

**Briefing on Civil Rights Issues
Facing Muslims and Arab Americans
in Ohio Post-September 11**

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

November 14, 2001

[Members of the Ohio Advisory Committee](#)

[Executive Summary](#)

[Transcript](#)

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

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Executive Summary

The September 11 terrorist attacks profoundly changed the lives of many Americans. For those of Middle Eastern descent or appearance, September 11 ushered in fear of reprisal and concern for personal safety. Some Muslims, Arab Americans, and Southeast Asians have paid a high price for sharing a similar appearance or cultural and religious background of the accused terrorists. In the months after the attacks, reports of harassment and assaults against these groups soared; as did complaints of workplace bias and allegations of racial profiling by law enforcement and airline personnel. Civil liberties concerns have heightened as the new war on terrorism progresses and the related legislation and government policies are implemented. It is against this backdrop, and two months after the attacks, that the Ohio Advisory Committee to the U.S. Commission on Civil Rights held a briefing to gather information on civil rights issues facing Muslims and Arab Americans in Ohio post-September 11.

The Ohio Advisory Committee's November 14 briefing was the first of many events scheduled by the Commission's state advisory committees to examine local civil rights issues in the aftermath of September 11 and supplement the Commission's national focus on the topic. Speaking before the Committee were representatives from the Ohio chapters of the American-Arab Anti-Discrimination Committee (ADC) and the Council on American-Islamic Relations (CAIR), and a professor from the University of Toledo College of Law. Panelists from ADC and CAIR discussed harassment and hate crimes against Muslims and Arab Americans

in Ohio triggered by September 11 and how their organizations were responding to these acts. The focus of the university professor's presentation was racial profiling.

The ADC and CAIR have both seen an upsurge in civil rights-related complaints since September 11. In what ADC has called an "unprecedented backlash," retaliatory acts against Arab Americans—or those perceived to be—have included hate crimes, ranging from simple assaults and battery, to arson, aggravated assault, and murder; various forms of discrimination, particularly employment based; and allegedly civil liberties infringements. In the two months after the attacks, CAIR's Ohio office had received 126 complaints, according to Jad Humeidan, the chapter's executive director. The surge in complaints, he said, has presented an "overwhelming challenge" to the nonprofit organization, which, unlike ADC, does not pursue legal action but instead only mediates complaints. About 40 percent of the complaints, he added, entail "overt" acts of aggression, including assaults and property damage. The remaining have been "tacit," often involving employment or public accommodations, or relate to questioning by FBI officials.

Ohio has been the scene of some high-profile "overt" cases. One of the most widely reported incidents concerned vandalism of Cleveland's Grand Islamic Mosque, the largest Islamic center in the state. On September 17, a 29-year-old man rammed his car through the front entrance of the mosque, causing at least \$100,000 in damages. CAIR, Mr. Humeidan noted, began a fund-raising campaign to pay for repairs. Other cases reported to CAIR-Ohio, he said, include the beating of a taxi driver and that of a Middle Eastern family whose house was set on fire when their neighbors tossed a Molotov cocktail bomb through a window. Panelist Amal Wahdan of ADC described other retaliatory acts. In the days after the terrorist attacks, she said, five Arab-owned stores in Cleveland were sprayed with red paint, a Sikh temple in suburban Cleveland was pummeled with lighted gasoline bottles, and a store owner in downtown Cleveland was shot at by a passing car.

The mere threat of backlash has caused some Arab Americans to make life-altering decisions. Panelists reported that Muslim women are afraid to wear the hijab, the traditional headscarf that symbolizes their faith. Marwan Hilal, vice president of ADC's Cleveland chapter, said, "You either take it off or stay home under house arrest, because you are scared, generally scared of going out and being either intimidated or possibly hurt." At Ohio State University, 300 foreign students packed their bags and went home in the days after the attacks, fearing FBI

questioning and suspicion by their classmates, according to Mr. Humeidan.

In addition to hostility from fellow citizens, Arab Americans have had to adjust to new government policies and airline practices initiated in response to September 11. News accounts of Middle Eastern-looking passengers being expelled from airplanes and the FBI rounding up Arab American men abounded after the attacks. In the Columbus area alone, Mr. Humeidan said, more than 100 people had been questioned by the FBI in its effort to track down terrorists. Although some anti-terrorism measures have drawn the ire of civil libertarians, Dr. Hilal noted that overall ADC supports the measures, provided they are carried out in a nondiscriminatory manner. "Somebody who's three days late in their visitors visa cannot be labeled as a terrorist suspect immediately. Somebody who shares obvious Arabic names with some of the terrorists on the airplanes should not be subject to immediate discrimination," she said.

Amid the war on terrorism have been allegations of racial profiling. Airport security officials, for example, have been accused of singling out Arab Americans for more intrusive inspection. David Harris, professor of law and values at the University of Toledo, acknowledged that September 11 provided "the strongest possible case in favor of profiling" because the suspected terrorists were all Muslims, Arabs, and from the Middle East. However, he said, statistics show that racial profiling simply does not work. Traditional policing, which focuses on suspicious behavior and other indicators, is more effective than pinpointing suspects based on race. He noted a memo from senior intelligence officials that said any profile based on immutable characteristics draws an investigator's attention (and resources) toward too many innocent people and away from too many dangerous ones. "The bitter truth is we don't know what the next group of terrorists will look like or where they will come from. If we simply track everybody with visas from Syria or Libya we will not get Mohammad Atta, who came in from Germany," he said. Furthermore, unnecessarily treating certain populations like suspects breeds distrust and alienates them from law enforcement efforts, making it difficult for investigators to obtain their future help.

The American-Arab Anti-Discrimination Committee and the Council on American-Islamic Relations have worked to protect the rights of Arab Americans and Muslims in light of the anti-terrorism measures and to stem backlash against these groups. Both organizations have tracked civil rights complaints arising from September 11, and because misconceptions have fueled anti-Arab and anti-Muslim

bias, they have expanded their education efforts.

As the largest Arab American grassroots organization in the United States, ADC has been at the forefront of preserving the rights of Arab Americans and combating bias through advocacy, education, and legal action. A primary mission of the ADC is to ensure that Arab Americans are treated equally under the law—a task made more difficult by anti-terrorism measures that seem to implicate Arab Americans more than any other group. Educating people about Arab Americans has been another focus of ADC's work. Through neighborhood meetings, appearances on radio and television programs, and speaking engagements at schools and civic organizations, ADC representatives have tried to dispel negative stereotypes of Arab Americans and, in Dr. Hilal's words, show that the people who committed "those atrocities and those unthinkable crimes are renegade Arabs and Muslims [who] hardly represent Arabs or Muslims in their actions."

CAIR was established in 1996 to "promote a positive image of Muslims in America." CAIR-Ohio, one of the organization's 12 chapters, first responded to September 11 by distributing a pamphlet to area Muslims describing actions to take if they became victims of hate crime or discrimination. Like ADC, CAIR posted a form on its Web site for reporting bias incidents. Education, Mr. Humeidan said, has been a focal point of CAIR's activities because misconceptions about Muslims are rampant. After the terrorist attacks, the council set up a speakers bureau, whose members have lectured at numerous schools, churches, and civic organizations. Presentations typically include what Mr. Humeidan calls an "Islam 101" component that describes the tenets of Islam; discussion on the Koran's condemnation of suicide and murder; video clips showing how the media sometimes propagates misconceptions; and a 45-minute question-and-answer session.

The full transcript of the Ohio Advisory Committee's briefing follows. Because the briefing focused on civil rights implications of September 11, examples of the support Arabs and Muslims received from their fellow Americans after the attacks are few. But in the transcript are the panelists' detailed accounts of the ignominious side of post-September 11 and efforts to combat retaliation. Panelists also discuss frequent misconceptions about Muslims and Islam and the media's role in fueling misconceptions. They discuss the importance of preserving the constitutional rights of Arab Americans in what appears will be a long war on terrorism.

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Columbus, OH**

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PROCEEDINGS

CHAIRPERSON BATTLE. Appreciate your being with us, Mr. Humeidan, this afternoon. I would like to go around quickly and introduce ourselves to you. This is the Ohio Advisory Committee of the U.S. Commission on Civil Rights.

[Thereupon the Ohio Advisory Committee of the U.S. Commission on Civil Rights introduced themselves.]

CHAIRPERSON BATTLE. The floor is yours. We appreciate your being with us. If you could tell us who you represent and what you're about and then we will have some questions as we move along.

**JAD HUMEIDAN, COUNCIL ON AMERICAN-ISLAMIC RELATIONS
(CAIR)**

MR. HUMEIDAN. Sure. Like I said, my name is Jad Humeidan. I'm the executive director of the Ohio chapter of CAIR, Council on American-Islamic Relations, Ohio chapter. Our president was scheduled to be here. He had a family emergency, he had to leave the country, and he is in Jordan right now. So he sends apologies that he was not able to be here. And I'm a last-minute replacement. I was actually just coming from Cincinnati for an event that the Ohio Civil Rights Commission

was hosting in Cincinnati. So I had to rush over here. Hopefully, I'll have all the information you'll need. Like I said I'm the executive director, so I'm always in the office there—we have everybody that's working on civil rights cases, so I have a general idea about the cases.

To give you general background information about CAIR, CAIR National was started in 1996. The main office is in Washington, D.C. CAIR Ohio was started in 1998. We have 12 offices across the U.S., different regional offices. The Ohio office deals with the cases from Ohio mostly, but we also get cases from Indiana, Kentucky, and Pennsylvania. A few cases from Michigan. There is a CAIR Michigan there, but it's a small office, but we do some cases for them also.

CAIR, we have three main arms for CAIR. One is Media Relations; one is Education. We go to schools, we speak at schools, explain what Islam is, what are Muslims, and explain the Muslim points of view. And then our strongest asset of CAIR is probably our Civil Rights Department, and we get many, many civil rights cases that we deal with. We try to mediate cases is what we do. We don't have lawyers on staff, so we don't take legal action. We try to mediate it as much as we can. If it gets to the point we can't mediate a case, then we ask the parties to take legal action.

