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Issue Brief: Arab Americans and Criminal Justice

Key Words:

Arab Americans, racial profiling, hate crimes, Antiterrorism and Effective Death Penalty Act of 1996, Patriot Act, law enforcement

Description:

This issue brief will focus on the most salient current issue pertaining to Arab Americans and criminal justice: racial profiling against Arab Americans in the criminal justice system. This brief will explore the recent roots of such profiling and its manifestations after September 11 on national and local levels.

Key Points:

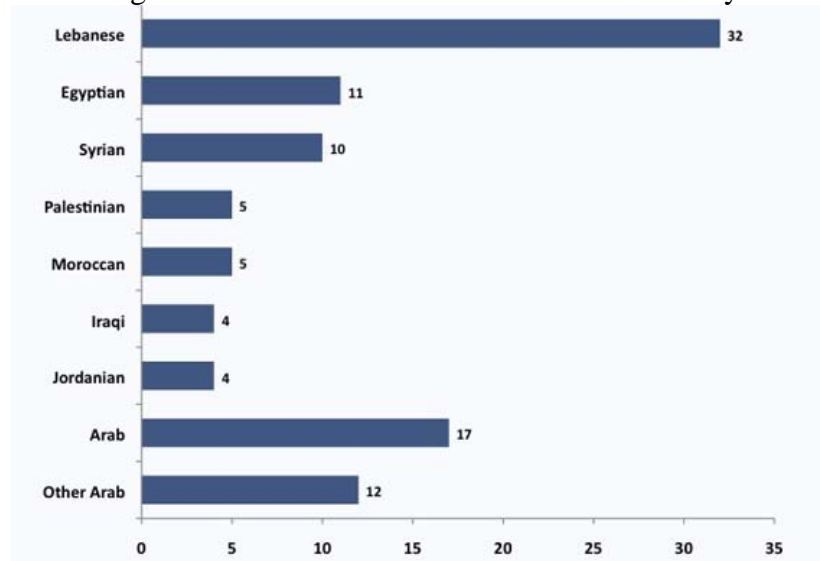
- The Arab-American population is large, diverse, and has a long history in the United States.
- Crimes against Arab Americans and bias against them in criminal law escalated during the Gulf War.
- After September 11, 2001, Arab Americans were subject to systemic racial profiling in the criminal justice system.
- Arab-American communities have also experienced, and reacted against, profiling on a local level after September 11.

Brief:

I. Arab Americans:

Arab (or Middle Eastern) Americans make up a significant portion of the United States population and constitute a diverse group with deep roots. The Arab American population is made up of Americans with origins in 22 Arabic-speaking countries. At least 3.5 million Americans are of Arab descent. The largest groups are those with roots in Lebanon, Egypt, and Syria.ⁱ Some Arab-Americans are recent immigrants, but many are the descendants of past immigrant generations. Between 1869 and 1898, about 20,700 Arabs (“Turks”) arrived in the United States. From 1899 to 1932, about 106,400 immigrated. Immigration continued to increase from 1948 to 1985, with about 332,000 people arriving from Arabic countries. From 1986 to 2003, 471,000 new Arab-Americans arrived.ⁱⁱ More than 80 percent of Arab-Americans are American citizens. They live in all 50 states, but are concentrated in certain states; one third of them live in California, New York, and Michigan.ⁱⁱⁱ

Figure 1: Breakdown of Arab American Ancestry



Percentage breakdown of Arab American origins. The American Community Survey asks Americans to identify their ancestry, and uses this information to compile data on Americans of Arab ancestry. *Source: Arab American Institute, Demographics.*

