



Submitted Testimony

Before the

U.S. House Committee on the Judiciary's Subcommittee on the Constitution, Civil Rights, and Civil Liberties

on

Discrimination and the Civil Rights of the Muslim, Arab, and South Asian American Communities

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Dear Chairman Cohen, Ranking Member Johnson, and Members of the Subcommittee:

As the nation's largest grassroots and premiere Arab-American civil rights organization, the American-Arab Anti-Discrimination Committee (ADC) appreciates this opportunity to address the historical violence, discrimination, and civil rights violations that the Arab-American community has faced; not just in the two decades following the attacks on September 11th, but at least the 40 years preceding it. Since its founding in 1980 by former U.S. Senator James Abourezk, ADC has been committed to the civil and human rights of all Americans and to opposing discrimination, bigotry and racism in any form. It is a non-sectarian, non-partisan, non-profit grassroots organization with members in every state in our nation; and routinely works with diverse, broad coalitions of national and local organizations to ensure the rights of ethnic, religious, and other minorities in the United States are protected.

Alex Odeh and the 1985 Bombing Campaign Against ADC

No discussion of the violence and discrimination facing Arab-Americans can be complete without acknowledging the 1985 bombing campaign that targeted ADC. A bomb detonated at ADC's Boston office injured a first responder, a firebomb destroyed ADC's Washington D.C. headquarters, and, most tragically, a pipe bomb placed at ADC's Santa Ana, CA office killed Alex Odeh, ADC's Regional Director. This series of bombings targeted ADC in order to terrorize and silence civil rights advocates. In the almost 40 years since, no suspect has ever been formally announced and no justice has been served for ADC or Alex Odeh's family.

Despite extensive public reporting¹ connecting specific individuals and the organization they were members of to the attacks, and a determination by the Department of Justice that ADC and the family of Alex Odeh were victims of one of those individuals (able to speak at his parole hearings), the bombings of an American civil rights organization remain an "open case" and have been largely forgotten by the American public and government.

This lack of justice combined with the disproportionate focus by national security programs demonstrates the disregard and erasure of the Arab-American community by the government when they need equity, while at the same time denigrated and villainized when they are innocent.

Monolithic View of Arabs as Terrorists and Muslims

The origin of this villainization does not come solely from September 11th, it in fact can be traced to the late 1960's. Since the beginning of "contemporary terrorism", Arab-Americans have too often been seen as terrorists, a view which on its face is horrifically dehumanizing but also belies the deeper problem of assuming that all Arabs are Muslim. This wildly incorrect assumption erases the diverse religious and ancestral reality of the Arab-American community, and encourages a monolithically villainous perception of American citizens. Before September 11th this villainization manifested primarily through the media and other portrayals, all couched in the conflation of all Arabs as Muslim.

¹ [Amid new revelations, Alex Odeh's assassination in O.C. remains unsolved | Los Angeles Times](#)

Disturbingly, following the attacks on September 11th the federal government took an active role in demonizing and targeting Arabs. The The Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT) Act of 2001, a reactionary response to the attacks, led to a series of over-broad and unconstitutional policies that overwhelmingly targeted and impacted the Arab, Muslim, and South Asian communities. The USA PATRIOT Act authorized FBI agents to issue National Security Letters (NSLs), “without a judge's approval, to obtain personal information, including phone records, computer records, credit history, and banking history.”² These NSLs were not required to be destroyed, even if the information was determined to concern innocent Americans. The Act also broadened the “material support” of terrorism charge, giving DHS and Immigration Judges dangerously broad discretion to deem individuals, most often those from the Middle East, inadmissible. This led to immigrants seeking protection in the United States being denied entry, in one instance being denied entry and being detained for 20 month due to being robbed of four dollars and their lunch (DHS and an immigration judge deemed that this individual had provided “material support”). Put simply by Dr. Nadine Naber, “After 9/11, communities targeted by the Patriot Act, especially their working-class, recent immigrant or refugee members, have faced a form of psychological and emotional incarceration that operates through the debilitating fear caused by the sense that at any moment they may be picked up, detained, deported or tortured in a place like Guantánamo Bay.”³

Another reactionary policy that must be highlighted is the 2002 National Security Entry-Exit Registration System (NSEERS), which targeted Arabs and Muslims as well as those from the Middle East and South Asia. The system required the registration of nationals of 25 countries, 24 of which were majority Muslim (the lone exception was North Korea, an exception that was echoed in Former President Trump’s Muslim Ban). Under NSEERS, the federal government marked 80,000 foreign nationals for fingerprinting, photographing and special registration. In 2016, however, DHS determined that NSEERS was “redundant, inefficient and provided no increase in security” as it hastily worked to dismantle the program.⁴ Over the course of those 14 years, the Arab community was marked for additional screening and registration, with the penalty for non-registration being potential arrest, fines, or even deportation, and reinforcing the public belief that they were the enemy.