Like I said, we've had civil rights cases, but since September 11 it's been an overwhelming challenge, we've been getting—I think since September 11, 126 cases reported to us. Some are very clear and obvious. One incident where somebody's house was set on fire, neighbors threw a Molotov cocktail bomb at their house and set their house on fire; another incident was where a taxi driver was beaten. Other cases there are somewhat tacit and hidden where cases, I guess, concerning public accommodations and public service, people are noticing that the services that they are getting now is not comparable to the service that they were getting before. Maybe people in work are noticing they are not getting the projects they were being assigned before or grants that they were given before, the money's being withheld. Things within that line. So it's been a wide range of incidents and cases that we've been seeing. That's what I have, I guess, for now, but if you have any information or any questions or if you need anymore detailed information we can get that to you.

CHAIRPERSON BATTLE. The overt incidents that you spoke of, how are they usually handled? Are the police usually involved in some way? And what reporting

results from this once it gets in the official chain? What is the government's attitude at this point from your experience in this whole arena?

MR. HUMEIDAN. Some of the cases—we ask everybody to report to the police actually. What we did was immediately after September 11, we handed out to the community in Ohio, the Muslim community, a list of things, what to do and what not to do, how to, I guess, watch out for yourself and be careful out there, and if you get an incident on what to do. First thing was if you feel that you're in danger, call 911 and report this to the police. And then if you feel that this was a discrimination case, to contact the FBI with the hot line that they set up for discrimination cases, and then also we asked them to call us. Now, we've been getting calls from the police when people are calling and reporting incidents as they feel they are discrimination cases or civil rights cases, but the police may not think that they are. It's not the case with every incident, but we've been noticing that some cases are being basically bounced back to us saying this might be a criminal case, but has nothing to do with civil rights or discrimination.

CHAIRPERSON BATTLE. Committee?

COMMITTEE MEMBER PEREZ. What percentage of your complaints since September 11 are overt, as opposed to more covert? And I would consider accommodations more covert.

MR. HUMEIDAN. I would say probably 40 percent are overt types of cases. And actually one other type of case that I didn't mention that was really hitting our community very hard is that the FBI has been visiting members of our community for questioning, and they are basically stopping in at people's homes and people's workplaces. And one incident where they wanted to question an OSU student, they went to his classroom, picked him up from his classroom, took him into an empty classroom that was next to the classroom that he was in, questioned him there for about four hours, and released him saying, "Well, obviously you don't have any information," and they let him go. When that student needed to come back the next day to that classroom, he felt that everybody around him was looking at him, where, you know, "Why would I be questioned?"

And we've had over a 100 people in the Columbus area alone that have been questioned by the FBI; they haven't been charged, haven't been detained; and it's

making peoples' lives very hard. And with the OSU incident it caused about 300 foreign students to just pack up their bags and leave OSU, because they were afraid that the same thing would happen to them, and all the other students around them would look at them in a suspicious way, so they just decided to drop their classes, pick up their bags, and go back home for a year.

CHAIRPERSON BATTLE. Others?

COMMITTEE MEMBER JURKIEWICZ. Have you had any dealings with the Grand Mosque that was driven into in Parma?

MR. HUMEIDAN. Yes, yes. We actually started a fundraising campaign for the Parma Mosque, and we have worked with the Damra in Cleveland to try to rebuild the mosque. It was a very sad incident that happened. I think the board at the mosque decided to drop the charges against the person that drove their car through the mosque.

COMMITTEE MEMBER JURKIEWICZ. And then it's my understanding—I did not read the entire article—but that the gentleman that's the leader, I'm not sure if that's the right terminology, of the mosque was being investigated because he had dealings in Brooklyn, New York, I believe, at one particular point in time. Has he received any other harassment because of that?

MR. HUMEIDAN. Well, he's receiving—actually he feels that he's receiving harassment from the *Plain Dealer*.

COMMITTEE MEMBER JURKIEWICZ. Okay.

MR. HUMEIDAN. The newspaper there has actually in the last month or so has written over 12 articles about him. They've had an editorial cartoon about him. And they uncovered a videotape of a speech he did at a fundraising campaign 12 years ago, and they kind of exploited this video. And the last incident was where they did a cartoon of him driving his car through a synagogue and then on the bumper sticker says his name and then it says, "How's my driving? Call 1-800-Taliban." And because of all of these articles and this editorial, he's been getting a lot of letters and calls, and some of them are very threatening. And he feels that for somebody like him—he actually started the Inter-Faith Association in Cleveland,

and he started many dialogue groups in Cleveland—he felt with what he said 12 years ago was said at a time of youth and shouldn't be exploited at a time when everybody is trying to bring the community together and try and separate the community and try and cause problems.

COMMITTEE MEMBER JURKIEWICZ. I know when the incident occurred at the mosque they interviewed—I don't remember what news channel had interviewed him—and he was such a caring individual. And at that time they were even thinking of not pressing the charges, and it was like when I had seen this one article in the *Plain Dealer*, I was like how could this all change around and be blown out of proportion and everything else?

MR. HUMEIDAN. It was a sad incident to see that after what happened with the mosque and the mosque being destroyed, it seemed like outside forces were trying to destroy the rest of the mosque basically, which was the board of the mosque, the community of the mosque.

COMMITTEE MEMBER ESPRIT. Obviously, this is a multiplicity of complexities at best. Describe for us what you feel would be, under the circumstances, given all of these events, would be reasonable and fair in terms of these things that are happening from your point of view.

MR. HUMEIDAN. Well, I think the first thing that needs to be out there I think is education. I noticed that we have with almost every incident we've been getting is a lack of education. People out there still don't know who are Muslims and what is Islam and what are Muslims about. And even with the—when I talked about with the FBI agent, even some of the questions that they were asking just clearly made it—it was obvious to everybody these people don't know who are Muslims. They just assume if you're a Muslim in Columbus you must know all the other Muslims in Columbus, even though there is 35,000 Muslims in Columbus. Things like this. I think the base and the core of this is the ignorance and the lack of education.

CHAIRPERSON BATTLE. Can you tell us a little bit more about what the council is doing to further the education. You mentioned schools for one, but are there other avenues that you're taking that, and particularly where you might need some help in making it happen?

MR. HUMEIDAN. Yes. Well, what we've been doing since September 11, we set up a speakers bureau where if any school, church, or civic organization needs someone to come and talk to their members about Islam and Muslims we accommodate them. And we've had—I can't even count, probably dozens and dozens of lectures that we have done in different organizations and churches and schools. But I think the one area we need the most help in is just to partner with organizations that are out there like the U.S. Commission on Civil Rights and the Ohio Civil Rights Commission, and other organizations that this is their main task in what they do, and just to partner with them to be able to use their resources and for them to use us.

We've had just a lot of people who have been complaining that once we take the information, we are going to go to the FBI or we're going to go to the Ohio Civil Rights Commission and file a complaint on your behalf. And they say, no, because they are afraid. It's the impression they have about government organizations. They are afraid to go to the organizations, so they come to us. So I think if there are avenues of partnership between organizations, governmental organizations, and grassroots organizations like CAIR and other organizations, ADC, then I think you'll start seeing more and more incidents reported. Then you will be able to tackle these incidents and tackle the causes of these incidents.

CHAIRPERSON BATTLE. Are you labeling these incidences specifically as hate crimes when they are reported?

MR. HUMEIDAN. Yes, yes, because—

CHAIRPERSON BATTLE. That's what you are instructing your clients?

MR. HUMEIDAN. Yes.

CHAIRPERSON BATTLE. Okay.

MR. HUMEIDAN. Definitely.

CHAIRPERSON BATTLE. Okay. Others?

COMMITTEE MEMBER PEREZ. I'm interested in a breakdown of your

statistics. You indicated you represented four or five states?

MR. HUMEIDAN. With CAIR Ohio our main core of concentration, I guess I could say, is Ohio, the state of Ohio, because there aren't offices, CAIR offices, in the surrounding states. If somebody complains they have two avenues of filing an incident report with CAIR. They can either call CAIR National in Washington, D.C., or they can call us. So it depends on the person. If they know about CAIR Ohio and they live in Indiana they might call us to file a complaint, or they might call CAIR National. But certainly everybody in Ohio, even if they call CAIR National they are referred to us because we deal with the state of Ohio.

COMMITTEE MEMBER PEREZ. The 126 cases, those are representative of Ohio?

MR. HUMEIDAN. I would say 90 percent is from Ohio. We have only had maybe three or four cases from Indiana; one case in Kentucky; one case in Tennessee; couple of cases in Pennsylvania; and then about six or seven cases in Michigan. I'll say about 90 percent, 92 percent from the state of Ohio.

COMMITTEE MEMBER RODEMEYER. Are you the only office, other than Washington?

MR. HUMEIDAN. No. There is a total of 12 offices in the U.S.

COMMITTEE MEMBER PRESLEY. Ohio has a larger population than some of those other states; is that right?

MR. HUMEIDAN. Muslim population?

COMMITTEE MEMBER PRESLEY. Yes.

MR. HUMEIDAN. Yes. Except for Michigan, Ohio has a higher population than Kentucky or Pennsylvania and Indiana.

COMMITTEE MEMBER PEREZ. Going back to the statistics within Ohio, do you keep those statistics by geographic area, like Cincinnati, Dayton, Columbus?

MR. HUMEIDAN. We keep them by regions; northeast, northwest Ohio and central Ohio, and then southwest Ohio. Basically surrounding the main cities in Ohio. And most of the cases that we've been getting are from Columbus, Ohio, and Cleveland. And that might be just because that is where CAIR Ohio is more known. And that's the thing, it does not mean that because we didn't get any cases from southeast Ohio that there isn't any cases. It's just that people out there may not know about CAIR Ohio, that they may not know CAIR Ohio is out there to represent them, so they don't report to CAIR Ohio.

