tell the consulate. They want the secrecy. They want the protection to know that their family back home is not harmed. So, some of the secrecy that does come up is at the request of the people that are being held.

We do understand there is a major perception issue out there. Some of the things that have happened have happened before. The Oklahoma City bombings, one of the persons was held as a material witness. Many of the statutes being used or law enforcement techniques being used before, people associate them with the new Patriot Act. So, I think that there is less going on than people think, but there is a perception.

**Brian Perryman, Regional Director
Immigration and Naturalization Service**

Our continuing dialogue with members of the Arab American, South Asian, and Muslim communities of metropolitan Chicago has allowed us to identify matters of particular concern to community members.¹⁰ The most significant issues raised are matters of national policy. Some of these policies have been established legislatively by Congress. Other matters of significant concern have arisen from policies promulgated by the attorney general or by the commissioner at the INS. Among the policy issues that have been brought to our attention and are continuing discussions with members of the Arab American, Muslim, and South Asian communities are the following: closed immigration proceedings; detainee access to counsel; selective enforcement of minor immigration violations; alien absconder initiative, phase one; the impact on United

States citizen children of arrests arising from the alien absconder initiative; secret detentions; cooperation between the INS and local law enforcement agencies; Department of Justice legal opinion concerning local law enforcement authorities having inherent authority to enforce immigration laws; freezing of assets of Muslim charities; airport security procedures; monitoring of attorney communication with individuals in federal custody; delay in processing refugee admissions; proposed rule to limit visitor and student visas; and, finally, national security entry and exit registration system.

As director of the INS in Chicago, I'm not in a position to address national policy mandates. I can assure you, however, that as we become aware of community concerns, we've consistently communicated them to INS headquarters or to other agencies to within whose jurisdiction they fall. We will continue to do so.

I'm submitting to you today data for our enforcement operations at the Chicago district, which I hope will give you a picture of our operations since September 1, 2001, which describes the number of nationalities of aliens who have been identified as being deportable or removable from the United States because of violations of immigration law.¹¹ This report indicates that the largest number of deportable aliens we have located since September 1, 2001, still come from Mexico, 69 percent. Only 4 percent come from countries which have predominantly Arab or Muslim populations. Although it's often been stated during the public discussion of the department's antiterrorism efforts, that the INS is holding in custody for immigration violations persons who are being deprived of their right to counsel, this is not true in this district, and I don't believe anywhere else, to my knowledge. All aliens arrested in this district since 9/11 for immigration violations continue to receive their notice of right to retain counsel at their own expense, and their right to speak to their counsel or officer if they choose to do so. The aliens arrested as a direct result of our operations and direct result of the FBI's antiterrorism efforts all have retained counsel of their own choice prior to their matters being heard before the immigration court, the Executive Office of Immigration Review. This office has worked hard to educate

¹⁰ See appendix J.

¹¹ See appendix K.

the Arab, Muslim, and South Asian communities about the immigration process and the rights of aliens in such proceedings and at the time of arrest. The INS office in Chicago is committed to a continuing dialogue with these and other communities that we serve.

**Thomas Kneir, Special Agent in Charge
Federal Bureau of Investigation—Chicago**

We've been given a lot of new tools. Does that mean that we've just run out and here now we can do all this stuff, we're just going to do it now.

In fact, we really are not doing much different than what we did before. But as I tell all the groups, again, I've got one goal here for Chicago: to keep you all safe, and to keep my family safe. And I will be aggressive when it comes to terrorism and criminal activity, and that's all I'm going to promise you. And if the law says I can do certain things now, I will do that. But I will stay within the law, and I will stay within reason. I don't have the number of agents to go out and run down things that are not going to be fruitful. Trust me, I've got enough good things to look at right now. I don't need to run down rabbit trails.

Chapter 5

Government Actions Toward Chicago-area Islamic Charities

Charitable giving is one of the Five Pillars of Islam. It is one of the things that the Quran demands all Muslims to do. Therefore, when the government froze the assets of the Global Relief Foundation, Benevolence International Foundation, and the Holy Land Foundation, many Muslims were left confused and afraid. Many Muslims had fulfilled their charitable giving requirement by giving to these organizations. If these groups were aiding terrorism, would they, the individual donors, be held responsible? And if these groups were aiding terrorists, why were no charges immediately brought against them? What would happen to the many American citizens who worked for these charities? All of these questions and many more faced the Chicago-area Muslim community.

Many of the facts concerning these charities are not accessible because, under the USA Patriot Act, government can seize and/or freeze assets of an organization or individual without a hearing on the assertion that there is probable cause to believe that the assets are involved in domestic terrorism. Also, some of the evidence is being concealed out of concern for national security. Therefore, this chapter merely reflects opinions and feelings of community members regarding the situation as well as the response to these feelings by government officials who are limited in their discussion due to the sensitivity and nature of the issue.

Community Representatives

Anthony Simpkins, President Muslim Bar Association

There were three Islamic charities in the Chicago area that were closed down “pending investigation” under the executive order that

was issued after September 11.¹ They were Global Relief, Benevolence International Foundation, and the Holy Land Foundation. During the process of the shutting down of these organizations, one of the organizations, Global Relief Foundation, demanded of the government to see the evidence upon which they based the freezing of this charity’s assets and the seizure of their property and records. After initially refusing to do so, the government released some information to them. What they gave them were newspaper articles by journalists who suggested that there was some connection between this particular charity and terrorism. Can you imagine Catholic Charities or a member of the archdiocese being arrested, their assets frozen, their property seized because a journalist suggested that there may be some ties between that individual or that organization and some criminal conspiracy? Of course not.

The government also shut down Benevolence International Foundation.² No charges have ever been brought. No trial has ever been set. In fact, under the presidential order there’s not even clearly a right to a trial to challenge the seizure

¹ Exec. Order 13224, 66 Fed. Reg. 49079 (2001), amended by Exec. Order 13268, 67 Fed. Reg. 44751 (2002), and Exec. Order 13284, 68 Fed. Reg. 4075 (2003).

² Benevolence International Foundation (BIF) is an Illinois not-for-profit charitable foundation incorporated since 1992. On December 14, 2002, pursuant to the emergency search provisions of the Foreign Intelligence Surveillance Act, 50 U.S.C. § 1801 *et seq.*, the FBI seized financial and business records from BIF’s Palos Hills, Illinois, office. On the same date, acting pursuant to the International Emergency Economic Powers Act, 50 U.S.C. § 1701 *et seq.*, the Treasury Department issued an order blocking BIF’s assets and records pending further investigation. *See United States v. Benevolence Int’l Found., Inc.*, No. 02 CR 414, 2002 U.S. Dist. LEXIS 17223 (D. Ill. Sept. 13, 2002).

of their assets and the seizure of their property and the freezing of their assets. There have been no charges brought. This was all done pending investigation. So, Benevolence International then sued the government, suggesting that the actions that were taken against this organization were illegal under the Constitution.

Now, keep in mind that Benevolence International read in the newspaper that they might be the subject of a government probe. What they did was they hired a law firm who then contacted the FBI and U.S. attorney's office and said, "We heard we're under investigation. We are inviting you to come and take a look at our records, interview our employees and our directors, and we want to cooperate with you because we're confident we haven't done anything." That offer was turned down, and instead, under sealed warrant, their offices were raided, including some of the homes of some of their directors. They've never been able to see any evidence against them. This is un-American and this has not happened to any other group or group of individuals in this country.

Benevolence International sued the government, and as part of that lawsuit the executive director said that they had not engaged in any terrorist-related activities.³ The government then turned around and charged the individual that made that statement in the proceedings with perjury.⁴ Now, the government then sought to have this individual, Enaam Arnaout, held on a personal charge without bail and in solitary confinement. This, of course, is unprecedented on a charge of perjury. The government stood before the magistrate judge in late May, right

³ *Benevolence Int'l Found., Inc. v. Ashcroft*, 200 F. Supp. 2d 935 (D. Ill. 2002) (civil suit brought by foundation suspected of supporting terrorist activities, special circumstances, including similarity of parties, issues, facts, and importance of pending criminal case, stayed until conclusion of criminal case).

⁴ On April 29, 2002, the United States attorney for the Northern District of Illinois filed criminal charges against Benevolence International Foundation (BIF) and Enaam M. Arnaout, its chief executive officer, for having "knowingly submitted false material declarations under oath." The criminal charges are based on Arnaout's sworn affidavit supporting BIF's motion for preliminary injunction in which Arnaout states that "BIF has never provided aid or support to people or organizations known to be engaged in violence, terrorist activities, or military operations of any nature obstruct justice." *Benevolence Int'l Found., Inc. v. Ashcroft*, 200 F. Supp. 935 (Dist. Ill. 2002).

before Memorial Day, and suggested that this individual should be held without bail on a perjury charge because he was going to face other charges under several federal terrorism statutes. The judge then held him without bail, saying he was a flight risk because he faced all of these terrorism charges which held a penalty of anywhere from 15 years to life in prison.⁵ However, when the indictment came down the day after the judge entered the order holding this individual without bail, it included nothing but the charge of perjury.⁶

What we have here is a situation where individuals are being incarcerated. The most basic and fundamental human right that we have in this country is the right of liberty, of freedom from incarceration. The rights that our papers and our persons are free from unreasonable government intrusion, unless there's some charges brought against us and some evidence brought against you that we can confront and challenge.

⁵ A magistrate ordered defendant detained pending trial. Defendant moved for modification of conditions of the pre-trial confinement. Specifically, he challenged his placement in administrative detention and transport under a three-man hold. The district court held that there was no evidence that the placement interfered with defendant's right to counsel since the detention order specifically directed he be afforded reasonable opportunity for private consultation with counsel. Defendant could only challenge conditions of confinement through a separate civil action. *United States v. Enaam M. Arnaout*, No. 02 CR 892, 2002 U.S. Dis. LEXIS 23400 (D. Ill. Dec. 6, 2002).

⁶ On October 9, 2002, federal authorities indicted Enaam Arnaout "with two counts of mail fraud and one count each of racketeering conspiracy, conspiracy to provide material support to terrorists, conspiracy to launder money, money laundering and wire fraud." Benevolence International was not named in the indictment. (Matt O'Connor and Laurie Cohen, "U.S. Ties Charity Leader to Terror," *Chicago Tribune*, Oct. 10, 2002.) On February 10, 2002, "Arnaout pleaded guilty to a single count of racketeering conspiracy" and the other six counts were dropped. According to prosecutors, Arnaout pleaded guilty to not revealing that he "was sending money to buy boots and uniforms for fighters in Chechnya." Arnaout also agreed "to cooperate with the government in other investigations." (Stephen Franklin and Laurie Cohen, "Plea Deal Averts Terror Trial," *Chicago Tribune*, Feb. 11, 2003.)

United States v. Enaam M. Arnaout, No. 02 CR 892, 2002 U.S. Dis. LEXIS 23400 (D. Ill. Dec. 6, 2002) (defendant and co-conspirators did not establish that groups they allegedly provided aid to were lawful combatants privileged under Geneva Convention against prosecution for conspiracy to murder, kidnap, maim, and injure others); *United States v. Enaam M. Arnaout*, No. 02 CR 892, 2003 U.S. Dist. LEXIS 1635 (D. Ill. Feb. 4, 2003) (proffered materials were not admissible to support a second superseding indictment alleging three distinct conspiracies).

These people in these institutions are being held without those most basic rights to due process.

If these institutions and these individuals are guilty of something, then our American system of justice says they should be charged, evidence should be presented, witnesses should be presented, and there should be an open and public trial in which these issues are ferreted out. That's not what's happening here. No other people are subject to this.

For example, the Jewish Defense League's directors, Irv Rubin and Earl Krugel, have been indicted for a plot to bomb a mosque in Culver City, California, and also the legislative offices of an Arab American California state representative.⁷ These are the directors of the Jewish Defense League. The Jewish Defense League's assets have not been frozen pending investigation. Their property has not been seized under sealed warrant.

When Timothy McVeigh bombed the Oklahoma Federal Building, there was no move to institute mass detentions of members of his organization or similar [anti-government] organizations. There was no policy instituted to do mass interviews of people related to him to ferret out any possible future terrorist plots.

The point is that from our standpoint this is a witch hunt. If someone has broken a law, if someone has done something illegal, if someone is involved in something that is a form of wrongdoing, we should bring a charge against that person and we should have a trial. In none of these instances has that occurred. And this is because the objects of these are Muslims.

Dean Mohiuddin, Board Member Islamic Foundation

Now the concern is that Muslims are required to spend a certain portion of their income for those who are less fortunate than they are. Usually coming from the Far East and Middle East, we know what poverty there is, and poverty there means from where is my next meal going to come. That is the poverty, not the poverty that I don't have a color TV. So, we try to find the organizations that used to help those

organizations in their educational programs, helping the mothers, the widows, the orphans.

Now there is concern among the people. Will I be able to use any of the charities? What if I give to charity and later on I find out that that charity has been indicted by the Justice Department? These are the concerns that we have not been able to answer fully or to the extent that we would be satisfied with the legal answer. So, we're hoping that in the days and weeks and months to come that through the aid and through the help and cooperation of the Justice Department that we will be able to provide some direction to that aspect of the religious observance.

Generally speaking, from what we have read and what we have heard, it appears that the only allegation against these organizations is guilt by association. The Council of Islamic Organizations of Greater Chicago has approached the Justice Department to find out if we can at least help the employees of the charities who have lost their jobs, who don't have any other source of income. The answer was, yes, you can. So, we are trying to help at least those people.

We are also trying to find out if we can have a defense fund for the charity. And I think the preliminary answer is yes, as long as it is not tax exempt. The other point is that all organizations, not only my organization, but all organizations are concerned about guilt by association. How far we can go? And it is not easy in these times to get any clear direction.

William Haddad, Executive Director Arab American Bar Association

We see the freezing of assets, and this may be well founded. Some of these organizations may deserve to have their assets frozen. I don't know. It's an investigation, and our government has the duty to do so. But it's an open and notorious kind of thing, and it creates a fear among religious people in our community that their mosque, their church, their organization may also be targeted, perhaps unfairly. What are the rules of engagement here?