This anti-Arab and Islamophobic villainization through government policy has continued to rear its ugly head. During the Trump Administration, justifiable attention was placed on the Muslim Ban and we are still dealing with the after-effects of that horribly discriminatory policy. ADC is working with a large number of immigration rights organizations to ensure that individuals who received a visa through the Diversity Visa Lottery, but were denied entry due to the Muslim Ban, are able to obtain rightful entry into the United States. The total dehumanization of Arabs and Muslims extended beyond barring entry to the United States. In a particularly disgusting case, 92 Somalis who had been scheduled for deportation were held shackled on a plane for almost 48 hours.⁵ ADC was among the organizations who represented those individuals, some of whom had very real concerns about their safety should they be forced to return to Somalia (concerns not accounted for when they were scheduled for removal), and called for the United

² [Surveillance Under the Patriot Act | American Civil Liberties Union](#)

³ [The Racism of the USA Patriot Act, Then and Now - The Chicago Reporter](#)

⁴ [Obama to Dismantle Visitor Registry Before Trump Can Revive It - The New York Times](#)

⁵ [Somalis were shackled for nearly 48 hours on failed US deportation flight | US immigration | The Guardian](#)

States to reopen the passengers' removal cases, treat the passengers for injuries sustained on the flight and ensure that those put back on the path to deportation are not abused by Ice in future removal proceedings.

Legal Classification of Arabs as “White”

At the same time, the federal government has no ability to truly understand and address the issues facing the Arab-American community. Since the 1944 *Ex parte Mohriez* ruling, Arabs have been classified as “White” in the eyes of federal and state governments. A social and political currency like no other, to be white in the US is to be free from the presumption that you are foreign or inferior. Being white means you are simply “American”, unfettered by the qualified or hyphenated identities compelled upon Asian, African, Latino, or Arab-Americans. These stereotypes are deployed by popular culture – most notably through the media – but also through law, tracing a throughline from early 20th century immigration rulings to today’s CVE surveillance regimes. Together, popular and governmental demonization of Arabs has positioned the population as political pariahs and national security threats; consequently stripping Arabs of the privileges and power associated with their “legal” whiteness. This white classification has not afforded Arab-Americans the same privileges as European Americans. Rather, Arab-Americans have suffered discrimination, racial and religious insensitivity, violence, and harassment specifically because of their ethnicity.

The lumping of Arab-Americans in with other “white” Americans masks issues unique to either the Arab-American community or the rest of the “white” community. The inability of the government to differentiate harms *all* Americans, and makes it impossible for social services organizations to effectively advocate and serve their communities.

This problem is compounded by the inherent issues surrounding the collection of hate crime data. Under the current system, reporting is entirely voluntary and there is no effective incentive for local law enforcement to disclose accurate information. For example, in 2016, 6,121 hate crimes were reported to the FBI, while estimates from the National Crime Victimization Survey put the number of potential hate crimes at almost 250,000 a year.⁶ In 2019, only 2,172 of the 15,588 agencies that participated in the FBI data collection effort reported one or more hate crimes.⁷ In 2020, the number of participating law enforcement agencies dropped for the third time in as many years.⁸ By relying on law enforcement agencies to voluntarily participate, the federal government loses the ability to accurately understand the nature of the hate crimes threat to vulnerable communities.

Conclusion

Taken in their totality, the myriad ways that Arab Americans face discrimination in the United States have created an environment in which the community does not believe that the federal government cares. ADC thanks the committee for the opportunity to submit this testimony for the record.

⁶ [Why America Fails at Gathering Hate Crime Statistics | ProPublica](#)

⁷ [SPLC Responds to New FBI Report Showing Increase in Hate Crimes in 2019](#)

⁸ [SPLC Calls for Concerted Action as FBI Hate Crime Report Documents Highest Numbers Since 2008](#)