CHAIRPERSON BATTLE. Can CAIR Ohio's representatives go out to the schools and other organizations, your speakers bureau, what are you telling them, people, can you give us a capsulized version of what Islam is, who Muslims are, and the basic tenets of the faith?

MR. HUMEIDAN. Sure. We do basically like an "Islam 101" I would call it. We go through the five pillars of Islam, which is there is no God but God; Mohammad is a messenger of God; the prayer five times a day; the fasting; the giving alms to the poor; and going to Mecca once in your life to perform pilgrimages. We talk about the similarities and differences between Islam and Christianity. Islam is a monotheistic religion that is considered by Muslims as a continuation of the other world religions like Judaism and Christianity. We also talk about how in Islam we believe that Jesus Christ was a messenger of God, and that we believe in all the prophets, in the chains of the prophets. So we believe in Moses, we believe in Adam, we believe in Jesus and Mohammad.

We also explain the meaning of jihad. Jihad is a term that's always out there in the media, and whenever we say the word jihad most people think of holy war. But yet in Islam jihad does not mean holy war. There are levels of jihad. Jihad means struggle. And the highest level of jihad is the inner struggle of a Muslim struggling with the evils that started within the person. And then the lowest level of jihad is self-defense, so that we have a wide spectrum there of a struggle that a person can go through within their life.

We also explain how in Islam there was never a term of holy war. A holy war, actually if you go back to the time, was a term started by the crusaders. It was not started by Islam or Muslims. And then we also show excerpts from the Koran where it explains where killing yourself is considered a sin. Killing others, killing innocent people is a sin. Also there are in the Koran the only time you're allowed

to fight is if you're defending yourself. But even in self-defense there are rules where you cannot kill innocent people, you cannot harm animals or trees or anything that is living that did not harm you, or does not affect your life in a way that is pushing you down or causing harm onto yourself. So we explain these things to people to try to clear out some of the misconceptions about Islam.

And then we also have a few video clips. One of them is from "60 Minutes" that was broadcast about two or three years ago when Pakistan and India were testing their nuclear weapons. And the clip is about a Pakistani person being asked by Dan Rather, "Why should you have the nuclear weapons; why should Pakistan have nuclear weapons?" And the person says in Urdu, a Pakistani language, "Well, if the U.S. has a nuclear bomb why shouldn't we?" But yet in the translation of the voice over, the voice over says, "God commanded us to have nuclear weapons." We show examples of this of how sometimes the media breeds these misconceptions and starts these patterns of hatred against minorities and against people.

And then we also try to explain a lot of questions. Big question that we get all the time is, why do these Muslims hate us; why do they hate Americans? Why do they hate the U.S.? We try to explain that people out there don't hate Americans; most people send their kids to this country. At Ohio State there are 1,400 Muslim students that are from foreign countries that are studying at Ohio State alone. There's hundreds and thousands of Muslim kids throughout the U.S. So parents send their kids to the U.S. to get educated; people want to come to the U.S. to better themselves. So people don't hate the U.S.

Now, there are people who disagree with U.S. policy, but one of the things that was talked about was U.S. policy concerning Iraq. We had 6,000 or 5,000 innocent people die since September 11. We have 6,000 children every month that die in Iraq because of sanctions. And these kinds of things breed problems and start misunderstandings between people in the Middle East and the U.S. government. And when something happens like what happened September 11, you start seeing people celebrating in the street. Well, they are celebrating in the street because of what they have been seeing. They've been oppressed for so long and pushed down for so long. And they've been killed for many, many years. So when they see something happen to somebody else they feel, "Well, we are not the only ones this happens to." They feel what we feel. So we go through—we try to go through these things and explain to people what is happening out there, what is the thinking

of people in the Middle East.

CHAIRPERSON BATTLE. Is your education working? Are the education attempts in the schools particularly working, or are you getting lively discussion from children and teachers? How's it going?

MR. HUMEIDAN. It is. What we try to do actually is we try to do about 45 minutes of question and answer. Some of the questions that we are getting are tough questions, but they show that people are, in general, genuinely interested in learning, and they have these questions, but they have not been able to ask these questions before. That if they asked these questions before, they've asked them to people that really don't have the answers and they might be giving the wrong answers. And by asking us, we want people to ask questions, we go out and say whatever you think is a tough question or whatever you think is a question that you don't want to ask because you're afraid you might offend somebody, please ask us. Because we don't want you to find this information out from somebody like Rush Limbaugh or somebody on talk radio. We want you to find this information from us. We want you to ask us the question and we will give you the answers.

And I think when we start these discussions it's really creating a lot of side dialogue between the groups. And I've noticed usually when we send a speaker we have two or three other people that go with that speaker, and we are noticing that even after the discussion is over, we will see smaller groups that plan to get together and try to start more dialogue, more talk between the groups and maybe smaller church groups, and smaller mosque groups and we start seeing more and more of this dialogue going on.

COMMITTEE MEMBER PRESLEY. Do you ever send females, because there is a lot of media coverage about what's happening with females?

MR. HUMEIDAN. Definitely. One of our speakers is our vice president of CAIR, and she's a physician here in Columbus. Her name is Dr. Asma Mobinudin. And she's a very, very good speaker. She's originally from Pakistan, and she goes out and she does a great job. She just basically—I've seen her talk and she kind of electrifies the audience. She knows how to get the audience really engaged in her talk. And I think because of the misconceptions that people have about women in Islam, when they see her talking and they ask her some of the questions—they ask her about, you know, wearing the hijab, the headscarf, and about some of the

things they've heard about women in Islam. And when they hear her answer and they see how she is—she feels so liberated to be a Muslim, even though she wears the hijab, but she feels so liberated, and she was able to become a doctor, she's able to work, she has a very good family, and they just see that [and say], "Oh, well, you know, we must have the wrong idea. We must be getting the wrong information from the sources we get them from."

COMMITTEE MEMBER RODEMEYER. Doesn't it vary as to what nationality a Muslim is?

MR. HUMEIDAN. Yes. One of the misconceptions people have about Muslims, they always mix Muslims and Arabs. The term is sometimes interchanged, but it's really a false fact, I guess, I can say. Because Arabs only make up about 20 percent of Muslims. Most Muslims, the largest percentage of Muslims come from Southeast Asia—from the Indo-Pak area, India and Pakistan—and then from the Arab countries. The Arab countries, it's 22 countries. Most of the Arab countries are Muslims. But you also have Christians and Jews. You have Christians in countries like Egypt, Palestine, Jordan, Lebanon, Syria, Iraq. But like I said, about 90 percent of the Arab population are Muslims. But there's only 250 to 280 million Arabs in Arab countries. Now, the largest Muslim country is Indonesia, which has about 220, 230 million people. So only about one country equals almost as many as all of the Muslims in the Arab world. There are about seven million Muslims in the U.S., most of the Muslims in the U.S., about 35 percent, are African American Muslims that have either converted to Islam or have been Muslims for generations. About 30 percent are from Southeast Asia; another 20 percent from India and Pakistan; the rest are different variations: Arab, Europeans, China, different parts of the world.

COMMITTEE MEMBER RODEMEYER. And there isn't any one guiding group for all of Islam? In other words, there is no equivalent of the pope or anything like that?

MR. HUMEIDAN. No. Yeah, in Islam there isn't that hierarchy, I guess, that you might see in other religions, so we don't have a pope. Each community can have its own imam, which is the person that leads the prayer at the mosque. But you don't have to report to a hierarchy. You don't have to go and explain yourself to anybody. So anybody out there can be a Muslim. And in Islam if anybody claims to be a Muslim it is a sin for you to come out and say, well, no, he's not a Muslim.

You can say what he does is not Islamic. But if a person feels that they are Muslim, then it's not our duty to come out and say that this person is not a Muslim. Islam is strictly a religion between the person and God. And nobody out there has the authority to say that this person is not a Muslim.

CHAIRPERSON BATTLE. Other questions? Comments? Thank you very much. We appreciate it. This has been a very informative conversation with you. And as you continue to do your work please know that the organizations like the U.S. Commission and Ohio Civil Rights Commission and all are standing ready to help with the education piece of it. I know for each of us we have probably learned something that we had not known before about Muslims, and about the religion of Islam.

MR. HUMEIDAN. Thank you. Thank you for this opportunity. I greatly appreciate it. Sorry I wasn't too prepared; it was a last-minute replacement. If you have any other information, what I will do is give out my cards. If you need any other information or anything out there we can help within our community, then just let us know and we will be there to help. Thank you.

CHAIRPERSON BATTLE. Thank you. Our next speaker is scheduled for 3 o'clock, so we have a little bit of a break.

[Off the record.]

CHAIRPERSON BATTLE. The panel will introduce themselves.

[Thereupon the Ohio Advisory Committee to the U.S. Commission on Civil Rights introduced themselves.]

DAVID HARRIS, UNIVERSITY OF TOLEDO COLLEGE OF LAW

PROFESSOR HARRIS. I'm David Harris. I am from Toledo. I work at the University of Toledo College of Law, where I'm professor of law and values. I've been there for 12 years. My particular areas of expertise are criminal law and legal ethics. Criminal law is where I do most of my research and writing. For the past five or six years I've been engaged in various aspects of research on what we now call racial profiling. I have written a book. The book will be out in three months,

February. The book is called *Profiles in Justice, Why Racial Profiling Cannot Work*. It will be published by the New Press from New York. And the official publication date is February 13, so that's what's coming up.