Rouhy Shalabi, President Arab American Bar Association

One of the concerns with the secret evidence or the freezing of assets regarding charities is to find out if there is anything behind it. The people who donate monies for humanitarian causes

⁷ "JDL Pleads Guilty to Bomb Plot Against US Congressman," *Arab American News*, vol. 19, no. 887 (Feb. 14, 2003), p. 17.

want to know what was being done in their name and so forth. So, our community is waiting, and we would like to see the evidence come out. I think if the government has it, lay it on the table so we can all stand up and know what it is and deal with it.

**Kareem Irfan, President
Council of Islamic Organizations of Greater Chicago**

One classic example in that area that I have talked about is the targeting of Muslim charities. In Islam, the giving of charity is a fundamental obligation, as it is with many other faiths. A Muslim cannot practice his or her faith to the fullest extent without actual charitable giving in a formal fashion. And the charities that have become recognized, they have come to achieve that status because people have gained trust that these are serving humanitarian concerns and projects all over the world.

Now, if the government is concerned about something incorrect going on, then what we hope would have happened and we hope will happen in the future is that appropriate consideration be given to how they're targeting the investigation that takes place. The Muslim charities, for instances, two of the local-area charities which are very well respected, they were targeted for investigation presumably for a number of months, but action that was taken was done in the month of Ramadan. This is the month of fasting where Muslims consider the days to be sacrosanct, and the good deeds are presumed to be blessed with a lot more reward.

So, given the fundamental obligation for charity, 99 percent of Muslims save their charity to be given in this particular month and give throughout the month. Now, what happened is, I'm sure there must have been some justification for it that we have never been informed about, but the charities were targeted during this month. The month of Ramadan came, 28 days of that month went by and 99 percent of charity was given with this expectation that the gift will be received with an increase reward. Two days prior to the end of the month of Ramadan, the assets of these charities were frozen. Some hundreds of thousands of dollars that were given with the intention of people discharging their religious obligation were seized. If that could have been done a month in advance, that would

have saved a lot of difficulty on behalf of Muslim Americans.

So, people start wondering if the government had this information at hand, why did they wait until a majority of the people had actually given their dollars for these charitable causes for humanitarian purposes and suddenly have the assets frozen at that point in time? Did they wait to see who was giving?

**Mohammad Kaiseruddin, President
Muslim Community Center**

We know that the in cases against Benevolent International, the Holy Land Foundation, and the Global Relief, charges against them have not been disclosed, even to their attorneys, let alone us.⁸ The only charge we know is in the suit against Mr. Arnaout for perjury, and that's all we know about that.

These charities have been around for a long time, several years, probably more than 10 years, and Muslims all over the United States have trusted these charities, have given money to these charities, have gotten reports from these charities as to how they're spending the money, which people where in the world they are helping and what type of charity they are or what type of help they are providing. So, it takes time to build up organizations like that and have trust of the community, and these three organizations did it. Now it's been taken away. So Muslims are now wondering how do we give our charity? Who do we give our charity to? How do we help the people of our faith who are desperately in need; whether they are in Palestine, they are in Kashmir, they are in Chechnya, they're in Somalia, wherever they are?

There are Muslims all around the world that are in desperate need. And we are not able to provide that help. There are still a couple of, two or three, national charity organizations still in business, but again because of this shutting down of these three charities, there has been a chilling effect on the community itself that they say, "Well, either our money is going to be locked up again if we give to these organizations or worse yet through these organizations the gov-

⁸ Global Relief Found., Inc. v. O'Neill, No. 02-2536, 2003 U.S. App. LEXIS 6708 (Apr. 4, 2003); Holy Land Found. for Relief and Dev. v. Ashcroft, 219 F. Supp. 2d 57 (D. DC 2002); Benevolence Int'l Found., 200 F. Supp. 2d 935 (D. Ill. 2002).

ernment might try to bring charges against us that we are giving money to these.”

So, in general, there has been a very chilling effect on giving by the Muslims and that’s not very easy, particularly the portion of charity that we practice which is an obligatory portion of charity. It’s got to be given. So, once you give it, that money doesn’t belong to you anymore and our people are left up to their own means to find how to give that charity. It’s a difficult situation.

Well, there is concern. Obviously, there has to be a concern. But without finding out a charge let alone proof, let alone anything as to what was the basis, we are skeptical. If anything, this perjury charge brought against Mr. Arnaout for an association 10 years ago leads us to believe that we don’t think the government has anything. So do we have any more trust that the government has any better proof against these charities? If there is, we certainly would like to know. And we would certainly like to stop any terrorist type activities being done that we come across because obviously we will not do it. But in the absence of any of that, we feel that our civil rights have been violated. We are not able to practice our religion as we want to practice our religion.

**Gregory Mitchell, Board Member
Muslim Civil Rights Center**

When the government seized the assets of Benevolence International Foundation and Holy Land Foundation, it was at the end of Ramadan. And what is significant about that is Ramadan is a month of fasting for Muslims and at that time, that’s when Muslims are encouraged to increase whatever charitable donations they are going to make. And it is at that time many Muslims will donate, and toward the end of that month they will make that donation. And the seizure of assets took place right at the end of the month.

So now from my perspective, if the government was concerned about this being a funneling device for funding of terrorist organizations, they should have done it earlier. And to the extent you say, no, we have to make sure we have a case, then now that you’ve seized the money, you know that this money comes locally, why isn’t that money turned back to the Muslim community? We have an umbrella organization here in the Chicagoland area called the Council

of Islamic Organizations, and Mr. Kaiseruddin was the founding president of that particular organization. It is capable of receiving those funds, even with the oversight of the federal government. But there’s not a reason to take Muslims’ funds that they gave with the intent that it help the needy to stay in the federal government’s coffers or to be isolated for merely the fact that we believe that it will be used for terrorism that we will prove some day.

**Jim Fennerty, President
Chicago Chapter of the National Lawyers Guild**

I represent one of the other charities, which is the United Holy Land Foundation. I represent the employees, not the foundation itself. Well, you think, why would the employees have a lawsuit? Well, what happened to the employees was that once they froze the assets of the Holy Land Foundation, the government went into people’s private bank accounts and took out their last paycheck. They just got their year-end bonus. The government took their bonus out of their personal savings accounts. They confiscated their personal property that they had in there. One guy on the south side had a little band. He had some speakers and some other equipment, they confiscated all of that.

They also lost their Cobra benefits, and they cannot get insurance now. Some of those people have serious illnesses, and they cannot get Cobra insurance. Because under Cobra, your employer you left had to be in business. Well, the Holy Land Foundation has taken the position they’re out of business, so you can’t get Cobra benefits.

Government Officials

**Patrick Fitzgerald, U.S. Attorney
Northern District of Illinois**

There was a civil action brought having to do with one charity, two civil actions regarding two charities. In those civil actions, our papers were filed publicly. There was a particular amount of material that was filed under seal and that we could not discuss because of national security. But that had to do with the reason why the government chose to conduct searches. And in choosing to conduct searches, the government wants to establish its good faith that what it did was reasonable, and the extent that there was national security information driving decisions

made by the government, we thought it was appropriate for the judge to know why we did it, not for an illicit purpose. Obviously, if we reveal that in public, we compromise sources and efforts. So, in that limited instance, we did not comment on those materials publicly. But beyond that, we have made an extensive public record in the civil proceeding which, I think if you stack it up, it would be about 5 feet high, that people can look at.

So, in terms of the conduct of the U.S. attorney's office post-9/11, the rules are the same as they were before. We have applied those rules consistently before 9/11 and after 9/11. And we're trying to get the message out to the community that much of what we're doing, if we cannot talk about it, that's because of the fair trial rights and grand jury rules, not something different.

**Saffiya Shilo, Executive Director of Ethnic Affairs
Lt. Gov. Corrine Wood's Office**

Because of the recent investigations of local charities, the Arab community was very concerned about being victims as well for contributing to some of these charities that later turned out being accused of having connections to terrorism. So, I initiated a phone call to the U.S. attorney's office, who said, "Well, we'll call some people." They had the names of people to call, and I told them that they needed to come out to that particular community, talk to that community and listen to their concerns. So, we set up another meeting in Burbank, which the U.S. attorney Patrick Fitzgerald and also the FBI agent Kneir attended. The community had some really legitimate concerns and questions and follow-up was asked for. For example, they asked to find out which, if any, places they could donate to. The officials said that they couldn't say where they could donate. They could only give a list of the charities that were accused. We haven't gotten that list.

Chapter 6

Fear Among Arabs and Muslims of the Chicago Region

Although a difficult category to assess and measure, fear reoccurred as a major theme in the two-day community forum. After September 11, very few U.S. citizens were not left in some state of fear over whether another terrorist attack would occur. For Arabs, Muslims, and people who could be mistaken for these groups, the fears about further terrorist actions were compounded by the fear of backlash against them by their neighbors and the government.

Community Representatives

William Haddad, Executive Director Arab American Bar Association

Our community is in a state of insidious fear, a state of insidious seize. It is a community that feels isolated and ostracized from the mainstream since 9/11. They are not coming out; they are not going to Democratic Club meetings; they are not going to the community organizational meetings. I am president and vice president of several organizations within the community and outside the community, and I can tell you that there has been a lack of response. I believe the reason for this has to do with the Arab community's perception of themselves here in the United States of America. It is an epidemic problem. It is a problem that affects millions of Arabs and Muslim American citizens. It is something that the Commission hopefully can come up with remedies to deal with this.

Rouhy Shalabi, President Arab American Bar Association

Many of our people have become shell-shocked. They are reluctant to come out and

speak. They are afraid to speak. Their attitude is to just stay low.

Mohammad Kaiseruddin, President Muslim Community Center

The recent decision regarding the FBI changing the rules to allow agents to participate in open meetings of the mosques has raised a lot of concerns.¹ Of course, none of the criminal laws have been changed. Whatever was criminal activity before is still criminal activity now. But when you are driving down the road, you cannot help but to watch over your shoulder to see if a police car is behind you. I do get nervous.

So our organization is quite concerned, and we have contacted an attorney to advise us as to how we should be and what are the things that we should be watching. Because being a community organization, we hold activities where we invite speakers, and they speak their minds. Then there are other groups that are not directly related to our organization, but they hold their own separate meetings. We tell them it is okay to meet because the place is their community center. However, now we are concerned as to how we should protect ourselves from any activities that our organization does or any activities that community organizations not directly related with our organization do. We are even concerned about allowing family functions at our community center. You know, like birthday par-

¹ U.S. Department of Justice, *The Attorney General's Guidelines on General Crimes, Racketeering Enterprise and Terrorism Enterprise Investigations*, 2002, VI.A.2—Visiting Public Places and Events, p. 22 (authorizes the FBI to visit any place and attend any event open to the public, on the same terms and conditions as members of the public generally) <<http://www.usdoj.gov/olp/index.html>>.

ties or anything, we allow them and, of course, they invite speakers here and there. Should we be concerned about what kinds of speakers they invite and what do they talk about? The FBI is listening.

**Dean Modiuddin, Board Member
Islamic Foundation**

Immediately after the tragic incident of the World Trade Center, the [Islamic school] administrators realized that there would be a great deal of concern among the parents who bring their children to school. Typically the mothers drive their children to school and typically they wear the *hijab*. After September 11, very few mothers brought their children to school. They told us about the catcalls and abusive language. We started getting very threatening calls like blowing up our children just like they blew up American people.

There was no time to argue with these people because we came to the conclusion a long time ago that it has to be somebody from outside of the neighboring community because we have very good relationships with our neighbors. On one side there is a high school. On the other side there is a park district. The park district uses our parking facility on Sundays when they have the games and everything. So, we knew that it was not them.

In order to protect the children, we had to call the police of Villa Park. By the way, our facilities are located in the western suburb of Villa Park. So, we contacted the police department. They were very cooperative, but politely they said that they could not station an officer or officers on a 24-hour basis. They could only do a periodic patrol. This was a concern to us because we saw that the level of concern among the parents was so great for the safety of their children, perhaps the presences of a law enforcement officer on a permanent basis would be necessary. They said that the best they could do for us was provide two officers given that we would pay their regular and overtime wages. We understood that Villa Park is a small community, so we had to bite the bullet. It was a considerable expense. The first week, in spite of the presence of two officers stationed on the premises, the fear of the parents was such that they would still not bring their children to school. We then went on a campaign of building the confidence because we were

afraid that our children would lose an entire academic year just because of this incident.

So, finally, after four weeks the parents said they wanted to go one more step for safety. They wanted to have a fence around the mobile classrooms because those were the very ones being threatened. People who knew our facility made the threats, and they would say what they would do and how they would go about it. So, we were concerned about that. The police also kept track of what areas we should watch closely so that way we all can be prepared.

**Azhar Usman, Spokesman
Council of Islamic Organizations of Greater Chicago**

Arab Americans and Muslims have what I would call a psychology that hearkens to the secret police bank. They have general suspicion concerning the American government's motives. Now, let's break those down for a moment.

They have what I call a banked psychology concerning secret police back home. You have to realize that a lot of Muslim immigrants from certain repressive parts of the world have a certain psychology that is hardwired into them, which is that when the police come knocking at your door, look out. Muslim nations generally do not have the same civil liberties that we have in this country. So, they imagine and remember all of the horrible stories that they've heard of people being beaten, people being literally oppressed, people being killed, people disappearing, et cetera. And when they see the FBI knocking at their door, wanting to have a friendly conversation about whether they happened to know any terrorist and where they were on this date, a lot of this psychology begins to erect in the back of their heads. This is something the government needs to concentrate on if they are to work with this community in order to gather intelligence and cooperation.

Secondly, the community is suspicious of the American government's motives, if for no other reason than the fact that our government has gone so far as to literally conduct raids against legitimate organizations, detain people without cause, eviscerate the attorney-client privilege, and create kangaroo courts. So, it's no surprise that people with that background and that psychology would begin to view the government in a suspicious light.

Furthermore, Muslims take a look at the historical actions of our government, the adoption of some policy positions that our government has in certain parts of the world, and their suspicion is further enhanced. And I'm sure many of you have read or heard how our government had, in fact, talked about staging world events in order to rally support for wars against alleged communist regimes. This is as recently as the '60s and into the '80s. So, again, this and other historical actions by the nation bolster their suspicion of the U.S. government's motives.