II. The Gulf War and Anti-Arab Prejudice in Life & Law

Hate crimes against Arabs hit record highs during the Gulf War,^{iv} the first conflict where the American army faced off against Arab troops. The American-Arab Anti-Discrimination Committee recorded 119 hate crimes in 1991 (vs. 39 in 1990), indicating unprecedented violence against the Arab-American community. Further conflict in the Middle East escalated tensions in the United States. Anger with American Middle-East policies led a Muslim group to bomb the basement of the World Trade Center in 1993, injuring 1,000.^v Many Americans speculated that Arabs had committed the Oklahoma City bombings of 1995; there were 150 anti-Arab hate crimes in the 8 months following. In 1996 President Clinton carried this bias into the law when he signed the Antiterrorism and Effective Death Penalty Act. This law allowed noncitizens to be arrested under “guilt by association” standards and secret evidence, without charges or due process of law. Anyone was subject to arrest who supported or sympathized with causes in the Middle East. Within 2 years after the law’s passage, 25 people had been detained, most of them Arab, under alleged associations with terrorist organizations. No evidence could be found against them and all were eventually released.^{vi}

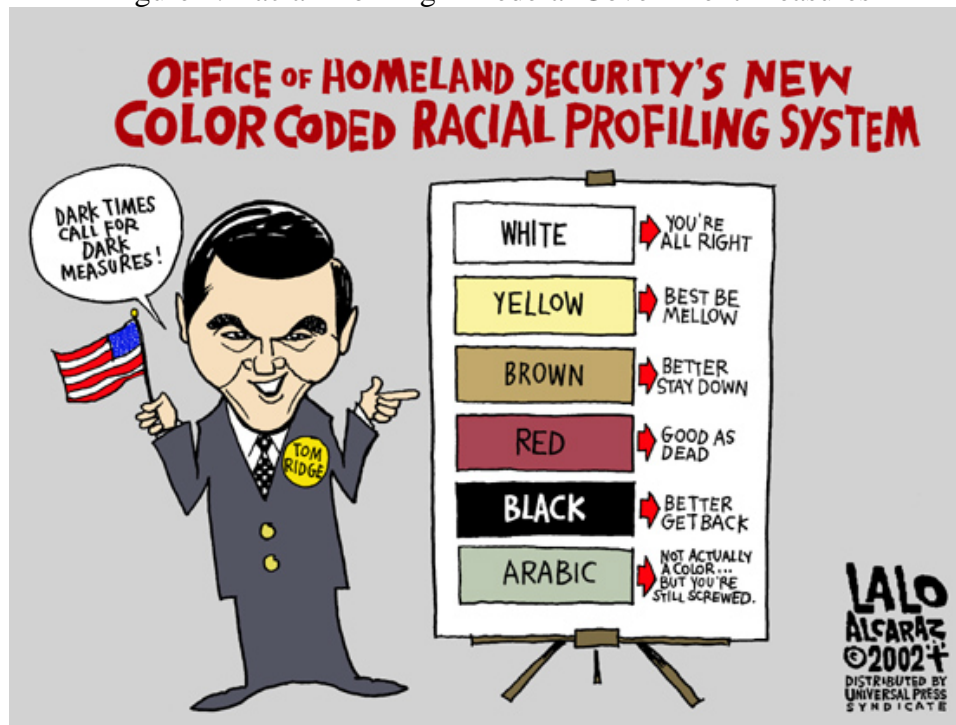
III. September 11 and Federal Racial Profiling

According to Amnesty International, “Racial profiling occurs when race is used by law enforcement or private security officials, to any degree, as a basis for criminal suspicion in non-suspect specific investigations.” After the terrorist attacks of September 11, 2001, racial profiling against Middle Eastern Americans in the criminal justice system became pervasive and systematized on a national level.^{vii}

Federal agencies immediately made the Middle Eastern American community a special focus of investigation. Directly following the attacks, federal law enforcement targeted 5,000 young Middle Eastern men for investigation. They also contacted 200 colleges to collect information on Middle Eastern students, and showed up unannounced to interview the students.^{viii} In 2004, the FBI conducted 13,000 interviews almost exclusively within the Middle Eastern American community.^{ix}