I am here today to talk to you about racial profiling. I'm very glad that you asked me to do so. This is obviously a difficult and controversial issue, one that seems not to go away ever, but to change shape, change contours. I think probably most of you have tired of the number of times you have listened to TV or the radio and heard an announcer or pundit or somebody say, "The world has changed forever since September 11." And in many ways it's true. It's becoming a little cliché, [but] quite a bit is different. And one of the ways in which I think the world is somewhat different is in this area that we have talked about called racial profiling. And it's different now because we have a new focus after September 11, or perhaps I should say law enforcement has a new focus. But I think it's actually more general than that. I think many people feel this. That in this new and changed world we must step beyond our guard. Obviously, we must take measures to avoid another cataclysm like the one in New York. We must do everything we can to prevent that, and we must see if we can catch those responsible. And it's going to be difficult and time consuming.

Now, if I had gone into my law school classroom on September 10 and I had tried to come up with an example of a hypothetical case that would make the strongest possible case in favor of profiling, what happened on September 11 would have to be it. I mean you have a catastrophic incident in which thousands of people are killed, innocent people. It's done by a small group of folks who are suicidal, and as far as we know, everyone of those people seems to have ethnic or religious characteristics in common: they are Arabs, they are Muslims, they are from the Middle East. And if somebody wanted to say, well, you know, this is the time for a profile, this would have to be it. I think you have to begin with that thought, as many people have. And I think that that's one of the ways in which the world is a little different. Nobody really thought much about Arab Americans and Muslims in the context of profiling. All of the discussion over the last couple of years has been about African Americans and Latinos and occasionally in some other areas of the country other ethnic groups, Asians in California, for example. But now we are told this is different, and it's war and we have to do everything we can.

I guess I would like to suggest to you that, yes, things are different, many things are different in our country now. But in certain ways, the more things change the

more they stay the same. And this is actually one example. Profiling of Arab Americans and Muslims and people from the Middle East may seem more justified in the light of what's happened. But I want to see if I can make the case for you today that this is yet another chapter in an ongoing and evolving discussion in our country that we had come a fairly long way, not by any means have we solved the problem, not by any stretch have we eliminated profiling or anything like that, but up until September 10 there was a greater understanding among white people that this was almost a universal experience of people of color. There's a great understanding of the downsides. As I argue in my book, there will be, I hope, a better understanding of the fact that profiling—racial profiling simply doesn't work as a law enforcement tactic. And we had come that far in the public discussion, and now we seem to many to be traveling in reverse, or at least stuck in neutral.

As I said, my charge for you today is to see if I can shed some light on what's come to be a very difficult public discussion, maybe more difficult than it was before. And to make the case that really what we have here is the next stage in the same problem, that if we look at what happened over the last two or three years, the things we learned over the last three to five years, and the research on racial profiling, if you look at those things in the context of highway stops, stops of African Americans and Latinos on the road, we can actually learn some very important things right now for the situation that we are in. And we would be very well advised, I would say, to pay attention to what we have learned, because it can keep us, I think, on the right course, and keep us from making the same mistakes that we have made before. That's what my hope is. That we have come far enough in the public discussion that we will look at where we have been and we will be able to learn from that and whatever we do we won't set the clock all the way back, we will figure out that there are better ways to accomplish these very difficult tasks that lie ahead of us.

Protecting ourselves and making ourselves safe and making our airline industry safe, that there are better ways to do that. That's where I want to go for the next 30 or so minutes. I will leave plenty of time for questions, I assure you. Not a lot of slides, but I did bring a few. That's what I would like to do this afternoon. What I had passed out to you here is two items. One is a double-sided writing of newspaper copies I have done. The other is my testimony to the U.S. Civil Rights Commission, just a few weeks ago. Those are for you to take. I just need to point out that at the time that I testified in front of the Commission, the federal

legislation, the anti-terrorism legislation, which came to be known as the U.S.A. Patriot Act was not yet final. The piece of it that I quote in there about immigrants didn't end up passing in the form that you see it there. It passed in a somewhat less harsh form, my own opinion. But I did want to point that out before I go on.

So without more—I think what we ought to do is kind of turn backwards for the next few minutes and ask ourselves where were we prior to September 11, where were we about profiling, and then in a few more minutes ask what it can do for us right now. I think that we had come a long way. I think that public discussion had advanced a great deal. I know that when I started to write and talk about this five, six years ago, I was the only academic doing it as far as I knew. Of course people of color had talked about it, complained about it, you know, petitioned about it for many, many years. There was nothing new about it. It was just not noticed. And when I was first giving these talks I would talk to police departments. I would give talks in academic arenas and so forth, and at least from law enforcement the reaction I got was pretty much denial across the board, “We don't do that,” “Police don't do that,” “You're calling us racists,” “How dare you,” “You're just inciting racial hatred,” and other things that were more hostile than that. Just leave it at those.

After, in the last three to four—two to three years, the reaction has changed. And that is in no small part because a lot of data has become available. Before the last couple of years there was very little in the way of numbers on this. And when African Americans or Latinos or other folks would talk about their experiences they would inevitably be dismissed as just stories, or isolated incidents, or, “Well, it's too bad it happened to you.” But you have to admit to the bad folks it's a good thing, you know, that kind of thing. Now I don't hear that so much anymore, I don't. Because the numbers that we have show beyond any doubt that profiling is a reality. That many law enforcement agencies, not all, not every police officer, not every police agency to be sure, but many law enforcement agencies have used race or ethnic appearance as a way to determine who is suspicious enough for them to stop on the highway, on the city street, and on the sidewalk. They use race or ethnic appearance as the chief indicator of who is suspicious and go from there.

Now, when I say the numbers show this, I'll just rattle off a few very quickly, because I know probably some of you have heard of these. State of Maryland was among the first to publish statistics that came from the state police and involved Interstate Highway 95, which runs through a big part of Maryland. And the

mission of the state police was drug interdiction. They made a mistake of stopping the wrong person one night. He's a young man who graduated from Harvard Law School, a very well known public defender in the District of Columbia, which is probably the best public defender's office in the country; and he was not having it, and so he sued. And when a piece of paper emerged during the lawsuit that basically was a written profile for this man and many others like him, the state police decided, well, I guess we better settle. And as part of the settlement they agreed to make data available for the federal court on a quarterly basis. They would hand in data on all of their stops and searches.

So in the wake of the lawsuit they had already been sued, the suit's already settled, the numbers came out over a period of years and they showed something remarkable, even knowing that they had been sued and that they had settled the lawsuit; just to go to the bottom line, on that stretch of highway, 17 percent, 1-7 percent, of the drivers were African American. On that same stretch of highway, of all of the 10 drivers stopped and searched, 70-plus percent, 7-0 percent, were African American. If you add in Latinos and other minorities the numbers were close to 80 percent. So 17 percent of the population, 70-plus percent of the drivers stopped and searched. My friends in the area of statistics tell me that kind of difference is almost off the charts.

New Jersey, I know everybody has heard of similar kinds of numbers there. You had the state police stopping people and searching people on the New Jersey Turnpike. The numbers there were about 13 percent of the highway drivers were African Americans, and roughly 40 percent of those arrested; 50 to 60 percent of those stopped and searched were African Americans. The same story. So once we began to get more information like that, hard information, once it came out—that even the state authorities couldn't challenge it because it came from them. I got a lot less denial, but instead the story kind of shifted, the approach to this problem had shifted, and it was not so much as “We never do this; how can you make these things up?” It became different. The argument became—and really has become since—that it's a good thing to do, that it's really good solid law enforcement to focus on people of color. To stop more of them on the highways, on the city streets, on the sidewalks, and so forth. Why is it good law enforcement? Because they are the criminals.

Now, I want to read you a little piece of a newspaper article that makes this argument very clearly. I think it's a great example. This was written by a man

named Marshall Frank. Mr. Frank identifies himself here as a Miami-Dade policeman for 30 years down in Florida. He retired as a captain. And his take on the problem goes like this. He gives the example here: Supposing that police officers in a white neighborhood see a late model luxury car driving through the neighborhood in the evening with two young black men in it. That's what he sees, not doing anything that he can tell, but just driving through the neighborhood. Should the police stop that car and investigate? And his answer is, absolutely. And here is how he justifies what he said. He says, "Sorry, but if the cops don't take some action and check out such people they are not doing their job. Label me a racist if you wish. Cold fact remains African Americans comprise 12 percent of the nation's population, but occupy nearly half the state and federal prison cells. African Americans account for 2,165 inmates per 100,000 population, versus 307 for non-Hispanic whites and 823 for Hispanics."

So that's the argument right there. It just makes sense because those are the people who get arrested, those are the people in jail. We, the police officers are out there every day, we know who gets arrested, we know who we are locking up. That's why we focus on African Americans and Latinos. They are the ones who are in trouble or creating trouble who are criminals. That's why we do it. It isn't racism. It's good solid rational common sense police work. I hear this all over the country everywhere I go, absolutely everywhere I go.

And I suggest that what we do is we think about this very directly and try to meet it on its own terms. Let's ask what I think has to be the first question: Is he right about those numbers? Yes, he's right about those numbers. And that is a very unfortunate fact, but it's a fact, and I don't see any reason to run from facts. There is no reason. We won't get anywhere from running from facts, and certainly we won't come up with any good solutions by running from facts. The problem is not the facts. The problem is the interpretation of those facts. The way that those facts are used in this argument. Because you see arrest numbers, incarceration numbers may be facts, but you have to ask what is it that those facts tell you, what do they really measure? Do arrest rates broken down by race measure who criminals are? Do incarceration rates measure who criminals are? The answer may seem very obvious on the surface, but I assure you it's not what most people expect. Arrest rates measure police activity; they measure who police arrest. Incarceration rates measure the activity of the actors in the system that puts people in jail—judges, members of the state legislature, people like that. Probation and parole officers who have some input into it.