Now, what is the relevance of all of this? Why should the government care? I think for no other reason the government should care because blanket suspicion goes both ways. The immigrant Muslim community being suspicious of the U.S. government and the U.S. government being suspicious of the Muslims and Arabs in general and enacting policies which further their suspicion is antithetical to the fight on terrorism. Let's all think about that for a moment. If it is true that there is a disproportionate number of terrorists and terrorist sympathizers and terrorist supporters who are living in the Arab and Muslim communities, then doesn't it stand to reason that the greatest source for conducting this resides in those communities? Of course it does. And as Professor David Harris, University of Toledo, pointed out, it is antithetical to the very fight on terrorism for the government to cast this entire community under a suspicious light and to treat it in a very discriminatory fashion or to apply certain legitimate laws in a disparate way or in a discriminatory way against this particular community.

What happens is that those communities are marginalized based on a blanket suspicion. They are racially profiled and, as a result, they don't want to cooperate with the law enforcement officials. All of this results in, as I said, an antithetical approach to dealing with our greatest source of intelligence, which is the Arab and Muslim community.

Finally, there is a little bit of checks and balances going on here when the Arab Americans and Muslim Americans feel like their government is unduly suspicious of them and vice versa. The U.S. government is now being seen as inaccurate on the world scene because they are utilizing these Gestapo tactics like setting up kangaroo courts or relying on a so-called mosaic of evidence to effect its agenda around the world

without any regard for civil rights and civil liberties. We have to realize that the entire world community is watching us. We look sort of silly when we talk about how they hate us because of our liberty and they hate us because of our freedom and we are ready to sell out all of those freedoms because of these fears and the hysteria that have been created in the aftermath of September 11.

Sammer Ghoulleh, Author *Victims of Circumstance*

A lot of people were part of my book, and they sent me stories regarding their experiences. I always tell one man's story. He is a veteran who fought in the Vietnam War even though he did not want to go. He did, though, to obey the law. He went, and he lost his leg. And he came back and he was living near the Bridgeview area where the riots were after September 11. He wrote to me and said that he always has a flag hanging in the front of his house. He said, "Here I am, a veteran; someone who loves his country; someone who would give anything for this country. And suddenly, I have to go and get my grandchildren out of the front yard. Their lives were threatened because they are Muslims. And while everyone on the block had to go and purchase a flag, nobody wanted to take a minute to look and see that I have always had one outside my home. What more could I have done than what I have done as a Muslim American. Yet, they want to burn my place of faith, they want to destroy me, they want to kill me. What did I do? All I've ever done is be a good American citizen."

Itedal Shalabi *Arab American Family Services*

We took a week off because our families were afraid and because we were wearing the *hijab*. I refused to take it off, even though my mom called and said, "You know, religiously, in times as this you can take off the *hijab*." I said, "Mom, no. Can an African American take off his skin color until people accept him? No. This is who I am, and this is what I believe in. This is a religious statement, not a political statement, and I'm going to show my children that."

**Khalid Elkhatib, Member
American-Arab Anti-Discrimination Committee**

After September 11, people were absolutely terrified. This fear transcends religious and ethnic barriers. Everyone was just terrified because they saw the U.S. government carrying people out because they were out of status. Therefore, they were deported. People were terrified, even our own clients were saying, "Please don't report us, don't tell people about our status." That was very unfortunate because a lot of good people, Arab and otherwise, Muslim and otherwise, a lot of good people were in fear of their lives on a daily basis because of what they saw on the news and the statements coming out of the administration. And I think that's eased up to a great extent, but it was unfortunate that it happened, and we hope that it certainly doesn't happen again.

**Kamron Memon
Law Offices of Kamron Memon**

It seems from talking to people in the community that there are groups of people out there who have had problems, but they don't want to file a complaint or get any official help because they don't want to make waves. Part of it is, I think, that if someone is harassed at work, he's afraid that if he files a complaint, that maybe he'll get fired. And, of course, it's illegal to retaliate against someone who files a discrimination complaint. But the retaliation still does happen. And some people, possibly because of their financial situation or because of the way they were raised, would rather just remain a second-class citizen at work as long as they could keep their job and take care of their family.

**Bassam Jody, President
Mosque Foundation of Bridgeview**

I would not take my wife shopping with me for two weeks after September 11. Many people kept their kids at home because they didn't want their kids to be in an unsafe situation or to be offended by somebody saying something to them that they did not like. And so, the element of fear is there. People are unsure of what's going to happen. You hear a person is detained, you hear a person has been sent home. You hear somebody is getting in trouble, but it's always you heard what's happening. Somebody got arrested.

Maybe he's just arrested for a traffic violation, but still people don't want to talk about it.

**Harvey Grossman, Legal Director
American Civil Liberties Union of Illinois**

I would submit to you that it is a particularly dangerous time and we measure this by a litmus test that you may all find very strange, but it is the willingness to sue. Some of these people are too afraid to file a lawsuit. Some of these people are too afraid to stand up and complain because, notwithstanding our President's admonition to purge ourselves of hatred, class hatred, racial hatred, religious hatred, there nevertheless is a, I would suggest to you, a milieu, a state of mind that does not make people feel comfortable to stand up and to assert their rights. And I would submit to you that that is probably the saddest thing of all because the system of redress that we rely on as a form of conduct to inform our citizenry is hard to make work.

Government and Local Officials

**William Shaver, Chief of Staff
Chicago Police Superintendent's Office**

We have to extend the hand, it's part of our model, it's part of the strategy that we've embraced and we find does, in fact, when properly working with the community, works extremely well. It's an important dialogue because individuals coming from other cultures and other countries sometimes have a fear of the police. We have to realize that, realize why some communities won't come forward to the police. They, historically in their countries, have had a suspicion and a fear and mistrust of the police. And coming here to the United States, they're not going to accept at face value the police extending an open hand. They have to know who we are. We're committed to working with them, serving them. We're committed to integrity and to effective law enforcement, but law enforcement that respects the rights of others. The department has learned that, again, the city is an amalgam of many cultures and perspectives. To effectively interact, we must understand those cultures, and we must understand those perspectives. We need to be educated. From the command staff on down, we need to be educated. We have to utilize all our resources to be educated. The dialogue will continue. It's clear more training is needed

on the diversity of the communities within Chicago to make sure that we do include each and every community. We must include Arab Americans, the Arab community, in our CAPS and policing dialogue; the Sikhs must be included, all Muslims must be included.

**Patrick Fitzgerald, U.S. Attorney
Northern District of Illinois**

To the extent that the Muslim community or Arab American community thinks that they are being singled out, that is something we have to address. There is a fear of what is going on that is going to duplicate something that happened during World War II. That is something we have

to address. Obviously, we do not want to return to anywhere near the internment camps of the 1940s.

**Rita Coffey, Program Analyst
Equal Employment Opportunity Commission**

I think after September 11 people were afraid that it would be unpatriotic to file a complaint. I think that there was a lot of that. I think there was a lot of fear, an awful lot of fear. So, we were trying to reach out to the different organizations so that they could get out to the community because they're the ones that can talk to the people and tell them not to be afraid, or even come with them to the EEOC. But I think it's more of a fear thing as far as coming because of the government.

Chapter 7

Committee Observations

The Illinois Advisory Committee to the U.S. Commission on Civil Rights conducted a two-day community forum in Chicago in response to concerns Committee members had regarding testimony heard at a briefing held March 29, 2002. A community forum is an activity of a State Advisory Committee designed to elicit opinions and perspectives about civil rights matters in a local area. This report intends to be a useful gauge to monitor the attitudes and conditions regarding the Arab and Muslim communities in the Chicago metropolitan area.

In the two-day community forum held June 17–18, 2002, the Illinois Advisory Committee observed the following:

- It is currently difficult to ascertain the number of Arabs and Muslims in the Chicago metropolitan area because the U.S. Census Bureau does not formally track these groups in its official census.
- It is also difficult to track changes in hate crimes directed against Arab Americans or Muslims or against those who have come from Arab countries because, in the past, crime record keeping, whether dealing with victims of hate crimes or otherwise, has not attempted to separate out Arab Americans or Muslims or those of Arab nationality. At least for the foreseeable future, that kind of categorization in record keeping would appear to be useful in order to track changes in discrimination and in the incidence of hate crimes affecting these communities.
- Nevertheless, data that have been released by government agencies and community groups reveal that hate crimes against Arabs, Muslims, and those perceived to be Arab or Muslim have increased dramatically since September 11, 2001, in the Chicago metropolitan area.
- Governmental action taken in advance of potential outbreaks of hate crimes can help mitigate the harm these crimes perpetrate on communities. These actions include identifying high-risk communities and areas as well as fostering strong relationships between communities and government officials.
- Government officials in the Chicago region, including but not limited to the mayor, U.S. attorney, FBI special agent in charge, INS regional director, Cook County state's attorney, and superintendent of police, should be recognized for their outreach to the Arab, Muslim, and Sikh communities. Numerous conferences, community forums, and informal discussions have taken place between these officials and community leaders. Press conferences have also been held to warn potential perpetrators of hate crimes that such actions would not be tolerated. The Committee commends the efforts of these officials and the community leaders. Further and deeper outreach will need to continue.
- The number of cases of alleged discrimination in the workplace, at school, in housing, and at airports since September 11 is alarming and indicative of wide-reaching societal bias, or at least misunderstanding, of the Arab and Muslim communities. The Committee does not deem racial or ethnic profiling by any sector of society to be justified.
- Arab and Muslim community leaders clearly expressed concern about government policies. Despite the increase in hate crimes against their community members, most leaders who

testified to the Committee were far more disturbed by the government's national interview project of young Arab and Muslim men, the use of secret evidence, and the closure of Islamic charities. Many spokespeople for the Arab and Muslim communities saw these actions as profiling their communities and not as effective policing measures.

- The interviews of young, male Arabs in the aftermath of September 11 were largely viewed by the community as adversarial and, therefore, may have lessened, or even been counter-functional, to the government's desired effect of obtaining information about possible terrorist activities in the country.
- The Illinois Advisory Committee and the general public cannot evaluate the veracity of claims regarding Muslim and Arab detainees and deportees, as well as some claims regarding Islamic charities, since September 11 without further disclosure by the government.
- In regard to secret detention as a law enforcement practice, both the local U.S. attorney and the INS regional director made it clear that they themselves were not involved in secret detention, and apparently saw no need for it in their circumstances. However, they could not state that their superiors were not practicing such procedures. As the U.S. attorney pointed out, there may be circumstances in which a detainee may not wish public disclosure of his or her detainment, and protection of that wish is appropriate. But in the absence of such, detainment must not be kept secret.
- Denial of right to counsel, in addition to being antithetical to the American concept of liberty, could possibly be of greater harm in terms of garnering community trust and cooperation than anything that could be gained from it.
- The establishment of a watch list, although not made public, is potentially one of the most problematic weapons in the present antiterrorist arsenal. If only the names of suspected terrorists appear on the watch list, it poses a threat to the general structure of our liberties. Because of the commonality of names throughout the world, more specific

information about an individual should be included on any watch list.

- Fear pervades the Arab and Muslim communities. In addition to being afraid of the possibility of further terrorist attacks as most Americans are, many people in these communities are afraid of discriminatory actions by their fellow Americans and their government. Seemingly innocuous acts like giving to charity are now done with trepidation at the uncertain ramifications for such acts. If a community is overwhelmed with fear, it is less likely to cooperate with law enforcement.
- The Committee is also concerned about fear adversely affecting victim communities through rejection of essential government services. It was reported that some Muslim mothers kept their children out of school in the aftermath of local violence because of fear, and some have apparently hesitated to sign up for KidCare (a state of Illinois health plan for children). State and local governments should be encouraged to reach out to the Arab and Muslim communities to make certain that neither they nor their children are penalized by their own fears.
- As noted below, various religious communities have established meaningful relations with Muslim centers since September 11. Such activities should be encouraged and commended. However, the general public appears to still know little about these communities and rely heavily on stereotypes for their knowledge.

In conclusion, the Illinois Advisory Committee heard numerous concerns from members and representatives of the Arab and Muslim communities, as well as from government officials. As many participants discussed, the balancing act between national security and civil rights is delicate. In post-September 11 America, we too infrequently hear from the innocent people who many Americans have instinctively come to fear. The community forum attempted to lend an outlet for some of these voices to be heard.

Although the subject of the report dealt with the pressing civil rights issues facing the Arab and Muslim communities and the mandate of the Committee is to reveal these issues, another tale arose. Many Americans began to learn much more about Islam and their Arab neighbors after

September 11. A July 2002 poll by the Council on American-Islamic Relations found that 79 percent of the 945 Muslim Americans polled experienced an act of kindness or support from friends or colleagues of other faiths since the terrorist attacks. This statistic does not negate the fact that 57 percent of those same people said they experienced an act of bias or discrimination since that date.¹ Yet this former statistic, which appeared to be consistent with the testimony presented in the forum, provides hope. Likewise, it seems clear that local government officials are making genuine efforts to listen to the concerns voiced in the many forums that have been held since September 11.

Throughout the two-day forum, the Committee observed this contradiction between the

Muslim and Arab communities experiencing discrimination and support. One uplifting issue was the strong interfaith community that began to develop in the aftermath of September 11. One panel included Azam Nizamuddin, representing the Council of Islamic Organizations of Greater Chicago; Jonathan Levine, director of the American Jewish Committee in Chicago; and Rev. Dirk Ficca of the Council for a Parliament of the World Religions. Working together, these three men of different faiths had begun to tackle the difficult challenge of supporting, cooperating, and living peacefully together in a community. Their work on the local level sets a precedent the larger society can emulate.

¹ Council on American-Islamic Relations "Poll: Majority of U.S. Muslims Suffered Post September 11 Bias," Aug. 21, 2002, <<http://cair-net.org/asp/article.asp?articleid=895&articletype=3>>.