The USA Patriot Act, signed into law on October 26, 2001, reformed federal criminal procedure and facilitated targeting of Middle Eastern Americans. The Patriot Act allows the United States to indefinitely detain, without criminal charges, anyone who is deemed a threat to security and who cannot be repatriated because of an immigration offense. As a result of this law, at least 1,200 men of Middle Eastern origin, mostly foreign nationals, have been held without due process of law in secret detention centers.^x The Act also expanded searches and seizures, allowing federal agents to enter homes, wiretap computers and phones, and seize personal belongings, all without prior notice. “Guilt by association” clauses in the Patriot Act permitted officials to investigate spending and giving patterns, such as what books people bought and what organizations they gave to, to determine terrorist threats. In 2002, 14 American Muslim organizations were raided, with federal agents entering homes at gunpoint and destroying property. In August 2002, the FBI announced that it was monitoring money trails of small businesses owned by Arab Americans.^{xi} The federal government had moved from subtle to blatant racial profiling.

Figure 2: Racial Profiling in Federal Government Measures



This political cartoon satirizes the first United States Secretary of Homeland Security, who helped devise a color-coded system to indicate terrorism threat level for air travel. In the year after September 11, the Arab-American Anti-Discrimination Committee received 80 reports of illegal airline discrimination, and such cases persist. *Source: Lalo Alcaraz*

(<http://www.pochocom>)

IV. Local Racial Profiling and Communities

Profiling has affected Arab Americans on a community level, and incited strong reactions. According to a 2002 poll by the Arab American Institute, 78 percent of Arab Americans surveyed had experienced more racial profiling since September 11.^{xii} Counterterrorism campaigns by local law enforcement “often focused on Arab-American communities,” according to the U.S. Department of Justice.^{xiii} An increase in false reporting of crimes, due to public suspicion of Arab Americans, led to increased law-enforcement vigilance in their communities.^{xiv} As a result of their experiences with racial profiling, Arab Americans’ confidence in government and law enforcement has waned. In a Department of Justice study, some communities said they were “more afraid of law enforcement agencies...than they were of acts of hate or violence.”^{xv} Despite this distrust, Arab American communities continue to rebuild relationships with government agencies and fellow citizens, and to regain their rightful status as respected equals within American society.

General Resources:

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- ⁱ “Demographics.” *Arab American Institute*. Arab American Institute, 2010. Web. 11 Oct 2010. <<http://www.aaiusa.org/pages/demographics/>>.
- ⁱⁱ Gregory Orfalea. *The Arab Americans: A History*. Northampton, MA: Olive Branch Press, 2006. 436-441.
- ⁱⁱⁱ “Demographics.”
- ^{iv} Orfalea, 277.
- ^v *Ibid*, 280.
- ^{vi} *Ibid*, 283-84.
- ^{vii} “Racial Profiling.” *Amnesty International USA*. Amnesty International USA, 2010. 11 Oct 2010. <<http://www.amnestyusa.org/us-human-rights/racial-profiling/page.do?id=1106650>>.
- ^{viii} Peter Siggins. “Racial Profiling in an Age of Terrorism.” *Santa Clara University*. The Markkula Center for Applied Ethics, 2010. 11 Oct 2010. <<http://www.scu.edu/ethics/publications/ethicalperspectives/profiling.html>>.
- ^{ix} Orfalea, 313.
- ^x *Ibid*, 312.
- ^{xi} *Ibid*, 314-15.
- ^{xii} Arab American Institute. *Healing the Nation: The Arab American Experience After September 11*. Washington, D.C.: The Arab American Institute Foundation, 2002.
- ^{xiii} United States Department of Justice. *Policing in Arab-American Communities After September 11*. Washington, D.C.: National Institute of Justice, 2006. 1.
- ^{xiv} *Ibid*, 2.
- ^{xv} *Ibid*, ii.