Now, is there no relationship between arrest rates and incarceration rates? That would be going too far. There is a relationship. But it's much narrower in a much smaller class of crimes than most people believe. Is it true, as it's sometimes quoted, that rates of homicide perpetration are higher among blacks and Latinos? Yes, again, unfortunately it is true. How about rates for robbery and serious assaults and rapes? Yes, that's true too. But you know that you don't catch murderers, robbers, and rapists by stopping cars on highways, and that's not what this is about. That's not what the tactic has ever been used for. It is chiefly about guns, and more importantly about drugs. That is what profiling is used for. It's not for finding the high-risk felons or the dangerous people. It doesn't work for that. Ask any police officer whose been in the field, you know, it's one in a million to come up with somebody in a traffic stop who has a murder warrant, if it ever happens, right. What this is for is drugs and guns. And arrest rates and incarceration rates for those things, weapons possession and drug possession or sale or courier activity, those things have almost no relationship to arrest rates and to incarceration rates.

Think about it for a minute. We know that drug use and even drug sales, widespread across our society, most people buy drugs from their own racial or ethnic groups. Those don't go into another neighborhood. Where are you going to go—let me back up one step. If you're a police officer or police supervisor, what's the name of the game? This is less true than it used to be, but it's still true in most places. How do you get ahead? How do you get promoted? How do you get noticed? How do you get moved up into the ranks of anti-crime or detectives or whatever? Sometimes you have to take an exam and things like that, but what is it that sets the achieving police officer apart to get the plumb assignments over the also-rans; does anybody know?

COMMITTEE MEMBER RODEMEYER. Arrest rates?

PROFESSOR HARRIS. Numbers of arrest, numbers of arrest. Like I said it's less true than it was. And in some very progressive police departments like San Diego it's not nearly as true as it was, but it's true in most places. Where are you going to make the biggest number of drug arrests? If drugs are at the top of the chief's priority or mayor's priority list, how will you do that? Are you going to go down to the corner? There are lots of people who are outside, not to say they are not doing it, they are clearly out there doing it. But would you go there or start an

investigation about the rumors about the big house in the suburban community or the edge of the city where you have to sit on it for three months, where you have to get warrants and please a judge, where you have to get a lot of manpower to have around-the-clock surveillance, have wire taps? That gets complicated and costly in terms of police resources. Much better to go down to the corner, pick up 10, 12, 15 of them just like that, sweep that corner. Well, I'll tell you they are back the next day. Different ones pop up in their place, but the boxes are all checked, aren't they?

I'm not trying to be cynical. The police officers are good people. They are trying to do a very difficult job we give them. But people respond to incentives around them. It's certainly true of me. I'm an academic. When I was a junior person in my school—we have rules about the things you have to do in order to move up in the ranks and eventually get tenure. You have to write your scholarship and do your research; you have to bring in grant monies; you have to have teaching that reaches a certain level of competency; you have to do a certain amount of service to your college and your university and your community. All of those things are in a written set of standards. And if you put them out for me and I want that job and believe me I did—I'm going after them, I'm going to do them. I might do them anyway, because I think it's the right thing, or I just like them, but that's my job, so I'm going to go after the things that are supposed to be my incentives. And that's how people are, whether they are police officers or professors or plumbers, anybody.

So we have to be cautious about this, about what these numbers tell us. They don't tell us a heck of a lot. Drug use is spread pretty evenly across society, and what we are measuring here is what police do when they arrest, who they arrest. Now, there may be very good reasons for the arrests police make. They may be getting a lot of complaints in certain neighborhoods. There may be gang activity. There may be any number of reasons they do that, and I'm not questioning that. But I'm saying look where it comes from. It's a series of decisions; they can be good ones and bad ones. But it does not tell you, like he's implying, who the bad guys are. We know white people use drugs too. They use it in roughly the same proportion as black people and Latino people. It's common in society. People use drugs in roughly the same proportion that you see their populations in the general population as a whole.

So what do we know if this doesn't tell us much, how can we meet this argument?

That's really the center of my book—to figure out if [profiling is] right or not. Is this a good, effective way of policing? I would say at minimum here it has not been justified. Let's ask, if it was right what would be true? If it made sense to focus on people of color, to focus our law enforcement on people of color that's who the bad guys and the criminals are. If you did that as we know many police departments have, you should be getting very high rates of return, if this is such a good idea. In fact, you should be getting higher rates of return, better hit rates in other words, better find rates for contraband using profiling if it's this good an idea than you would with normal and traditional police work, which does not rely on race, but relies on behavior, okay.

And that's what I want to talk about now, because the numbers that have become available in the last few years have allowed us to actually calculate hit rates. The rates of success for stops and searches broken down by race, at what rate do stops and searches of various groups produce guns, drugs, or whatever. If he's right, certainly you're going to get equal hit rates to whites, but probably you should get more. You should get something like two to three times the hit rate for whites, you should see in your communities of color. And this is important because we already know we are stopping them at much higher rates than their presence in the driving population would predict; something like four to five to six times depending on the location, are getting stopped and searched a lot more. You're gathering in much more people of color and thus ignoring others on the roads. So for all of this effort—now we know that many of these people don't turn out to have any drugs. In fact, most of them do not, and some of them get very upset by this and we'll come back to that in a few minutes. But we should be getting a bigger bang for the buck. That's the basis for this argument, right? It's a good idea, it's rational, it's common sense.

Let's look at what we know now about hit rates. Again, hit rates are simply the rate at which searches and seizures of African Americans, Latinos, and whites compare in jurisdictions where they are clearly focusing on people of color, and using non-profiling traditional techniques on whites. How do the hit rates compare? Let me show you a couple of slides. Now, I mentioned Maryland already, talked about the 17 percent of folks who on the highway who were African American versus the 70 percent of all drivers stopped and searched were African Americans. This was among the first data that we got, and again the question is, what's the rate of hits? Do they do better by using profiling as they seem to claim here? And by the way, the spokesman for the Maryland State Police, the agency that was at issue here,

came out in the *Washington Post*. He said this is unfortunate that we stop more African Americans, but this is just the unfortunate consequence of good police work. Okay. Just makes sense.

So here are the hit rates for Maryland. Can everybody see that? We have 1,150 stops and searches in these two years, and what do we find? We find a higher rate of hits on blacks as we concentrate our attention on them? Well, no, it's actually a little bit lower. The rates for whites is just a little bit higher, 28.8 percent versus 28.4 percent. We are not seeing that bigger return that we expect. Now, I'll tell you that given the number of stops and searches, 1,148, the difference between these is not statistically significant. For statistical purposes they are almost the same. But clearly we don't see what we predicted, which is a higher rate for blacks using profiling. The whites have been picked out at much lower rates using traditional policing, where we focus on somebody's behavior; are they nervous, what do they look like; what are they doing and so forth, we get a rate of almost 29 percent. For blacks we pick out by color and then sort through them and we get a lower rate, a slightly lower rate. So we are not seeing the common sense returns that we are supposed to.

So far I'd have to say it's not clear that it works. A different context, all of you probably remember the 1998, was it, the very tragic shooting of the African immigrant, Amadou Diallo, in New York; 41 shots, you know, all of that. In the wake of that shooting before the trial the State Attorney General Elliot Spitzer commissioned a study of all stop-and-frisk activity in the city of New York. He had a real advantage in doing this, that is that for sometime police in the city of New York have had an obligation to write out a report for every stop and frisk. Now, they don't do it every time. No set of workers follows every rule every time. But they do it in a fairly high percentage of cases and their commanders from the commissioner on down, 1997, had come down very hard on them and told them we want those things filled out. So it's not a perfect return rate, but it's a fairly high return rate. And they had a lot of data, every precinct in the city of New York, all five boroughs, 175,000 stops and frisks for all of 1998 and the first three months of 1999.

The analysis was done by two very, very highly respected researchers from Columbia University, Jeffrey Fagan and Jim Wiedman. They were able to use this very rich data set to figure out what was going on. And anybody who's interested, I really recommend it, you can go to the Web site for the New York State Attorney

General. I wish I had it, you can just type in your search engine, Elliot Spitzer, that's distinctive enough, Elliot with one "T"; and you will come up with his Web site and look for his Stop and Frisk Report. It's very easy to read and very easy to understand. It's a great report. But I'll give you the bottom line. What Mayor Giuliani and the police commissioner said was going on was, well, these numbers are skewed racially. And they were, because more crime happens in minority areas, therefore that's where we put our police officers, so it just makes sense that we have more stops and frisks there.

Well, the data didn't support that. We're able—because the data was so rich, they broke it down precinct by precinct and they compared the crime rates in each precinct and make a prediction of what the stop and search rate would be. And they found crime rate does not predict the rate of stop-and-frisk use. It's much higher in minority communities, even when they have lower crime rates than comparable white communities. And in white communities with low crime rates it's much lower than you would expect based on what you see citywide. The mayor and police commissioner also made the case that this was about, you know, the stops and frisks were about descriptions of people given of perpetrators, and if the perpetrator is black, nobody can help that then they have to go out and find and frisk black people. Not the case either. The data did not support this at all. In very few cases were stops and frisks responding to reports of any particular crime.

So bottom line, what about the hit rates? When they used as they did race and ethnic appearance to determine who was suspicious and their rates of stops and frisks were much higher in every minority community; when they did that how did they do, what were the rates of hits? Let me show you. Again a lot of data here: 175,000 hits, stops, and frisks. At this time period the white rate is 12.6 percent, the black rate is lower at 10.5 percent, lower by two percentage points, which is a huge difference. Latino rate, still lower 11.3 percent. You're not getting this higher return. You really have to ask yourself, does it make sense or not?

In fact, you seem to be doing a worse job using profiling than you do with traditional policing when you don't use race. When you simply look at white people you're not using race, you're using behavior and other types of traditional police cues you do a better job than you do in the black and Latino neighborhoods using profiling. So what gives?

Third example, the Customs Service. The Customs Service, as all of you know, has

had big problems with profiling. I know probably a lot of you saw the specials on "Dateline NBC." Ms. Davis from Chicago, you may have seen it on Channel 5. Renee Ferguson did the first report on this and this involved stops at O'Hare airport by Customs. And for those of you who don't travel a lot internationally, when you come into the country at an international airport from a foreign destination first you have to clear Immigration and then you clear Customs. Customs agents are effectively operating in an international border, in a place like O'Hare or Newark or Hartsfield or any airport where international passengers are coming in. And as I tell my students, "What Fourth Amendment rights," I ask them, "do you have at the international border?" The answer is easy. None, none. There are little things you can talk about, but forget it, you don't have any. So basically Customs can decide whom it wants to search, how it wants to search them and not give any reasons, does not have to have probable cause, suspicion, or anything.