Appendix A

Chicago's Arab American Community: An Introduction by Ray Hanania

*Excerpted from Ray Hanania's forthcoming book,
The Door of God: The Story of Chicago's Arab American Community,*

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Chicago's Arabic Quarter was located at 18th and Michigan Ave, and it was taking form just after the turn of the Century. In fact, 18th and Michigan is sometimes referred to as the "Plymouth Rock" of the Chicago Arab American community.

It continued to serve as the arrival point for new Arab and Muslim immigrants through the mid-1940s. In the 1940s, it was centered around the Mecca Restaurant, 1806 S. Michigan Ave., where Arabian food specialties were served and Arab merchants would congregate and share stories and find comfort.

In their book *Chicago Confidential* (1950, Crown Publishers, New York, p. 71), authors Jack Lait and Lee Mortimer included a small section called "Sons of the Prophet" to introduce their readers to this Middle East section of the city. Their writing is typical of the racism that was ascribed to Arab American immigrants.

Lait and Mortimer wrote:

You won't find any camels at 18th and Michigan. Chicago's small Arabic quarter is surrounded by Automobile Row. If you can digest such, there are several native restaurants serving Near Eastern delicacies which you are supposed to eat with your hands. Arabs sell tapestry and rugs, wholesale and retail. Many merchants who say they are Arabs (because business is business) are not. You will find no orgies out of the Arabian Nights here. Chicago's Arabs don't keep harems and if they did you wouldn't care to look twice at their women. They wouldn't be to your taste. The chief past time is drinking thick, black coffee and playing cards.

Entering "The Door of God" *yatlah al-Bab al-Allah*

By 1910, three pockets of Syrian Arabs were living in Chicago, with the center recognized as being in the area of 18th and Michigan Avenue. Although the early Arab settlers found homes throughout Chicago, it was perceived by many that a large concentration existed at this location. More than likely, it had to do with the few restaurants in Chicago that offered Arab food, which were located there in the area of 18th and Michigan Avenue.

In 1911, *The Survey Journal*, in its four part series on Syrians in America, estimated that there were 1,200 "Syrians" living in Chicago, compared to 6,000 in New York, and only 56 in Duluth, Minnesota. There were 15 Arab owned stores in Chicago, it reported. The largest American Muslim community in the United States, at that time, was located in Providence, R.I. There were some 150 Muslim residents, not all Arab, though.

Louise Seymour Houghton wrote for *The Survey*: "In Chicago, there are also 3 colonies resembling those of New York in gradation of living, though not in size. The poorest is housed in an uncomfortable region near the railroad tracks, evidently chosen from consideration of rent. This was formerly one of the most

disreputable quarters of the city, and it still has the reputation among those who are ignorant that the entrance of Syrians, killing off the saloon trade, has driven away the disreputable inhabitants. (This was the case in 1909. The property has recently been bought by the railroad and the Syrians who lived there were removed to better parts of the city.) The other colonies, like those of New York, are better standing in proportion as they are farther from the center." (Houghton, Louise Seymour, "Syrians in the United States," *The Survey*, Vol. 26, No. 14, pp 492. July 1, 1911.)

Arab merchants still had to learn the customs, and they learned quickly that they had to satisfy the demands of the local politicians.

"We had to go there for our permits to peddle merchandise from our suitcases," recalled Hassan Haleem, the patriarch of a large family of Muslim Palestinians who immigrated to this country at the turn of the century and who also helped other Arabs as they immigrated to Chicago.

"We would meet with the aldermen, there, 'Bathhouse' John Coughlin and Hinky Dink Kenna. We had to pay them the registration fee, and a small fee for them, personally. Then, we could peddle our wares on the street. The permit would be fixed to the suitcase."

The Arab peddler was an extension of the Arab merchant in the great *souqs* (open air markets) of the Middle East. The peddlers who came to America saw their profession as demanding as the work they left behind, except they found more opportunity here, and less back home.

Because it was strenuous work and required long hours of walking carrying a heavy suitcase of merchandise, usually bed spreads, shirts, combs, and brushes, the early Arab peddlers referred to their work as "knocking on (or opening) the door of God" (*yatlah al-Bab al-Allah*, in Arabic).

Lebanese Christians Begin Immigration

Many of the early Christian Arab immigrants to America were, initially, Lebanese, who fled persecution in their homelands . They came to America in the middle of the 19th Century. At that time, a great massacre of Christians by Muslims in 1860 resulted in the total destruction of the Lebanese Christian village of Zahlah, only one of the occasional skirmishes between the two religious groups that occurred. Some 22,000 Christian Arabs were massacred in that conflict with the larger Muslim Druze community. Some believe that the Ottoman Turks were involved in inciting this conflict.

Many of the Christian Lebanese fled to other Arab countries, like Damascus in Syria. Having settled in new areas, they were more than likely to continue their flight with many arriving on the shores of the United States. By the end of the 19th Century, many did.

Generally, Muslims and Christians have maintained excellent relations and conflicts like the Zahlah massacre in Lebanon were rare, although destructive. Nonetheless, this event did spark the first major wave of Arabs to come to America and Chicago.

The early Syrian-Lebanese community settled near 18th Street and Michigan Avenue, where almost all Arab Americans to Chicago arrived. These nearly all Christian Arabs (Maronite by faith) used an apartment that they rented at the time to conduct their church services. It was located on Canal Street near Harrison Street.

These Christian Syrians did not have a priest of their own. They would invite Arab priests passing through Chicago to offer the religious services. Finally, in 1905, they found a priest who offered services fulltime from the basement of a local church on Canal Street.

From 18th Street and Michigan Avenue, these Syrian-Lebanese immigrants earned money through door-to-door peddling and purchased homes just west of the city's downtown area, in a "neighborhood" called "Little Zahlah." "Little Zahlah" was located between Roosevelt Road on the north, 16th Street on the south, California Avenue on the west and Kedzie Avenue on the east. It is the second concentration of Arab Americans outside of 18th and Michigan Avenue.

A Christian Arab Church, St. John the Baptist Melkite Church, was established at 1343 S. Washtenaw Avenue on June 24, 1910 with the blessing of the Archbishop of the Chicago Archdiocese. Before the church was purchased, Rev. Msg. S. Roumie, the Syrian Priest who held services at the downtown offices on Canal Street, became the new church's pastor.

These Syrian-Lebanese settlers also established a Syrian Club. The Maronites broke away and established their own church in 1959 called Our Lady of Lebanon. It was located in the city but was later moved west to the suburb of Hillside in the late 1960s or early 1970s. The Maronite Lebanese also sought to separate themselves by establishing the Phoenician Club in 1971 which identified more with ancient historical and cultural roots more than with their identity as Arabs.

Palestinians and Jordanians Follow

The majority of Arabs living in Chicago are of Palestinian and Jordanian origins. There are two "streams" of migration originating from 18th and Michigan Ave, one heading Northwest and the other Southwest.

The Palestinians came predominantly from two villages in Palestine called "Beitunia," and "Ramallah." These twin cities are located next to each other in the West Bank just north of Jerusalem. Beitunia is the Muslim village and Ramallah is the Christian village. Today, many of these religious distinctions have changed considerably, especially in Ramallah which today has a large Muslim population.

Today, Beitunia Muslims constitute the largest community of Arabs in Chicago. The Beitunia Palestinians began arriving in Chicago around 1910.

The first members of the Ramallah Palestine community began arriving in Chicago in 1920, according to research conducted by doctoral student Ali Zaghal (see below).

This resulted in a geographical division of these two large Arab groups, with the Muslim Palestinians from Beitunia settling on Chicago's South and Southwest Side, and the Christian Palestinians from Ramallah settling on the city's North and Northwest Side.

The Beitunia Palestinians settled near the Syrians at 18th and Michigan, conducting religious services in a nearby building's basement. Later, they began their migration south and southwest to an area near 45th and South Ashland Avenue. There was a restaurant near there called the Shahrazad Restaurant. In fact, it was common for an affluent businessman to lead the migration by opening restaurants in newer areas. These restaurants became the magnets for later immigrants.

The Beitunia Palestinian Arabs continued their migration southwest in later years, establishing a new colony between Western Avenue and Kedzie Avenue around 63rd Street in the 1970s. By the 1990s, these same families moved further Southwest in Oak Lawn, Burbank and also Orland Park. An Arab community center was established at 55th and Fairfield. It was closed and another opened up on 63rd Street near Kedzie.

Today, the largest concentration of Palestinian Arabs are located between Oak Lawn and Orland Park in the city's Southwest Suburbs.

The first Muslim church or Mosque was founded in the Spring of 1956 and it created somewhat of a sensation resulting in a newspaper article in the Chicago *Tribune*.

Moslems Buy Building for Use as Mosque

The Mosque Foundation of Chicago has purchased a home of its own which will be the first mosque in Chicago, according to Hassan Haleem, secretary-treasurer of the foundation.

He said the building, a former church at 6500 [South] Stewart Ave., was purchased from the South Side association for \$100,000 ... [The Mosque will service] many families from Arabian countries, the majority from Palestine, during the last few years. The society was formed two years ago by 10 or 15 families.

Haleem said there were about 100 Islamic families on the south and southwest side, including more than 200 children. Most of them live between 63rd and 79th Streets, and Stony Island and Halsted Street.

Islamic Creed

“To continue their customs, to follow and practice their religion, and to instill these habits together with the Arabic language in the minds of their children, they felt a great need for forming a society,” Haleem said. Society President is Abdallah Shoukry.

Their religion has this creed:

“There is no God but Allah and Mohammad is his Messenger.”

(Chicago Tribune, 1956)

Later, the Mosque Foundation, which Haleem and others founded, established several temporary religious and Muslim education centers that later resulted in the construction of Chicago’s first ever Arab and Muslim Mosque in Bridgeview. (The story is detailed in the background piece on Sheikh Khalil Zayid, included in my manuscript booklet and to be published here later.)

The Christian Ramallah Palestinians, along with several Christian Jordanian families, established a church too. By 1970, the St. George Orthodox Church at 1125 N. Humphrey in Oak Park, was drawing parishioners from as far away as Indiana.

In the late 1980s, the church relocated to 1220 S. 60th Court in Cicero, Illinois. It is important to remember that while churches and mosques became the center of community activity for various Arab groups, they did not serve specific groups exclusively. St. George Church, for example, attracted not only Ramallah Palestinian Christians, but also Christians from other denominations and Arab countries or Palestinian cities. The church service is conducted in the Arabic language.

The Jordanian population of Chicago originated from three cities in Jordan. They are Madaba, Salt and El-Fuheis. Originally, they settled around Logan Square on the city’s Northwest Side, among the Ramallah Palestinians. A center of Jordanian activity was the St. Charles Restaurant at Montrose Avenue and Lincoln Avenue, which was owned by a Jordanian Christian from Madaba. The restaurant was opened sometime in the 1950s. Today there is a large Jordanian presence in the Southwest Suburbs, too.

Chicago Arab Population Growth

Three studies of Chicago’s Arab American communities were conducted by doctorate students in Chicago. The first was completed in 1950 and 1952 by Abdul Jalil al-Tahir, and the second by Ali Zaghel in 1976 at Northwestern University.

Because Arab Americans are not included as a minority designation in the US Census documents, and because so few studies existed outside of the Arab American community, these two documents present the most accurate glimpse into the lives of Arab Americans during those periods. Both authors also document some history and folklore.

It’s also important to note that prior to 1897, immigrants from the Middle East were classified as “Turks” or as “Turkish.” That year, immigration officials started to differentiate between Turks and “Syrians.” This made it more difficult to track pre-1900 Arab settlement, especially in Chicago.

A more updated look at Chicago’s Arab American population was completed by the Arab American Action Network in 1998 called *“Meeting Community Needs, Building on Community Strengths,”* and was based on research by AAAN Research Director Louise Cainkar. This focussed on the city’s deteriorating Arab neighborhood along 63rd Street.

According to Zaghel, in 1976, the Arab population of Chicago was approximately only 15,000 total, broken up as follows:

Palestinians:	8,000
<i>Palestinian Christians, (By 1965, Ramallah Palestinians numbered about 250)</i>	(1,500)
<i>Palestinian Muslims, (By 1965, Beitunia Palestinians totaled more than 1,800, the largest group in Chicago, growing to 4,500 in 1976, the time of the Zaghel study.)</i>	(6,500)
Syrian-Lebanese , (almost entirely Christian)	2,500
Egyptians (Copt Christian and Muslim - They began arriving in Chicago in 1955)	2,000
Jordanians (largely Christian) (They, too, arrived in substantial numbers in 1965)	750
Iraqis (They began arriving in 1963)	500
Yemenis and others (including students)	1,000

(1965 is an important year because it was at that time that the United States eased its immigration restrictions imposed following the War, in which five of seven preference immigration categories favored qualified relatives of US citizens or permanent residents.)

Today, as a result of increased immigration since 1976, it is estimated that the Chicago area's Arab American community actually number around 150,000. I want to stress this is for the entire Chicago Area. (Estimates from the City of Chicago assert more than 250,000 in Chicago alone, but there is no data to back up this claim.) Estimates for the state range between 350,000 and 450,000.

About 55,000 to 80,000 Arab Americans live in the City of Chicago, far below the projections. This community continues to decline as more and more Arab families follow the primary migration in the Southwest Suburbs, with smatterings relocating North and Northwest. There are about 75,000 to 85,000 Arab Americans living in suburban Chicago. The largest concentration of Arabs live in the Southwest Suburbs (55,000-60,000) and the remainder (20,000-25,000) live scattered in the Western and Northwest Suburbs with no real concentration in any one area. Even these numbers are estimates and are based upon numerous interviews with community leaders.

A hardship imposed upon the Arab community is the exaggeration of their numbers. Many politicians and government officials have complained about this discrepancy and its reflection on individuals of responsibility in our community. But, this also is the result of the failure of the US Census takers to correctly identify Arab Americans by race. Most statistics on Arab American immigration is based on immigration entry interviews. Only some Arab Americans list themselves as "Arabs" in the "Other" category when completing census materials.

[Side Bar]

A look at the Arab Presence at the 1893 Columbian Exposition

One of the first Arabs that many Chicagoans and Americans came to know may have been the make-believe character, Gamal El Din El Yahbi.