So what it turned out that they were doing, I'll skip to the chase here, what it turned out they were doing was they were using what they called invasive personal search techniques, which is a very nice euphemism for some very nasty things. They were using them mostly on black women. This was not only racial profiling, it was gender profiling. The rates of strip searches for black women were four times the rate of any of the other demographic groups, men or women. The rates for X-rays used to see if there were drugs concealed in the body were nine times higher for black women than for any other group. And I can give you other examples, but take it from me it's nauseating. You can read it in my book. The upshot was that this was really targeted at black women. Clearly Customs felt that they were the bad people; that was where they would find the contraband. And they, unlike a lot of other police departments, they kept records. Why not? They have nothing to hide; they are allowed to do this.

Here are their numbers for 1998. This was the year before reforms were put in place. I have to say I'm getting ready to criticize the Customs Service and beat them over the head with this, but they are probably the single agency that has recognized the problem and completely turned it around. I can talk more about that if you like. But here is the pre-turnaround period. This is what their numbers looked like in 1998, 51,000 stops and searches at the border. For whites, [the hit rates were] 6.7 percent; for blacks, lower at 6.3 percent; for Latinos, much lower at 2.8 percent. And this also has in common in the background with all of the other examples I've given you, African Americans and Latinos were being stopped for

these searches overall at much higher rates, and like I said, particularly black women.

But here, again, this should be the proof of the pudding. Does it work? They clearly were doing it. They admitted they were doing it. Does it work? The answer seems to be no, it doesn't. And these are three completely different policing contexts; the international border, state highway, and city street. In no case does it seem to give us these returns that we are supposed to have. So if the rationale now is it's just good common sense police work responding to where the crime really is, I have to say I disagree. And I've given you three examples. There are many more in my book. They all are from different places in the country. They involve different police departments. They involve different law enforcement contexts. But every single one of them goes in the same direction. They all show—all fail to show, I should say, a higher rate of return for profile stops. And almost all—I think the only exception is this nearly even one from Maryland, almost all show a lower rate of return.

So profiling is not what it's advertised to be. It is ineffective. It is not good law enforcement. Okay. And this is all of course aside from the question of what it costs us. Now, I don't want to leave that question out. It's a critical question, the cost in anger and humiliation and difficulty for people who have to go through this time and time again. And that does not go away. It gets subsumed up into the system. People start to lose their trust in the police. People start to be angry with the police. People start to want to disbelieve police when they are witnesses in courts.

And you have something good, like say community policing, which is a very, very good program in cities where it's done in a serious way, and it's really done some wonderful things. I need a whole other hour to tell you more about that. What's at the heart of community policing is a partnership. Community policing is about being partners with the community, collaborative law enforcement in terms of what the problems are and how to solve them. And if you want to have a partnership you have to trust your partner. If you have something like profiling, you can't possibly have the kind of trust successful community policing takes. Distrust seeps into the whole system all up and down the line like a corrosive acid and eats away at our belief in the law and our belief in legitimacy of courts in our belief of legitimacy of police and how they are supposed to serve. Like I said, that's sort of where we have been.

Now, let's shift. Let's ask ourselves, what we can learn from this for our situation now? If I was giving this little talk before September 11, I would take the rest of my time with you to talk about what I feel would be the good solutions to racial profiling, and I think there are many. Again, my book has a long, long chapter on potential solutions. And police departments across the country are doing things, solid real things, not pie in the sky or theories. This is real. Where many good practices are in place that I think can take us a long way towards policing that's based on accountability, and that cannot only cut crime substantially, but can do it in a respectful way that serves all citizens. But I guess we have to save that for another time.

Let's right now talk about the current dilemma where I started this idea that just makes sense to profile Arab Americans and Arabs and people of Middle Eastern descent and Muslims, because that's where the public discussion is now. And I guess, you know, I read you this article from this gentleman, I couldn't think of a better place to start than to read you another little piece, another little excerpt of a piece. This came from a *Chicago Tribune*, September 26 of this year. Woman's name is Kathleen Parker, and here is her position on profiling of Arabs. She says, "When a police officer apprehends and searches an African American only because he's black, assuming no other mitigating factors, that's unjustified racial profiling. When an airport security guard searches a male Middle Eastern extraction following a historical terrorist attack by males of Middle Eastern extraction, that's common sense. A terrorist attack of such enormous proportions followed by a declaration of war makes racial profiling a temporary necessity that no patriotic American should protest." No patriotic American should protest this. Boy, I feel good. But the similarities is what's really striking. It's the same idea. Just makes sense. We know who the bad guys are.

As I said at the start, if I had made up a classroom example of the best justification for profiling it would be the fact that these terrible occurrences and they appear to have all been done by one ethnic group of people, not the ethnic group, of course, and that's the problem, just members of that group. But all of them, what we know of all 19 is all are Arabs, Middle Easterners, or Muslims, and sometimes more than one of those characteristics. So what do I have to say about that? Doesn't it just make sense? And I guess what I want to say is let's learn the lessons of where we have been before, because I think it makes a lot less sense than people like this lady had to say.

Just as it made a lot less sense than this. Let me just make a couple of quick points. No. 1, how is it going to affect our enforcement efforts? Well, we know as much as we want to catch terrorists and prevent terrorism, our law enforcement resources are not infinite, even for a country this size, even with the FBI and CIA and everybody else we don't have infinite resources. And we have to do other things with those resources as well. How is it going to affect us if we use race and ethnic appearance as part of a profile? The likely affects will be No. 1, it's going to spread our efforts over many more people; lots of people who would not have attracted any law enforcement attention will end up being stopped, questioned, searched, or some combination of those, simply because they have the racial or ethnic characteristics. And every time that happens, every time some time and effort is taken with that and that person is investigated in a deep or shallow way those resources are gone. They cannot be used for other purposes. And of course the consequence of that is not only does that deplete our overall resources, but it brings into the pool lots of people who have nothing to do with any of this. Just as the very high rates of stops and searches on the highways do the same thing with African Americans and Latinos, it sweeps in lots of people who look suspicious, but really haven't done anything to deserve that.

You know I urge you to talk to police officers. I urge you to do that, talk to police officers. What you will find is that there are two main pillars to policing, if you break it all down and sweep away all the underbrush, it's about behavior and intelligence, it's about observations of suspicious behavior. Whether you're patrolling a neighborhood, a highway, a Customs checkpoint, it's about suspicious behavior. Things that stick out in a way that people act or what they do, and what other knowledge you have to bear on a situation that you can bring to it. Do you have an informant who's talked to you about this person? Do you have information that indicates a shipment of drugs is going to come in through such and such airport carried by such and such type of person looking like this? Okay. Intelligence is terribly important.

That sort of leads me to my next point. If we believe, as we do now, that these terrorists are from one ethnic group, one religious group, and they are fairly insular, who is likely to be able to give us the best possible information on those folks? It's the people in that group. It's the other Arab Americans and Muslims who live in Dearborn or Toledo, where we have a very large Arab American population, or whatever community. Because the rest of us are not going to have as

much contact with them, if we want information and intelligence out of a community, we have to treat that community with respect. Again, that's the lesson of racial profiling of African Americans, if you want cooperation and trust act like a partner, treat people as if this is a partnership. If you treat all of the males in that group as suspects, guarantee it, that is eventually how they will react.

Third point, also on the question of effectiveness of law enforcement, if you use race or ethnic appearance as part of a profile, we have to be prepared for the possibilities, and I would say the eventuality, that if people are involved in administering this profile, and if we use the way people look that does not remain just one of the many factors, it's too easy for it to become the dominant factor. Even if it's one factor among many it will often become the one that hues the majority person, saying this person looks strange, let's get into that bag, let's pull that car over. So we are going down the wrong path if we do that. It's that simple. What do we do instead? We focus on behavior. We focus on behavior. The bitter truth is we don't know what the next group of terrorists will look like or where they will come from. If we simply track everybody with visas from Syria or Libya we will not get Mohammad Atta, who came in from Germany. We have got to be smart about this. We don't have the luxury of making the kinds of mistakes that we did in the drug war. This, you know, this is expensive to let the wrong people in this time and not find them.

That's why I think a number of intelligence personnel got together and wrote a memorandum to law enforcement, to federal law enforcement. This appeared in the *Boston Globe* on October 12, the same day I appeared in front of the Civil Rights Commission. And I have not seen the actual memorandum, but what they say here is that a group of senior intelligence officials combating terrorism circulating a memo to American law enforcement agents worldwide cautioned against profiling based on race, nationality, or other characteristics. Why? Because you've got to focus on behavior. Race and national origin becomes a distracting factor that takes you away from behavior. Here's a quote from one of the people who wrote the memo, "It's only human to say these people are different and the likelihood is that we will miss something." In their memo titled "Assessing Behaviors" in interviews with the *Boston Globe*, the official said that any profile based on personal characteristics or personality draws an investigator's attention towards too many innocent people and away from too many dangerous ones. That's it. That's the nut of it right there. So if you want to be smart and do the right thing it turns out they are the same in this instance, and we can see that from where we have been. And as

we go forward it's my hope that we will learn those lessons and take them to heart, and we won't make the same mistakes again. I'm at your disposal for questions.

COMMITTEE MEMBER JURKIEWICZ.—of the 19 terrorists, what was the common behavior that they exhibited?

PROFESSOR HARRIS. I can tell you one. One of the things they did, on the way to getting involved in this—I was a member of an advisory board to the Gore Commission. The Commission was formed after that plane went down off Long Island, Flight 800 in 1996, which at the time everybody presumed was terrorism, but was later found to be mechanical failure. And one of the things that the government discussed was putting together a computer-assisted profile, and that was what my group got called in for. The reason that that comes to mind is that one of the characteristics, one—they would not tell us, I should start they wouldn't tell us what the characteristics were going to be. They led us to believe strongly that it would be based on flying behavior, sort of frequent flyer profile. In fact, a lot of the data came from the airlines. It was first tested with Northwest Airlines in Detroit. So if you buy your ticket with the same credit card every time, if you get it mailed to the same place, get your E-ticket sent to the same place; use the same e-mail address; if you travel basically to the same set of destinations; if you build up your miles and use them; those kinds of things would tell them that you're a low terrorist risk. Because you don't just walk up to the counter, buy a ticket with cash, do the things that seem impulsive. Those things should tip you off in the opposite direction. They assured us. I don't know whether these things are true or not, that race, national origin, those things were not part of the profile. It's possible that there was some disparate impact, not discrimination, but impact on particular groups such as Arab Americans or Middle Easterners because of country of origin factors.

The thing that really rang a bell for me the days after this terrible thing on September 11 was that I found out a number of these folks had gone up to the counter and bought tickets—one-way tickets with enormous amounts of cash less than an hour before their flight. Now, not all of them did that, but four or five, three of them. They paid \$14,000 for those tickets in cash. Now, I don't care what you look like, me, you, or anybody else around this table, anybody who does that there is, you know, maybe they are drug couriers, I mean they could be anything. I want to talk to those people.

Now, unfortunately, and this goes to the utility of profiles in general, the usefulness and how well they can work, any profile is only as good as the information that we can put into it and the assumptions that are built into it. The assumptions before September 11 were that people who hijack airplanes eventually want to land and then get off. So what they were doing with the computer-assisted profile when people got on and they would be tagged by the computer system, they would either electronically scan their checked-in luggage or they would bag match. Is that a familiar term, bag match? If you don't get on a plane, your bag has to come off. So they were not taking the people selected by the profile, taking them aside and looking for things in suitcases like they are now. It was assumed the only thing that they are really interested in doing is blowing up the plane with a bomb or landing it somewhere, not staying on it and flying into a building. But that's the kind of behavior profile I think would really work. There is strong evidence now in all of the media reports I see that they are using this computer-assisted profile and they are using it in a much more aggressive way. They look through the sides, they look through the bag, they frisk, they run the wand over you, and everything else.

COMMITTEE MEMBER JURKIEWICZ. And following with that, my sister travels quite frequently. She's a chemist. And on September 11 she happened to be on a plane to New York City, and she hightailed it back and there were five, one male and four females, and they had reserved a rental car and they came back to Cleveland. So therefore two weeks ago she flew into White Plains, New York, and she had business with DuPont and it was in Connecticut and Delaware and New York City. So she flew back out of White Plains, and this time there were three other—well, two other chemists with her. All three of them were females and they had a small little express plane. Now, my sister is big boned, a much taller woman and much bigger woman than I am. She was the only—and there were only eight passengers on this plane, okay, and it seated 60. She was the only one out of the eight that went through the gate as far as security. They frisked her completely; they opened up all of her suitcases.

Now, she felt comfortable with that because in light of the situation, and we all felt that was the appropriate thing to do. And she said to me, "Mary, why did they do that to me and they didn't do that to the other two females that I was traveling with, or the other five passengers?" And then when they got on the plane they all looked at each other. She said, "We all looked American and introduced ourselves. There was only one flight attendant, and she looked petrified. She said she was shaking and this plane was supposed to hold 60 and there were only eight of us.

She told us we could sit anywhere we wanted, and she gave us first-class snacks back to Cleveland.”

So I’m asking you why did they pick out her out of the eight? I know for a fact there were two males on that plane, and they weren’t all white. They were—she said there was two—there was one black female, one black male, and they weren’t traveling together. Do you understand what I’m saying? It was strictly a business plane. Why was she taken out?

PROFESSOR HARRIS. I can only speculate. I don’t know why they would take her out. I don’t know what her behavior was like. I can’t imagine what it was that did that, but I can tell you this, as part of that work with the Gore Commission, one of the things that our group did was we advocated very heavily for them to put a random component into the computer system profile for two reasons: No. 1, it does spread the burden some, and it’s extra security, because if a terrorist cannot be sure even, let’s say they have all the qualities, as you say, would make them quote, unquote “look American.” I have some problems with that designation, but let’s say this the random—

COMMITTEE MEMBER JURKIEWICZ. Understanding the situation of September 11.

PROFESSOR HARRIS.—the random selection could potentially pick them out. I’ve been selected myself several times. Now, I almost always fly out of one airport. I have a frequent flyer number. I use the same credit cards, etc. Why they picked me, I don’t know. The irony was not lost on me, because I had already been through the gates and was heading to the Civil Rights Commission to testify about this, and as they opened up my luggage here’s all of my documents saying, “Flying While Arab,” “Profiling.” And better than that the guy opening my luggage and doing the search, two of them had Arabic surnames, and one of them was African American. I said man is this a great country or what.

CHAIRPERSON BATTLE. Yes.

COMMITTEE MEMBER ROGERS. On an average day how many people pay cash for their tickets?

PROFESSOR HARRIS. I don't know. The frequent traveler type generally doesn't have—any corporate travel is not cash. Unless it's absolutely last minute, and even then it's going to be the corporate travel card I would think. So it's going to be a relatively small group of people, but I don't have solid information.

COMMITTEE MEMBER RODEMEYER. You can't get refunds and things, which you can with credit cards. It is harder.

CHAIRPERSON BATTLE. Professor Harrison, one thing that's been mentioned recently in sacrificing our intelligence-gathering capabilities and the whole collapse of our intelligence in this area is how our own discrimination in this country works to our disadvantage here. Because not hiring Arab Americans or others, you know, concentrating our hiring practices in the CIA and FBI on European males, obviously puts us on the outside of the information-gathering apparatus that we would need in order to have those who look like those in the countries we are trying to gather information on. Could you comment on that?

PROFESSOR HARRIS. Sure, that's a very, very good important question. What's been very interesting to me in the wake of all of this is how we got the FBI and CIA both scrambling for Arabic speakers. I know this living in Toledo and we are just 55 miles from Detroit. We get all of their TV stations. They are all over themselves trying to recruit people to do translation. People to do decoding of intelligence documents, all kinds of things, because they just don't have anybody. And this was all compounded, of course, by the general American tendency not to be very interested in what happens in the rest of the world. So we just downgraded all of our foreign intelligence gathering, but really very much so in the Middle East and Asia.

When you only recruit from particular populations you are very unlikely to get people who have these other skills, who look different, who can fit in in different cultures. And the really interesting thing is to compare that to what more progressive local law enforcement has done in these same—their context is obviously very different. But say if you're the chief in San Jose, Bill Lansdowne, or in San Diego, David Bejarano, and in San Diego where they have Asian ethnic groups, Asians—that there is this thing out about Asians where they are the model minority, where nobody gets in trouble and all of that. Well, they are Americans once they are here, and it's really a myth. And law enforcement needs people from those communities if they are going to do policing in the Little Saigons, the

neighborhoods that they have out there. And so they have made very aggressive moves to do recruitment and retention that stress ethnic and racial diversity. And it's not unrelated to what you're saying. It's not just about having people who look like folks in the community, where that's very important. It's also about having people who the citizens feel comfortable coming to and talking to and they learned that lesson well before the FBI woke up on September 12.

CHAIRPERSON BATTLE. Other questions of the Committee? We have about another five minutes. Professor Harris, thank you very much.

PROFESSOR HARRIS. Thank you so much for asking me. I hope if there are other things I can help you with you'll call on me.

[Thereupon a brief recess was taken.]

CHAIRPERSON BATTLE. Thank you for being with us today. We will go around and introduce ourselves to you so you know who's around the table.

[Thereupon the Committee members introduced themselves.]

CHAIRPERSON BATTLE. The floor is yours.

MARWAN A. HILAL, M.D., AND AMAL WAHDAN, AMERICAN-ARAB ANTI-DISCRIMINATION COMMITTEE (ADC)

DR. HILAL. I'm a practicing physician in the Cleveland area. I live and practice in Cleveland. I am vice president of the ADC chapter in Cleveland, the American-Arab Anti-Discrimination Committee that is headquartered in Washington, D.C. We had a generous invitation from your meeting to attend and share some of our thoughts with you this afternoon. The reason I guess we're here is not to discuss the theory of this discrimination, but rather the facts, and we all know that the fabric of our daily life has changed tremendously since September 11. We probably won't be exaggerating if we said the Arab Americans have had the most change in the fabric of their daily lives, not only as Americans, but as Arab Americans too.

In the few minutes I listened to Professor Harris I tremendously enjoyed the

science of his presentation. Our presentation is going to be a much lower keyed presentation. We are a grassroots organization. The only time you need the slides is when you compile the data and you come with trends and meanings of the data.

But what I'm planning to do is give you a little synopsis of what our chapter and our organization is doing in general. And my partner, Amal, is going to run through some data and we will be open for all of the questions you have in mind. The American-Arab Anti-Discrimination Committee has one goal and one goal only, to promote the fact that every single American is equal in the eyes of the Constitution and the law. And basically this is the center of our work each and every day as part-time activists, to promote the civil rights of Arab Americans as Americans and try to discourage any violation of those rights and maybe educate if there is a misunderstanding or a misinformation.

Since September 11, our national office that usually does most of the work in the organization has been very busy with the media, with the government in all of the sections, and with the President and the presidential office itself. And most of the work is centered on discrimination and violation of the rights of Arab Americans, be it in words or be it actions. The organization has come up with numerous press releases, has come up with numerous materials for teachers and for people from all sorts of interests, to educate them a little more about the Arabs and the Muslims that are living in America. We have had numerous meetings and we've had a few chances to speak to other organizations and other gatherings to try to lay out the facts of who we really are, because we noticed that sometimes being Arab American is an obscure entity and some other times it is not a favorable entity by itself.