El Yahbi was a character created by the sponsors of the 1893 Columbian Exposition to help Americans experience the excitement and culture of the Arab World. El Yahbi “owned” an elegant home that was located in the center of the “Street in Cairo” which was one of the main attractions of the 1893 Columbian Exposition and located at the center of the fair’s Midway Plaisance.

Cairo Street, as it was informally called, was a composite of many different images that a visitor might have seen while visiting Cairo, Egypt and other Arab countries in the Middle East. It reflected the lifestyles of the early 17th Century Arabs and was designed by Max Herz, the official government architect for the Khedive of Egypt.

This reconstructed Arab city feature many amazing details, and included a Mosque (a Muslim house of worship) with its massive doors and ornamentation. It was built to the precise dimensions of an existing Mosque in Cairo, the Mosque of Abou Bake Mazhar, minus the towering Minaret where the Muezzin would call the faithful to prayer.

The street itself was lined with other buildings and storefronts with their balconies and ornate facades, portals and mosaic designs, over looking a fountain and open air market filled with tethered camels and donkeys that fairgoers could ride.

Cairo Street also featured the Tomb of Thi, a monument to the 5th Dynasty (3800 BC), the Temple of Luxor of the age of Amenophis III and Rameses II (1800 to 1480 BC), mummies (1700-1710 BC) and the Tomb of the Sacred Bull, built under Ptolemies (260 BC).

The population of “Cairo Street” consisted of 180 “Egyptians, Arabs, Nubians and Sudanese” and the many storied home of Gamal El Din El Yahbi, described as a “Mohammedan of the time,” was a highlighted feature.

(The term “Mohammedan” is an antiquated term that is viewed as being derogatory today and is not used.)

There were 61 merchant shops on the street, selling souvenirs. Each day they would offer two performances.

Sword dancers and candle dancers performing the Dans Du Ventre, are accompanied by musicians. There are conjurers, astrologers, fortune tellers, snake charmers and entertainment of all descriptions.

The most popular was “Little Egypt,” the nickname of Fahreda Mahzar, who danced the “Hootchie Coochie” dance (or belly dance). She was actually Armenian Arab, and was only one of a dozen dancers who performed under the same stage name at the time. Her dance was performed despite protests from Chicago’s Board of Lady Managers. William B. Gray memorialized Cairo Street in his song, She Never Saw the Streets of Cairo, with these the lyrics:

*“She never saw the Streets of Cairo, on the Midway she had never strayed;
“She had never seen a Hootchie Coochie, poor little innocent maid.”*

A pamphlet prepared for fairgoers concluded, “When the Columbian Exposition shall have become a thing of the past and its memories hazy with the flight of time, it there shall be one spot which shall remain brighter than all the rest, that one will be its beautiful Cairo Street, in the Midway Plaisance.”

accessed at <<http://www.hanania.com/aaintro.htm>>

Appendix B

U.S. Equal Employment Opportunity Commission

Facts About Religious Discrimination

Title VII of the Civil Rights Act of 1964 prohibits employers from discriminating against individuals because of their religion in hiring, firing, and other terms and conditions of employment. The Act also requires employers to reasonably accommodate the religious practices of an employee or prospective employee, unless to do so would create an undue hardship upon the employer (see also 29 CFR 1605). Flexible scheduling, voluntary substitutions or swaps, job reassignments and lateral transfers are examples of accommodating an employee's religious beliefs.

Employers cannot schedule examinations or other selection activities in conflict with a current or prospective employee's religious needs, inquire about an applicant's future availability at certain times, maintain a restrictive dress code, or refuse to allow observance of a Sabbath or religious holiday, unless the employer can prove that not doing so would cause an undue hardship.

An employer can claim undue hardship when accommodating an employee's religious practices if allowing such practices requires more than ordinary administrative costs. Undue hardship also may be shown if changing a bona fide seniority system to accommodate one employee's religious practices denies another employee the job or shift preference guaranteed by the seniority system.

An employee whose religious practices prohibit payment of union dues to a labor organization cannot be required to pay the dues, but may pay an equal sum to a charitable organization.

Mandatory "new age" training programs, designed to improve employee motivation, cooperation or productivity through meditation, yoga, biofeedback or other practices, may conflict with the non-discriminatory provisions of Title VII. Employers must accommodate any employee who gives notice that these programs are inconsistent with the employee's religious beliefs, whether or not the employer believes there is a religious basis for the employee's objection.

accessed at <<http://www.eeoc.gov/facts/fs-relig.html>>

Appendix C

U.S. Equal Employment Opportunity Commission

Facts About National Origin Discrimination

Title VII of the Civil Rights Act of 1964 protects individuals against employment discrimination on the basis of national origin as well as race, color, religion and sex.

It is unlawful to discriminate against any employee or applicant because of the individual's national origin. No one can be denied equal employment opportunity because of birthplace, ancestry, culture, or linguistic characteristics common to a specific ethnic group. Equal employment opportunity cannot be denied because of marriage or association with persons of a national origin group; membership or association with specific ethnic promotion groups; attendance or participation in schools, churches, temples or mosques generally associated with a national origin group; or a surname associated with a national origin group.

Speak English-Only Rule

A rule requiring employees to speak only English at all times on the job may violate Title VII, unless an employer shows it is necessary for conducting business. If an employer believes the English-only rule is critical for business purposes, employees have to be told when they must speak English and the consequences for violating the rule. Any negative employment decision based on breaking the English-only rule will be considered evidence of discrimination if the employer did not tell employees of the rule.

Accent

An employer must show a legitimate nondiscriminatory reason for the denial of employment opportunity because of an individual's accent or manner of speaking. Investigations will focus on the qualifications of the person and whether his or her accent or manner of speaking had a detrimental effect on job performance. Requiring employees or applicants to be fluent in English may violate Title VII if the rule is adopted to exclude individuals of a particular national origin and is not related to job performance.

Harassment

Harassment on the basis of national origin is a violation of Title VII. An ethnic slur or other verbal or physical conduct because of an individual's nationality constitute harassment if they create an intimidating, hostile or offensive working environment, unreasonably interfere with work performance or negatively affect an individual's employment opportunities.

Employers have a responsibility to maintain a workplace free of national origin harassment. Employers may be responsible for any on-the-job harassment by their agents and supervisory employees, regardless of whether the acts were authorized or specifically forbidden by the employer. Under certain circumstances, an employer may be responsible for the acts of non-employees who harass their employees at work.

Immigration-Related Practices Which May Be Discriminatory

The Immigration Reform and Control Act of 1986 (IRCA) requires employers to prove all employees hired after November 6, 1986, are legally authorized to work in the United States. IRCA also prohibits discrimination based on national origin or citizenship. An employer who singles out individuals of a particular national origin or individuals who appear to be foreign to provide employment verification may have violated both IRCA and Title VII. Employers who impose citizenship requirements or give preference to U.S. citizens in hiring or employment opportunities may have violated IRCA, unless these are legal or contractual requirements for particular jobs. Employers also may have violated Title VII if a requirement or preference has the purpose or effect of discriminating against individuals of a particular national origin.

accessed at <<http://www.eeoc.gov/facts/fs-nator.html>>

Appendix D

U.S. Equal Employment Opportunity Commission

Questions and Answers About Employer Responsibilities Concerning the Employment of Muslims, Arabs, South Asians, and Sikhs

Since the attacks of September 11, 2001, the Equal Employment Opportunity Commission (EEOC) and state and local fair employment practices agencies have recorded a significant increase in the number of charges alleging discrimination based on religion and/or national origin. Many of the charges have been filed by individuals who are or are perceived to be Muslim, Arab, South Asian, or Sikh. These charges most commonly allege harassment and discharge.

While employers have an ongoing responsibility to address workplace discrimination, reaction to the events of September 11, 2001 may demand increased efforts to prevent discrimination. This fact sheet answers questions about what steps an employer can take to meet these responsibilities. The Commission has also prepared a companion fact sheet that answers questions about employee rights. For additional information, visit the EEOC's website at <http://www.eeoc.gov>.

INTRODUCTION

Title VII of the Civil Rights Act of 1964 prohibits workplace discrimination based on religion, ethnicity, country of origin, race and color. Such discrimination is prohibited in any aspect of employment, including recruitment, hiring, promotion, benefits, training, job duties, and termination. Workplace harassment is also prohibited by Title VII. In addition, an employer must provide a reasonable accommodation for religious practices unless doing so would result in undue hardship. The law prohibits retaliation against an individual because s/he has engaged in protected activity, which includes filing a charge, testifying, assisting, or participating in any manner in an investigation, or opposing a discriminatory practice. Employers with 15 or more employees are required to comply with Title VII. Title VII also prohibits discrimination by most unions and employment agencies.

HIRING AND OTHER EMPLOYMENT DECISIONS

Narinder, a South Asian man who wears a Sikh turban, applies for a position as a cashier at XYZ Discount Goods. XYZ fears Narinder's religious attire will make customers uncomfortable. What should XYZ do?

XYZ should not deny Narinder the job due to notions of customer preferences about religious attire. That would be unlawful. It would be the same as refusing to hire Narinder because he is a Sikh.

XYZ Discount Goods should also consider proactive measures for preventing discrimination in hiring and other employment decisions. XYZ could remind its managers and employees that discrimination based on religion or national origin is not tolerated by the company in any aspect of employment, including hiring. XYZ could also adopt objective standards for selecting new employees. It is important to hire people based on their qualifications rather than on perceptions about their religion, race or national origin.

HARASSMENT

Muhammad, who is Arab American, works for XYZ Motors, a large used car business. Muhammad meets with his manager and complains that Bill, one of his coworkers, regularly calls him names like "camel jockey," "the local terrorist," and "the ayatollah," and has intentionally embarrassed

him in front of customers by claiming that he is incompetent. How should the supervisor respond?

Managers and supervisors who learn about objectionable workplace conduct based on religion or national origin are responsible for taking steps to correct the conduct by anyone under their control. Muhammad's manager should relay Muhammad's complaint to the appropriate manager if he does not supervise Bill. If XYZ Motors then determines that Bill has harassed Muhammad, it should take disciplinary action against Bill that is significant enough to ensure that the harassment does not continue.

Workplace harassment and its costs are often preventable. Clear and effective policies prohibiting ethnic and religious slurs, and related offensive conduct, are needed. Confidential complaint mechanisms for promptly reporting harassment are critical, and these policies should be written to encourage victims and witnesses to come forward. When harassment is reported, the focus should be on action to end the harassment and correct its effects on the complaining employee.

RELIGIOUS ACCOMMODATION

Three of the 10 Muslim employees in XYZ's 30-person template design division approach their supervisor and ask that they be allowed to use a conference room in an adjacent building for prayer. Until making the request, those employees prayed at their work stations. What should XYZ do?

XYZ should work closely with the employees to find an appropriate accommodation that meets their religious needs without causing an undue hardship for XYZ. Whether a reasonable accommodation would impose undue hardship and therefore not be required depends on the particulars of the business and the requested accommodation.

When the room is needed for business purposes, XYZ can deny its use for personal religious purposes. However, allowing the employees to use the conference room for prayers likely would not impose an undue hardship on XYZ in many other circumstances.

Similarly, prayer often can be performed during breaks, so that providing sufficient time during work hours for prayer would not result in an undue hardship. If going to another building for prayer takes longer than the allotted break periods, the employees still can be accommodated if the nature of the template design division's work makes flexible scheduling feasible. XYZ can require employees to make up any work time missed for religious observance.

In evaluating undue hardship, XYZ should consider only whether it can accommodate the three employees who made the request. If XYZ can accommodate three employees, it should do so. Because individual religious practices vary among members of the same religion, XYZ should not deny the requested accommodation based on speculation that the other Muslim employees may seek the same accommodation. If other employees subsequently request the same accommodation and granting it to all of the requesters would cause undue hardship, XYZ can make an appropriate adjustment at that time. For example, if accommodating five employees would not cause an undue hardship but accommodating six would impose such hardship, the sixth request could be denied.

Like employees of other religions, Muslim employees may need accommodations such as time off for religious holidays or exceptions to dress and grooming codes.

TEMPORARY ASSIGNMENTS

Susan is an experienced clerical worker who wears a hijab (head scarf) in conformance with her Muslim beliefs. XYZ Temps places Susan in a long-term assignment with one of its clients. The client contacts XYZ and requests that it notify Susan that she must remove her hijab while working at the front desk, or that XYZ assign another person to Susan's position. According to the

client, Susan’s religious attire violates its dress code and presents the “wrong image.” Should XYZ comply with its client’s request?

XYZ Temps may not comply with this client request without violating Title VII. The client would also violate Title VII if it made Susan remove her hijab or changed her duties to keep her out of public view. Therefore, XYZ should strongly advise against this course of action. Notions about customer preference real or perceived do not establish undue hardship, so the client should make an exception to its dress code to let Susan wear her hijab during front desk duty as a religious accommodation. If the client does not withdraw the request, XYZ should place Susan in another assignment at the same rate of pay and decline to assign another worker to the client.

BACKGROUND INVESTIGATIONS

Anwar, who was born in Egypt, applies for a position as a security guard with XYZ Corp., which contracts to provide security services at government office buildings. Can XYZ require Muhammad to undergo a background investigation before he is hired?

XYZ may require Anwar to undergo the same pre-employment security checks that apply to other applicants for the same position. As with its other employment practices, XYZ may not perform background investigations or other screening procedures in a discriminatory manner. In addition, XYZ may require a security clearance pursuant to a federal statute or Executive Order. Security clearance determinations for positions subject to national security requirements under a federal statute or an Executive Order are not subject to review under the equal employment opportunity statutes.

WHERE TO GO FOR GUIDANCE

The EEOC is available to provide you with useful information on how to address workplace problems relating to discrimination based on religion, national origin, race or color. We conduct various types of training, and we can help you find a format that is right for you.

Small businesses are faced with unique challenges in promoting effective workplace policies that prevent discrimination. Our Small Business Liaisons are located in each of our District, Local and Area offices to assist you in compliance with EEO laws.

You should feel free to contact EEOC with questions about effective workplace policies that can help prevent discrimination. We are also available to answer more specialized questions. To be connected to the appropriate office, please call 1-800-669-4000, or send inquiries to:

Equal Employment Opportunity Commission
Office of Legal Counsel
1801 L Street, NW, Suite 6000
Washington, D.C. 20507

accessed at <<http://www.eeoc.gov/facts/backlash-employer.html>>

Appendix E

U.S. Equal Employment Opportunity Commission

Questions and Answers About the Workplace Rights of Muslims, Arabs, South Asians, and Sikhs Under the Equal Employment Opportunity Laws

Since the attacks of September 11, 2001, the Equal Employment Opportunity Commission (EEOC) and state and local fair employment practices agencies have documented a significant increase in the number of charges alleging workplace discrimination based on religion and/or national origin. Many of the charges have been filed by individuals who are or are perceived to be Muslim, Arab, South Asian, or Sikh. These charges most commonly allege harassment and discharge.

In order to help people better understand their rights, EEOC has posted detailed information on its website about national origin and religious discrimination, as well as information on how to file a charge. If you think that you, or someone you know, has been discriminated against because of national origin or religion and want to learn more about exercising your legal rights, please read the information provided or go to www.eeoc.gov.

The scenarios described below are based on charges EEOC has received over the past few months. The following questions and answers are meant to provide guidance on what constitutes illegal discrimination and positive steps you can take to exercise your rights in the workplace.

INTRODUCTION

Title VII of the Civil Rights Act of 1964 prohibits workplace discrimination based on religion, ethnicity, country of origin, race and color. Such discrimination is prohibited in any aspect of employment, including recruitment, hiring, promotion, benefits, training, job duties, and termination. Workplace harassment is also prohibited by Title VII. In addition, an employer must provide a reasonable accommodation for religious practices unless doing so would result in undue hardship. Title VII prohibits retaliation against someone who complains about a discriminatory practice, files a charge, or assists in an investigation of discrimination in any way. Employers with 15 or more employees are required to comply with Title VII. Most unions and employment agencies are also covered.

HIRING AND DISCHARGE

I am a South Asian woman from Bangladesh. I applied for a job at a bakery and had a phone interview with the manager. She seemed to like me a lot and she offered me the job over the phone. When I came in to work the first day, she appeared to be startled by my appearance. I have dark skin and wear a hijab. She brusquely stated that she had found someone “better suited to the job” and sent me home. I don’t know what to do about this.

An employer may not refuse to hire someone because of his or her religion, national origin, race or color. However, it is often difficult to find out exactly why a person was not hired for a job. In your situation, it appears that you were sent home because the employer had a negative reaction to your hijab, which you wear as part of your religious and/or cultural identity. But the only way to really know is to get more facts. You can ask the employer for an explanation of its business reasons.

Let’s assume that when the employer saw you wearing your hijab, she worried about how her customers would feel about it. Customer preference is never a justification for a discriminatory practice. Refusing to hire someone because customers or co-workers may be “uncomfortable” with that person’s religion or national origin is just as illegal as refusing to hire that person because of religion or national origin in the

first place. Similarly, an employer may not fire someone because of religion and/or national origin. This prohibition applies to other employment decisions as well, including promotion, transfers, work assignments and wages.

Even though you have a gut feeling that the reason you were turned away is due to your religious identity or national origin, a fuller explanation of the employer's business reasons would be needed before determining whether the action was discriminatory. You may contact the EEOC or your state Fair Employment Practices Agency and file a charge. We will assess the allegation and conduct the appropriate investigation.

HARASSMENT

I am an Arab American man and have been a salesman at a large car retailer for five years. After September 11, my coworkers stopped talking to me, and there has been a lot of tension. One coworker started calling me names like "camel jockey" and "the local terrorist." I used to have a good relationship with my coworkers and enjoyed my job, but now I dread coming to work each day. What can I do about my situation?

Racial and/or ethnic epithets and general workplace hostility can amount to unlawful harassment. While many employees feel powerless in this situation, the important thing to remember is that you have options. Even if your situation does not amount to illegal harassment, you can still take steps to try to improve the situation by communicating with your employer about it.

Coming up with an acceptable solution to the problem depends on your specific circumstances. If you have had a good relationship with these coworkers in the past, perhaps the most effective approach would be to discuss the conduct directly with them. On the other hand, if you are uncomfortable talking with them about it, or if the harassment has continued for an extended period, you should notify your employer about the harassment. Your employer is legally required to take steps to end harassment. Follow the employer's complaint procedure, if it has one, or notify a manager or other company official. If you are worried that your coworkers might retaliate against you for complaining, you should know that your employer has a legal duty to protect you against retaliation.

Employers can do different things to address these types of situations. The employer may decide to sit down with both you and your coworkers and explain why the comments are unacceptable. Since, in your situation, there is also overall workplace tension, another option would be training for all employees addressing harassment in the workplace. If there is no improvement in your coworkers' conduct, your employer may choose to punish the harassers for their behavior. The bottom line is that the employer must take action that effectively ends the harassment.

It is possible that your employer may not be helpful to you, or might not see this as a problem at all. While most employers try to prevent workplace harassment, there are situations where an employer may condone or even perpetrate this type of behavior. In those situations, it is going to be very difficult to solve the workplace problems through dialogue. You can contact the EEOC for guidance or file a charge of discrimination at any time. If you decide to file a charge with EEOC, it is most helpful if you document any incidents that occur, including the dates on which they occurred, and the names of the harassers. There are strict deadlines for filing charges. A charge of employment discrimination must be filed with EEOC within 180 days or 300 days if the state has a fair employment practices agency of the date of the disputed conduct. See below for more information on filing a charge of discrimination.

RELIGIOUS ACCOMMODATION

I am a computer specialist at a software company downtown. As a devout Muslim, I am required to attend prayer services at my mosque for a short period on Friday afternoons. Obviously this conflicts with my work hours. Can I ask for the time off to attend services?

You can ask your employer for permission to attend services. When an employer's workplace policies interfere with its employee's religious practices, the employee can ask for something called a "reasonable accommodation." A "reasonable accommodation" is a change in a workplace rule or policy to let you engage in a religious practice. Your employer is required to provide you with such an accommodation unless it would impose an undue hardship on the employer's business. This means the employer is not required to provide an accommodation that is too costly or difficult to provide. The key is that you should work closely with your employer in finding an appropriate accommodation.

Whether your employer can accommodate your religious practices will depend upon the nature of the work and the workplace. Usually, your employer can allow you to use lunch or other break times for religious prayer. If you require additional time for prayer, your employer can require you to make up the time.

There are many situations in which the accommodation of Islamic religious practices may not impose a monetary or administrative burden on the employer for example, allowing an employee to utilize appropriate space for prayer. However, each situation is different. If the accommodation would impose a burden on the employer that cannot be resolved, the employer is not required to allow the accommodation. If your employer is unsure of its obligations to provide you with religious accommodations, feel free to contact EEOC with your questions.

I am a Sikh man and the turban that I wear is a religiously-mandated article of clothing. My supervisor tells me that my turban makes my coworkers "uncomfortable," and has asked me to remove it. What should I do?

If a turban is religiously-mandated, you should ask your employer for a religious accommodation to wear it at work. Your employer has a legal obligation to grant your request if it does not impose a burden, or an "undue hardship," under Title VII. Claiming that your coworkers might be "upset" or "uncomfortable" when they see your turban is not an undue hardship.

If you or your employer has questions about employer obligations to accommodate religious practices, feel free to contact EEOC for more detailed information. If your employer continues to insist that you remove your turban, or takes adverse action against you for refusing to remove it, you may want to contact EEOC to file a charge.

HOW TO FILE A CHARGE OF DISCRIMINATION

Anyone who believes that s/he has been subjected to discrimination in violation of Title VII may file a charge with the nearest field office of the EEOC. Persons who file a charge, oppose unlawful employment discrimination, participate in employment discrimination proceedings, or otherwise assert their rights under the laws enforced by the Commission are protected against retaliation. An EEOC charge must be filed within 180 days or 300 days if the state has a fair employment practices agency of the date of the disputed conduct. When charges or complaints are filed too late, you may not be able to obtain any remedy. Charges may be filed in person, by mail or by telephone by contacting the nearest EEOC office. Field offices are located throughout the United States. To be connected to the appropriate office, please call 1- 800-669-4000. EEOC's TTY number is 1-800-669-6820. To avoid delay, call or write beforehand if you need special assistance, such as an interpreter, to file a charge.

The Department of Justice Office of Special Counsel for Immigration Related Unfair Employment Practices enforces the prohibition on national origin discrimination as it relates to hiring and discharge against employers with four to fourteen employees. If your employer has between four and fourteen employees and you feel you have been subjected to discrimination based on your national origin, contact the Office of Special Counsel at 1-800-255-7688.

For more information on discrimination against Muslims, Arabs, South Asians and Sikhs in the aftermath of September 11, 2001, please contact DOJ's Initiative to Combat Post-9/11 Backlash.

accessed at <<http://www.eeoc.gov/facts/backlash-employee.html>>

Appendix F

U.S. Department of Transportation, Aviation Consumer Protection Division

Processing of Complaints Alleging Discrimination by Airlines Based on Race, Color, National Origin, Sex, Religion or Ancestry

The U.S. Department of Transportation's Aviation Consumer Protection Division (ACPD), part of DOT's Office of the Assistant General Counsel for Aviation Enforcement and Proceedings (Enforcement Office), receives complaints from passengers about airline service, and it investigates each complaint against an airline or its contractors alleging discrimination in air travel on the basis of race, color, national origin, religion, sex, and ancestry. Members of the public, who feel they have been the subject of discriminatory actions or treatment by air carriers, may file a complaint by sending an email, a letter, or a completed complaint form to ACPD. ACPD's e-mail address is airconsumer@ost.dot.gov and its mailing address is: Aviation Consumer Protection Division, U.S. Department of Transportation, Room 4107, C-75, Washington, DC 20590. Complaint forms that consumers may download and/or print are available at <http://airconsumer.ost.dot.gov/problems.htm>.

Complaints should include the following: full name, address, telephone number including area code of complainant; name of the party who suffered the discriminatory conduct, if other than the person submitting the complaint; name of the airline involved in the incident; the flight date, flight number, origin and destination cities of the aggrieved party's trip; a detailed description of the incident; and a statement that the aggrieved party would like the matter to be investigated by ACPD.

Complaints will be reviewed, acknowledged, and investigated. Upon receiving a discrimination complaint, ACPD will mail a copy of the complaint letter to the airline and ask the airline for a prompt and specific response to the passenger, with a copy to ACPD. ACPD will also request a separate response from the airline concerning any information required by law to remain confidential. The carrier's responses will be reviewed and further action will be taken, as appropriate. At the conclusion of the investigation, the Enforcement Office will send a letter to the passenger explaining any action taken.

If the Enforcement Office finds an airline policy or procedure is not in compliance with the law, it would direct the carrier to change its policy or procedure, warn the carrier about potential enforcement action if similar complaints continue to be received, and recommend additional civil rights customer relations training for the employees involved, if appropriate. If this does not solve the problem, the Enforcement Office may bring enforcement action against the carrier. Generally, the Enforcement Office will pursue enforcement action on the basis of a number of complaints on which it may infer a pattern or practice of discrimination. However, where one or a few complaints describe particularly egregious conduct on the part of a carrier and those complaints are supported by adequate evidence, the Enforcement Office will pursue enforcement action as its resources permit. In an enforcement case, DOT is limited to issuing cease and desist orders and assessing civil penalties not to exceed \$2,500 per violation. Such action can only be accomplished through settlements or formal hearings before administrative law judges. It cannot order compensation for aggrieved parties. To obtain a personal monetary award of damages, a complainant would have to file a private legal action that might be based on private contract rights or on civil rights statutes that provide for private rights of action (e.g., 42 U.S.C. § 1981).

accessed at <<http://airconsumer.ost.dot.gov/DiscComplInstr.htm>>

Appendix G

U.S. Department of Transportation, Aviation Consumer Protection Division

Air Travel Civil Rights Problems Where to File Complaints

This Informational Sheet provides contact information to help members of the public who feel they have been the subject of discriminatory action or treatment at airports file complaints with the appropriate agency in the Federal government. Since the horrific attacks that occurred on September 11th, much effort has been expended by various agencies within the Federal government to prevent intentional harm to our critical air transportation system. In securing out national air transportation system, we have also taken steps to ensure that all persons are provided equal protection of the laws and that no person is subject to unlawful discrimination when traveling in the Nation.

While we expect security personnel and law enforcement officials at airports to be in full compliance with the civil rights laws, we realize that, on occasion, individuals may believe they have been subjected to unlawful discrimination. We also realize that with various types of security personnel and law enforcement officials at the airports, there is increased confusion regarding the appropriate place to file discrimination complaints. The Department of Transportation's Office of Aviation Enforcement and Proceedings has prepared this information sheet to assist consumers determine with whom to file a discrimination complaint and how to do so.

Complaints alleging discriminatory treatment by air carrier personnel (e.g., pilots, flight attendants, gate agents or check in counter personnel) should be directed to the Department of Transportation's Aviation Consumer Protection Division. This office provides complaint forms for consumers to download and print on its website at <http://airconsumer.ost.dot.gov/problems.htm>. The Aviation Consumer Protection Division accepts complaints via e-mail to airconsumer@ost.dot.gov or via mail to the following address:

Aviation Consumer Protection Division
U.S. Department of Transportation
400 7th Street, S.W., Room 4107
Washington, DC 20590

Complaints alleging discriminatory treatment by Federal security screeners (e.g., personnel screening and searching passengers and carry-on baggage at airport security checkpoints) should be directed to the Department of Transportation's Transportation Security Administration. The Transportation Security Administration accepts complaints via mail to the following address:

Transportation Security Administration
TSA Headquarters
12th Floor, Room 1203N, TSA-1
400 Seventh Street, SW
Washington, DC 20590

Complaints alleging discriminatory treatment by airport personnel (e.g., airport police) should be directed to the Federal Aviation Administration's Office of Civil Rights. The Federal Aviation Administration's Office of Civil Rights accepts complaints via mail to the following address:

Federal Aviation Administration
Office of Civil Rights
800 Independence Ave., S.W., Room 1030
Washington, DC 20591

Complaints alleging discriminatory treatment by members of the National Guard should be directed to the National Guard Bureau's Equal Employment Office. The National Guard Bureau's Equal Employment Office accepts complaints via mail to the following address:

Mr. Felton Page
Director, EEO Division
National Guard Bureau - EO
Jefferson Plaza 1, Room 2400
1411 Jefferson Davis Highway
Arlington, VA 22202-3231

Complaints alleging discriminatory treatment by Federal Bureau of Investigation (FBI) personnel should be directed to the Department of Justice's Office of the Inspector General and/or the Federal Bureau of Investigation's Office of Professional Responsibility. The Office of the Inspector General accepts complaints via e-mail to oig.hotline@usdoj.gov, via phone at (800) 869-4499 or via fax to (202) 616-9881 as well as via mail. The mailing addresses for these offices are:

Office of the Inspector General
U.S. Department of Justice
950 Pennsylvania Ave., N.W., Suite 4706
Washington, DC 20530

Office of Professional Responsibility
Federal Bureau of Investigation
U.S. Department of Justice
935 Pennsylvania Ave., N.W.
Washington, DC 20535

Complaints alleging discriminatory treatment by Immigration and Naturalization Service (INS) personnel of the Department of Justice, including Border Patrol personnel, should be directed to the Department of Justice's Office of the Inspector General and/or the Immigration and Naturalization Service's Office of Internal Audit. The Office of the Inspector General accepts complaints via e-mail to oig.hotline@usdoj.gov, via phone at (800) 869-4499 or via fax to (202) 616-9881 as well as via mail. The mailing addresses for these offices are:

Office of the Inspector General
U.S. Department of Justice
950 Pennsylvania Ave., N.W., Suite 4706
Washington, DC 20530

Office of Internal Audit
Immigration and Naturalization Service
U.S. Department of Justice
425 I Street, N.W., Room 3260
Washington, DC 20536

Complaints alleging discriminatory treatment by Customs Service officials should be directed to the Department of Treasury's Office of Internal Affairs. The Department of Treasury's Office of Internal Affairs accepts complaints via phone at 202-927-1016 or 1-877-422-2557 (24 hours/day), via fax to 202-927-4607 or via mail to the following address:

Department of Treasury
Office of Internal Affairs
U.S. Customs Service
P.O. Box 14475
1200 Pennsylvania Avenue, NW
Washington, DC 20044

Issued on 03/27/2002 and amended on 04/08/2002 and 07/26/2002 by the Office of the Assistant General Counsel for Aviation Enforcement and Proceedings and its Aviation Consumer Protection Division.

accessed at <<http://airconsumer.ost.dot.gov/DiscrimComplaintsContacts.htm>>

Appendix H

U.S. Department of Transportation

FACT SHEET

Answers to Frequently Asked Questions Concerning the Air Travel of People Who Are or May Appear to Be of Arab, Middle Eastern or South Asian Descent and/or Muslim or Sikh

Since the terrorist hijackings and tragic events of September 11, the Federal Aviation Administration (FAA) has issued directives to strengthen security measures at airline checkpoints, passenger screening locations, and boarding gates. As the Department of Transportation (Department or DOT) works to strengthen transportation security in the aftermath of the horrific attacks that occurred on September 11, DOT is also continuing its efforts to ensure that those new security requirements preserve and respect the civil rights of individuals and protect them from unlawful discrimination. The Department is committed to ensuring that all persons are provided equal protection of the laws and that no person is subject to unlawful discrimination when traveling in the Nation. Various Federal statutes prohibit unlawful discrimination against air travelers because of their race, color, religion, ethnicity, or national origin.¹

The terrorist attacks of September 11, 2001, have raised concerns about intimidation, harassment and bias directed at individuals who are, or are perceived to be, of Arab, Middle Eastern, or South Asian descent and/or Muslim or Sikh. This Fact Sheet provides information about how the strengthened security requirements better secure our air transportation system and still fully comply with the civil rights laws by providing examples of the types of actions that airline or airport personnel may and may not take when checking in and screening passengers. The examples listed below are not all-inclusive and are simply meant to provide answers to frequently asked questions since September 11 concerning the air travel of people who are or may appear to be of Arab, Middle Eastern or South Asian descent and/or Muslim or Sikh.

Question: What new DOT/FAA security restrictions on carry-on items should I be aware of before I fly on a commercial airliner?

- In addition to other weapons, knives of any length, composition or description, including kirpans², are prohibited beyond the screener checkpoints. Knives may be placed in checked luggage.

Question: What are my rights when I fly on a commercial airliner?

- Individuals who may appear to be of Arab, Middle Eastern or South Asian descent and/or Muslim or Sikh have the right to be treated with the same respect as persons of other ethnicities and religions, and all persons should be treated in a polite, respectful and friendly manner.
- Persons or their property may not be subjected to inspection, search and/or detention solely because the persons appear to be Arab, Middle Eastern, Asian, and/or Muslim or Sikh; or solely because they

¹ See, e.g., 49 U.S.C. §41702, 41310, and 40127 and 42 U.S.C. § 2000d *et seq.*

² A kirpan is a sheathed sword, usually sharp and 2-4 inches in length. It is a mandatory article of faith for initiated Sikhs and is almost always carried on the person. Some Sikhs wear mini-kirpans that are not knives on necklaces. These mini-kirpans are no more harmful than small crosses worn by some Christians and are permitted beyond screener checkpoints.

speaking Arabic, Farsi, or another foreign language; or solely because they speak with an accent that may lead another person to believe they are Arab, Middle Eastern, Asian, and/or Muslim or Sikh.

- Individuals may not be selected for additional screening based solely on appearance or mode of dress that is associated with a particular national origin or religion. For example, selecting a woman for additional screening solely because her hair is covered or she is wearing a veil, as some Muslim women do, is unlawful discrimination. Selecting a man for additional screening solely because he is wearing a long beard or hair covering, as some Muslim men do, is unlawful discrimination. Likewise, selecting a man for additional screening solely because he is wearing a turban, as some Sikh men and women do, is unlawful discrimination.
- Persons and their property may not be denied boarding or removed from an aircraft solely because the person appears to be Arab, Middle Eastern, Asian, and/or Muslim or Sikh; or solely because they speak Arabic, Farsi, or another foreign language; or solely because they speak with an accent that may lead airline or airport personnel to believe they are Arab, Middle Eastern, Asian, and/or Muslim or Sikh.

Question: What can I expect as I go through the security screening process at the airport?

- During the check-in process, names of passengers may be compared to an FBI watch list to ensure the safety of the traveling public.
- Knives found during the security screening of persons and their carry-on luggage will be confiscated and a ground security officer and/or law enforcement coordinator may be notified. Kirpans that are found during security screening will also be confiscated if not placed in checked luggage or removed from the airport by someone not entering the secure area.
- Some passengers will be selected for additional screening on a random basis when crossing the screener checkpoints.³ The additional screening often consists of the use of a hand held metal detector in conjunction with a pat-down search, and the search may become more thorough if the initial search indicates that a prohibited item may be concealed.
- Individuals who pass through a metal detector without setting off the device may be subjected to additional screening if the individual is properly selected on a truly random basis. Similarly, where a turbaned Sikh passes through a metal detector without setting off the device, the Sikh may be subjected to additional screening if the Sikh is properly selected on a truly random basis.
- Passengers who pass through a metal detector and set off the device will be subjected to additional screening through the use of a hand held metal detector if they wish to go beyond the screening checkpoint. Where a hand held metal detector is not available, the passengers will be subjected to a manual pat down as a means of ensuring that a prohibited item is not being carried. Similarly, where a turbaned Sikh passes through a metal detector and the device is set off, the screener should, where available, use a hand held metal detector around the turban to determine if there is a risk of a prohibited item being concealed.
- Passengers whose heads trigger the hand held metal detector will be subjected to a manual pat down including probing of the hair if they wish to go beyond the screener checkpoint. Similarly, where a turbaned Sikh triggers the hand held metal detector when it is near or over his or her head, then a manual pat down including probing of the turban and hair is necessary if the Sikh wishes to go beyond

³ Besides screening on a random basis, a person will be subjected to additional screening if he/she exhibits suspicious behavior. For example, if security personnel see an individual placing a sharp object in his/her shoe and that individual proceeds to walk through the metal detector, then the security personnel must search the shoe even if the individual passes through the metal detector without setting it off.

the screener checkpoint. Screening personnel must request permission to touch a person and his/her clothing, particularly the hair or turban of a Sikh, prior to doing so.

- In instances where a manual pat down indicates that a prohibited item may be concealed or the pat down is insufficient to make such a determination, then the passenger will be more thoroughly searched if he/she wishes to go beyond the screening checkpoint. Similarly, where a manual pat down of a turbaned Sikh's head indicates that the Sikh may be carrying a prohibited item in his/her hair or the pat down is not helpful in making such a determination, then the Sikh's turban must be searched, if the Sikh wishes to go beyond the screening checkpoint. Again, screening personnel must request permission to touch a person and his/her clothing, particularly the hair or turban of a Sikh, prior to doing so.
- If a search or inspection involving the removal of clothing is necessary for safety or security reasons, screeners should provide the person involved a choice of a public or private inspection. Private searches may be perceived to be overly intimidating while public searches may be viewed as humiliating or may violate an individual's religious tenants. For example, the removal of a Muslim woman's veil in public or in the presence of a man, not her husband, will violate her religious beliefs . Likewise, a Sikh's turban is a religious article of faith and a public search will likely create great embarrassment and fear for the Sikh. After a turban search in private, a Sikh should be provided a mirror to retie his or her turban.
- Passengers identified by the Computer Assisted Passenger Prescreening System (CAPPS) as selectees, including those selected by a computer at random, will be subjected to additional screening at the boarding gate in addition to having their checked baggage being subject to additional security requirements. The CAPPS selection criteria have been reviewed by the Department of Justice to ensure that the methods of passenger selection are non-discriminatory and do not constitute impermissible profiling of passengers on the basis of their race, color, religion, ethnicity, or national origin. The additional screening will consist of a search of carry-on items and the search of the person through the use of a hand held metal detector in conjunction with a pat-down search. The search may become more intrusive if the initial search indicates that a prohibited item may be concealed.

Question: How do screeners determine when additional security screening is appropriate?

- All available facts and circumstances must be taken into account in identifying persons or property that may be a safety or security risk. Although the screeners' actions could, at times, appear to be offensive to the person involved, screeners would continue to be justified in conducting additional questioning, inspections or searches, for safety or security reasons, in certain situations; for example: a person wearing a turban or head dress, while being searched at an airport security checkpoint, triggers the handheld metal detector when it is near his or her head; or a veiled woman shows photo identification to prove her identity but it is difficult to conclude that this woman is the same person as the woman in the photo without checking her face. When it is necessary to verify the identity of a veiled woman, whenever possible, her face should be checked by female safety or security personnel in private or only in the presence of other women so as not to violate her religious tenets.
- Airline and airport personnel must use the "but/for" test to help determine the justification for their actions. *But for this person's perceived race, ethnic heritage or religious orientation, would I have subjected this individual to additional safety or security scrutiny?* If the answer is "no," then the action may violate civil rights laws.

Question: What can I do if I believe that my rights have been violated?

- Members of the public, who feel they have been the subject of discriminatory actions or treatment by air carriers, may file a complaint by sending an email, a letter, or a completed complaint form to the Aviation Consumer Protection Division (ACPD). ACPD's e-mail address is airconsumer@ost.dot.gov and its mailing address is: Aviation Consumer Protection Division, U.S. Department of Transportation, Room 4107, C-75, Washington, DC 20590. Complaint forms that consumers may download and/or print are available at <http://www.dot.gov/airconsumer/problems.htm>.

Issued on 11/19/01 by the Office of the Assistant General Counsel for Aviation Enforcement and Proceedings and its Aviation Consumer Protection Division.

accessed at <<http://www1.faa.gov/acr/DOTAT-RNO.doc>>

Appendix I



U. S. Department of Justice

United States Attorney Northern District of Illinois

*Victoria J. Peters
Assistant United States Attorney*

*Dirksen Federal Building
219 South Dearborn Street, 3rd Floor
Chicago, Illinois 60604*

*Direct Line: (312) 353-5319
Fax: (312) 353-4324*

July 5, 2002

David J. Mussatt, PhD.
Senior Research Analyst
U.S. Commission on Civil Rights
55 West Monroe Street
Suite 410
Chicago, IL 60603

Dear Dr. Mussatt:

At the request of Pat Fitzgerald, I am writing to you regarding your questions about the national Interview Project's implementation in the Northern District of Illinois. In the letter that went out to prospective interviewees in December of last year, (enclosed), the voluntary nature of the proposed interview was stressed. The recipients of the letter were told that the Department of Justice was not only investigating the terrorist attacks of September 11, but wanted to insure that there were no hate crimes committed by individuals angry about the attacks. Further, the letter made it clear that the recipient had been chosen as a potential voluntary participant in the interview based upon his or her travel to the United States on a visa from a country where there are groups that support, advocate, or finance international terrorism, and that the recipient was not a suspect in any way.

The letter stated that we were including contact numbers for organizations which could be called for advice. At the recent meeting that you and Mr. Fitzgerald attended, it was first brought to our attention that the contact numbers were inadvertently left out of the letters. I must say, no one who received the letter, in responding to it, asked for the contact numbers, and a number of the interviewees had attorneys accompany them to the interviews.

Dr. Mussatt
Page 2

I hope that I have answered the questions that you had. Please feel free to contact me at (312) 353-5319 if I can be of any help.

Very truly yours,

PATRICK J. FITZGERALD
United States Attorney

By:

Victoria J. Peters

VICTORIA J. PETERS
Assistant U.S. Attorney



U.S. Department of Justice

*United States Attorney
Northern District of Illinois*

Dean J. Palaies
Chief, Special Prosecutions Section

Dirksen Federal Building (312) 353-5300
219 S. Dearborn (312) 353-4490
Chicago, Illinois 60604

December 12, 2001

Palatine, IL

Dear Mr. Zulkarnaen:

As you know, law enforcement officers and federal agents have been acquiring information that may be helpful in determining the persons responsible for the September 11th attacks on the World Trade Center and the Pentagon. Furthermore, they are pursuing all leads that may assist in preventing any further attacks. We recognize that these crimes were committed by a small group of individuals (linked to a larger terrorist group overseas) and that this conduct has been condemned by people of all backgrounds, nations and religions. We are also working with federal, state and local authorities to make sure that there are no hate crimes committed against any persons or communities by individuals angry about what happened on September 11. I am asking that you assist us in these important matters.

We have no reason to believe that you are, in any way, associated with terrorist activities. You are not a suspect in this investigation. Nevertheless, you may know something that could be helpful in our efforts. Your name was brought to our attention because, among other things, you traveled to the United States on a visa from a country where there are groups that support, advocate, or finance international terrorism. In fact, it is quite possible that you have information that may seem irrelevant to you but which may help us piece together this puzzle. We would not be doing our job – which is to protect all the people living in America, including you – if we did not ask questions to see if you might know a piece of the puzzle.

I hope that you will contact us at (312) 886-4177 to set up an interview at a location, date, and time that is convenient for you and the interviewer. During this interview, you will be asked questions that could reasonably assist in the efforts to learn about those who support, commit, or know about persons who commit terrorism. You will also be asked if you are aware of any persons that may seek to commit hate crimes against the persons residing in your community. I can assure you that all involved in the interviewing process will treat you with respect. If you wish to contact any organizations for advice, we are providing the contact numbers they provided us.

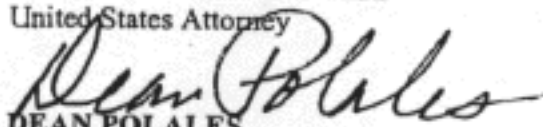
December 12, 2001

Page 2

While this interview is voluntary, it is crucial that the investigation be broad based and thorough, and the interview is important to achieve that goal. We hope that you will choose to participate. We need to hear from you as soon as possible, but no later than Tuesday, December 18, 2001. We hope you will call us as soon as you receive this letter to set up an interview. Please call the contact number on the attached sheet between 9:00 a.m. to 7:00 p.m. any day, including Saturday and Sunday, beginning on Saturday, December 15. We will work with you to accommodate your schedule.

Yours truly,

PATRICK J. FITZGERALD
United States Attorney


DEAN POLALES
Assistant United States Attorney

Attachment

Appendix J

Chicago District Office Immigration & Naturalization Service

Post 9/11 Community Engagement Activities

The INS Chicago District Office recognized immediately the need to engage members of the region's Arab American, Muslim and South Asian communities in light of the September 11, 2001 terrorist attacks. Early efforts have evolved in the ensuing months into a comprehensive and continuing engagement strategy.

Beginning in the afternoon of September 11, 2001 contact was made with social service agencies, legal organizations and religious institutions to acknowledge the possibility of backlash and victimization and offer assurance of the district's commitment to the non-discriminatory application of immigration law and the enforcement of civil rights law.

Since that date, at times accompanied by the United States Attorney for the Northern District of Illinois and the Special Agent in Charge of the Chicago Office of the Federal Bureau of Investigation, the INS District Director and INS Community Relations Officers have maintained extensive contact with affected community members in both structured and less formal settings. We have initiated activity and dialogue and we have responded to requests for information and participation. Beyond the public meetings, on a regular basis, we are on the phone, having tea or sharing a meal with community leaders and members. These occasions provide continuing opportunities to hear the concerns emerging from the communities and inform community members of the current status of immigration policies and procedures in a post-9/11 climate. A dialogue has been established and continues today.

Following is a sampling of events and meetings held to date:

September 14, 2001. Participated with the Chicago Commission on Human Relations briefing with Arab American and Muslim community leaders. Provided INS policy, procedures and contact numbers in the event of a complaint of abuse involving INS employees. Commission staff was encouraged to bring to the attention of the district immediately any allegations of profiling or other abuse by INS staff.

September 14, 2001. Met with local enforcement agency leadership in the heavily Arab American southwest suburbs to offer community relations expertise to quell tensions between the mainstream and ethnic communities.

Visited the Mosque Foundation in Bridgeview, Illinois to acknowledge community fears and tensions and assure community leadership that the district office had returned to normal business hours, that extra security measures would be in place and implemented in a non-discriminatory fashion and that all customers would be treated respectfully.

September 25, 2001. In conjunction with the Ethnic Affairs Office of the governor for the State of Illinois met with key leader of the Arab American, Muslim, Pakistani and Afghani communities to provide information and updates about INS national and local enforcement policies and practices, dispel rumors, and listen to concerns.

October 1, 2001. Participated in a community meeting in Hickory Hills convened by Muslim civil rights organizations at which concerns were discussed about continuing backlash and fears of impending federal enforcement agency selective enforcement.

October 1, 2001. Participated in the National Symposium on Racial Profiling to examine the applicability of learnings of local enforcement agencies to federal immigration law enforcement in the post 9/11 climate.

October 3, 2001. Met with representatives of the Afghan Reconstruction Support Committee to discuss concerns about the equitable treatment of the Afghani population in enforcement activity and benefits processing.

October 5, 2001. Discussed with attorneys from the Civil Rights Division of the Department of Justice our interest in ensuring that any allegations of abuse by INS employees be pursued and provided contact numbers and locations to file complaints.

October 14, 2001. Participated in a Community Forum at the Mosque Foundation sponsored by the Council of Islamic Organization of Greater Chicago, Muslim Americans for Civil Rights & Legal Defense and the Muslim Bar Association.

October 30, 2001. Discussions with southwest suburban community members about convening community forums to examine issues of selective enforcement, relationship between local enforcement agencies and INS, evidentiary standards for interrogations.

November 11, 2001. Participated in the "Chicagoans and Islam" community event sponsored by the Council of Islamic Organizations of Greater Chicago to examine how to counter stereotypes of the Arab American and Islamic communities.

November 12, 2001. Met with citizenship educators to reassure them that the naturalization and interview process for naturalization applicants with Middle East countries of origin will not be adjudicated using different standards than those used for other applicants.

November 14, 2001. Participated in a community forum jointly convened by the INS, the FBI and the Community Relations Service with representative leaders of the Arab American, Muslim and South Asian religious, civic, business and legal communities. Statutory and policy mandates for the federal agencies were discussed as were procedures for filing complaints of alleged civil rights violations. Discussion of future community engagement activities was encouraged and commitments were made to initiate further outreach.

November 15, 2001. Participated in a panel discussion on the "Implications of 9/11 for Immigration Policy" convened by the Chicago Council on Foreign Relations.

December 6, 2001. As a guest of Arab American Family Services, attended the Lieutenant Governor's gathering of ethnic community leadership.

December 12, 2001. Participated in an Iftaar dinner and planning for continuing formal and informal community dialogue.

December 18, 2001. Participated in a panel discussion convened by the Chicago Council on Foreign Relations on backlash in immigrant communities and the implications for immigrants and immigration policy.

December 19, 2001. Facilitated a meeting between the FBI SAC and a Palestinian Muslim woman whose family had been interrogated by the FBI.

December 2001. Upon learning that a list of 5000 people from selected countries to be interviewed was to be distributed to United States Attorneys offices, based on our understanding of community concerns, INS suggested that it would ease tensions in the community if the USA met with Arab American, Muslim and South Asian leaders prior to proceeding. It was our belief, proven accurate,

that community leadership would play a productive role in helping to design and then explain the process to community members.

January 10, 2002. Initiated planning meetings with community members to convene a workshop to review detention procedures and immigration court procedures including access to counsel for detainees and other concerns arising out of post 9/11 detentions.

January 20, 2002. Participated in a community meeting sponsored by the Islamic Foundation of Villa Park convened to discuss the role of public policy making and specific concerns about ethnic profiling, detention and interrogations.

January 23, 2002. Attended a community workshop on racial profiling convened by Chicago human relations organizations.

January 24, 2002. Coordinated and participated in a community forum at the College of Dupage with the FBI, the United States Attorney's Office and the Community Relations Service. Attendees included representatives from member organizations of the Council of Islamic Organizations, social service organizations and business associations in the Arab American, Muslim and South Asian communities.

February 5, 2002. Discussions with the Hamdard Center on strategies to address the fears and concerns within the Bosnian Muslim community.

February 12, 2002. Discussion with community leadership to identify additional engagements initiatives including cultural awareness training.

February 19, 2002. Coordinated and participated in a community forum at the University of Milwaukee, Milwaukee, Wisconsin with the Community Relations Service, FBI and United States Attorney's Office.

March 20, 2002. Participated with the Chicago Police Department and the FBI in a community with key leadership from area faith communities and the Arab American and Sikh communities.

April 7, 2002. Guest of the Assyrian American Federation at a community event.

Participated with the Consulate General of Pakistan in the celebration of community service in the Pakistani business community.

April 9, 2002. Discussions with the leadership of the Council of Islamic Organizations of greater Chicago about continuing opportunities for sustained dialogue.

April 12, 2002. Convened representatives of Muslim civil rights and faith organizations to discuss detention procedures and immigration court proceedings.

April 17, 2002. Jointly coordinated with the Chicago Council on Foreign Relations and participated in a community panel discussion with the FBI, United States Attorney, ACLU Immigrant Rights Project and a representative of the area Arab American community. Primary area of interest was the continuing challenge to balance the needs for security with the protection of civil liberties.

April 19, 2002. Participated in a community forum in Indianapolis, Indiana with the United States Attorney, FBI and Community Relations Service.

April 30, 2002. Participated with the United States Attorney and the FBI in a roundtable discussion with grassroots community leaders in the Arab American and Muslim communities in the southwest suburbs.

This document was scanned into electronic format from the hard copy provided.

Appendix L

Illinois Advisory Committee to the U.S. Commission on Civil Rights

Community Forum Agenda

Arab and Muslim Civil Rights Issues in the Chicago Metropolitan Area Post-September 11

Monday & Tuesday
June 17 & 18, 2002

Ralph H. Metcalfe Federal Building
77 West Jackson Boulevard, Room 331
Chicago, IL

Monday, June 17, 2002

Welcome and Opening Remarks
9:00 a.m. to 9:15 a.m.

- James E. Scales, Chairman, Illinois Advisory Committee

Panel 1

9:15 a.m. to 10:00 a.m.

- Clarence Wood, Designee of Mayor Richard M. Daley
- Kareem Irfan, Chairman, Council of Islamic Organizations of Greater Chicago

10:00 a.m. to 10:30 a.m.

- Dean Koldenhoven, 2002 John F. Kennedy Profiles in Courage Award Winner
- Kenneth Gunn, First Deputy, Chicago Commission on Human Relations

Break

10:30 a.m. to 10:45 a.m.

Panel 2

10:45 a.m. to 12 p.m.

- Aminah Beverly McCloud, Professor, DePaul University
- William Yoshino, Midwest Director, Japanese American Citizens League
- Balwant Singh Hansra, Trustee, Parliament of World Religions and Past President, Sikh Religious Society of Chicago

Lunch

12:00 p.m. to 1:00 p.m.

Panel 3

1:00 p.m. to 2:00 p.m.

- Mohammad Kaiseruddin, President, Muslim Community Center
- Dean Mohiuddin, Board Member, Islamic Foundation
- Gregory Mitchell, Board Member, Muslim Civil Rights Center

Panel 4

2:00 p.m. to 2:45 p.m.

- Jesse Taylor, Regional Director, U.S. Department of Justice–Community Relations Service
- Carol Ritter, Executive Director, Governor’s Commission on Discrimination and Hate Crimes

Break

2:45 p.m. to 3:00 p.m.

Panel 5

3:00 p.m. to 4:00 p.m.

- Ray Hanania, Founder, National Association of Arab American Journalists
- Sammer Ghouleh, Author, *Victims of Circumstance*

Panel 6

4:00 p.m. to 5:00 p.m.

- Harvey Grossman, Legal Director, ACLU of Illinois
- Jim Fennerty, President, Chicago Chapter of the National Lawyers Guild
- Anthony Simpkins, President, Muslim Bar Association

Open Session

5:00 p.m. to 6:00 p.m.

Adjournment

6:00 p.m.

Tuesday, June 18, 2002

9:00 a.m. to 9:30 a.m.

- James E. Scales, Chairman, Illinois Advisory Committee
- William Haddad, Chicago Commission on Human Relations, Advisory Council on Arab Affairs

Panel 7

9:30 a.m. to 10:30 a.m.

- Richard Devine, State’s Attorney of Cook County
- William Shaver, Chief of Staff for the Superintendent of Police, City of Chicago
- Rouhy Shalabi, President, Arab American Bar Association

Break

10:30 a.m. to 10:45 a.m.

Panel 8

10:45 a.m. to 12:00 p.m.

- Patrick J. Fitzgerald, U.S. Attorney for the Northern District of Illinois
- Thomas Kneir, Special Agent in Charge, Federal Bureau of Investigation
- Brian Perryman, Regional Director, Immigration and Naturalization Services

Lunch

12:00 p.m. to 1:00 p.m.

Panel 9

1:00 p.m. to 2:00 p.m.

- Khaled Elkhatib, American-Arab Anti-Discrimination Committee
- Itedal Shalabi, Arab American Family Services, Inc.

Panel 10

2:00 p.m. to 3:00 p.m.

- Rev. Dirk Ficca, Director, Council for a Parliament of the World Religions
- Jonathan Levine, Midwest Executive Director, American Jewish Committee
- Azam Nizamuddin, Member, Council of Islamic Organizations of Greater Chicago

Break

3:00 p.m. to 3:15 p.m.

Panel 11

3:15 p.m. to 4:15 p.m.

- Rita Coffey, Program Analyst, Equal Employment Opportunity Commission
- Helen Serassio, Attorney, Aviation Enforcement and Proceedings Office, U.S. Department of Transportation
- Kamran Memon, Civil Rights Attorney

Panel 12

4:15 p.m. to 5:00 p.m.

- Dr. Bassam Jodi, President, Mosque Foundation in Bridgeview
- Saffiya Shillo, Executive Director of Ethnic Affairs, Lt. Gov. Corrine Wood's Office
- Elizabeth Shuman-Moore, Director to Combat Bias Violence, Chicago Lawyers' Committee

Open Session

5:00 p.m. to 6:00 p.m.

Adjournment

6:00 p.m.