We will not go to discuss why this has become an unfavorable entity. Obviously, we like to every day promote the fact that people who did those atrocities and those unthinkable crimes are renegade Arabs and renegade Muslims. They hardly represent Arabs or Muslims in their actions. And we also wanted to promote the fact that although people are territorial and borderline xenophobic in nature, when we want to address anything in an intelligent way we probably try to suppress any fears or any rejections to others that we might think of, and that's how we can interact and form the true fabric of America.

The national office and the chapters in each and every city have been out educating their communities and educating their constituents on who are Arab Americans.

We have collected all of the data that we can collect from people who are willing to come forth and give us ideas about what's happening to them. We have encouraged them to use the legal ways of fighting those discriminatory acts, and we have through the Web site of the national office posted a complaint form and FBI form about any racial discrimination, threat, or action. We are trying our best to oppose the dirty picture that's been painted to us. We keep trying to remind everybody that we are your next door neighbor, we are your grocer, your physician, your banker and your lawyer, and we are just as American as anybody else. And when we say that, we truly mean it. That's basically what has been our work for the last two months. We have put everything else on the side, any other legal issues from civil rights that do not relate to that particular subject, and have been working feverishly on trying to connect and reach out to everybody. I'm going to ask Amal to go through the data that we have collected. By all means, these are not all of the data from Cleveland or Ohio, but it's an example of what's going on and we can discuss it a little bit more.

MS. WAHDAN. Maybe I should add one more comment to what my friend here said; that in addition to what we've been doing, also we've been trying to promote the idea of bringing the different communities together, the different cultures together through neighborhood meetings and through exposing our culture, exposing our religion and focus as human beings and as citizens of this country. And through university lectures, through some activities among the students, because some of them have been targeted by other colleagues of them in high schools and universities just because they look different, just because they look Arab or Middle Eastern. Here is a total of about 422 different incidents nationwide. Some have been in Cleveland area. Some of these incidents were witnessed by us personally, by our relatives, and reported to us by people who have been subjected to these harassments, the hate crimes and discrimination. I'm not sure if you would like to hear these incidents or you want me to—

CHAIRPERSON BATTLE. Sure.

MS. WAHDAN. Okay. Friday, November 9 is a recent incident here, Mike Trivissano, a sports talk show host at WTAM, Cleveland, Ohio, was heard saying, "All Americans should watch where to spend money. If you see a grocery owned by an Arab next to a grocery owned by a non-Arab, where do you think you should go? Definitely to the non-Arab." He was commenting on two financial institutions raided and accused of financial ties with bin Laden. Both institutions were

allegedly 5 percent of transactions to bin Laden's network. It is known to Cleveland Arab community, Mr. Trivissano launched a continuous campaign against the Arab American community at large since September 11.

Sunday, November 4 in Cleveland, Ohio, Arab-owned stores were sprayed in red paint, and a fifth one had broken glass and red spray paint as well. In Bedford Hospital, Bedford, Ohio, this is where Dr. Marwan works, an American physician made a comment at the photos of the most wanted terrorists by saying, "Looks like the Bedford medical staff." Friday, September 15, in downtown Cleveland, Ohio, a grocery store had anti-Arab graffiti writings at his door. September 14, a restaurant owner in Cleveland, Ohio, was subjected to verbal and physical abuse by attackers. Cleveland, Ohio, an Arabic coffee shop had its glass broken by passersby. The owner of a gift store in Cleveland had a phone call threatening her that they know her identity and will get her. She called 911 immediately. Being horrified by the threat, she thought that they may be watching her from a close distance, she went to the store owner next door for help until the police finally arrived after one hour later. The owner reported the threat to the police officer and gave the caller's cellular number, but the police advised her not to file any charges, otherwise she would be targeted.

Another grocery store in Cleveland had a big sign for his grand opening; the grocery sign was torn up. Holy Land Grocery in Cleveland, Ohio, had glass broken by passersby. FBI were searching for Mohammad Atta in Akron, Ohio. The mother, Yosayra Atta, told them he was at preschool and only 5 years old. She had to show them his picture and birth certificate. Shop owner in downtown Cleveland was shot at by a drive-by car. A man in Cleveland, Ohio, again, a man drove his Ford Mustang through the front entrance of Ohio's largest mosque. This is one of the major incidents that happened in Cleveland. Nobody was at the mosque at the time and only the driver was injured. Estimated damage figure, \$100,000.

A Somali woman and 10-year-old daughter were turned away from a Northwest flight from Columbus, Ohio, to San Diego, California. The travelers were told there was not enough time to go through all the security protocols, even though they had arrived two hours before scheduled take off time. Other passengers arriving at the same time were seated on the plane without delay. A group of three men called 911 from a Sandusky, Ohio, bar saying there is an Arabic guy in the bar with a gun and he says he is not afraid to use it. One caller identified himself as an off-duty officer from another county. The police arrived, handcuffed a Palestinian

American customer and took him outside, where there were 10–12 other officers. They treated him rudely and roughly before determining that he did not have a weapon and releasing him.

A Franklin university professor in Columbus, Ohio, had his personal AOL account frozen by AOL without explanation. This AOL account had always been automatically paid for from his bank account and always fully paid. He and his wife have contacted AOL at least 10 times without hearing an explanation. He assumes that this freeze is because he shares the same last name as one of the alleged hijackers. In suburban Cleveland, Ohio, the Guru Gobin Singh Sikh Temple was attacked with lit bottles of gasoline.

These are only samples of the incidents that were targeted against Arab Americans, and as we saw daily after the 9/11, we were witnessing ourselves how the Arab American and the Muslim American community were trying to hide themselves or being afraid of exposing themselves, especially women with scarves, these are very easy targets for any inhuman actions against them.

DR. HILAL. Obviously the problem is known to everybody. Very few people have experienced it firsthand. I have not. Amal has been eyewitness to one of the bad situations. The only situation I was involved in was the hospital situation where the comment was made. It is fair to say that the hospital has about eight or nine physicians from Arab American origin, so that was the reason behind the comment. We don't deny that the officials have made all efforts to educate everybody and try to make the difference between the official stand that is not against Muslims or against Arabs.

Our concern is with the non-official personalities, the so-called experts that are on each media outlet at each and every hour of the day and the night. Our concern is about the messages that these people are conveying, either directly or indirectly. It is bad enough that some of the news anchors have mixed up Asian countries like Pakistan and Afghanistan calling them Arab countries. It is worse when you throw in a blanket statement that we should stop accepting immigrants from those countries, all of them. That we should look carefully at our student visas, we should bomb this and nuke that, and we should be careful of where to spend our money. I don't know if there is an immediate remedy to that. I guess the remedy is to keep reaching out to people official and non-official, and try to remind everybody that we are all equal in the eyes of the law and the Constitution. This

statement is no longer 100 percent correct nowadays. There are people who are less equal than others after the profiling and the new anti-terrorism law.

I personally, and representing my organization, am in support of the anti-terrorism measures. Our plea to everybody official and non-official is don't forget justice after all. Secret evidence is apparently needed under the current circumstances; however, secret evidence needs to be credible evidence, and if they remain secret given to the judge, then nobody can discuss their credibility. Somebody who's three days late in their visitors visa cannot be labeled as a terrorist suspect immediately. Somebody who shares obvious Arabic names with some of the terrorists on the airplanes should not be subject to immediate discrimination. I happen to be one of those. My first name is Marwan. I've been lucky so far. I have not had any unkind comments about my first name. Not like Amal, mine is more common.

MS. WAHDAN. Commenting on this, probably people are starting to be very careful talking about even mentioning names that look familiar or similar to those of the hijackers over the phone when they talk overseas with their relatives. Even if their relatives happen to witness so many incidents that's why for me it's becoming really like a nightmare, people cannot explicitly talk their open minds with people or relatives abroad because they are afraid to be penalized. They are afraid to be targeted again. Now that there is anti-terrorist law, people [have] started to [watch] what they say over the phone or what they say together when they are in their private homes. Because, again, they don't want to be victimized. They don't want to be accused of saying this or saying that.

DR. HILAL. For you as a civil rights committee, I don't know what your personal thinking is, but I would like to hear some of your official positions on the sudden and unexpected ultimatum to every female who used the tradition of covering her head with a scarf, or hijab, and the ultimatum is suddenly you either take it off or stay home under house arrest, because you are scared, generally scared of going out and being either intimidated or possibly hurt because of that.

MS. WAHDAN. It happened to several women where their classmates pulled their scarves off their heads. Even little girls who used to wear scarves going to their school are afraid that if they do it they will be subject to harassments from their classmates. You know, seventh grade or eighth grade.

DR. HILAL. Regardless of the basis of that ritual, and we are not discussing the ritual itself, however, the degree of violation that each and every person felt when they faced that ultimatum that suddenly the land of the free is not necessarily truly the land of the free. And we are all for public interests. We are all for safety of everybody. We are all against all crimes and specifically terrorism; however, it is our plea and intent to try everything we can do to be less victimized by what those renegade people did. Unfortunately, they did the crime. They are not the ones victimizing the Arab Americans. It's fellow Americans that are victimizing Arab Americans. This is where we need to find a way to do something about it. I'm going to be open to any questions you might have in mind.

CHAIRPERSON BATTLE. Committee?

COMMITTEE MEMBER ESPRIT. I don't have any questions. Just, you asked us, I'm speaking for myself as a member of this Committee I think, and I'm probably speaking for all of us, that we are interested in justice and fairness, and right and honor and all of those things in America, those things you mentioned. One of the things you cleared up for me was that, as I heard the other persons present earlier on, was that these other persons that did this activity on September the 11 were renegades, and so that makes me think another way. As I listen to you share about what you believe, I think all of us sitting around this table believe in the same thing, justice and honor and respect for whatever we believe in. Like, for instance, you asked about the appropriateness or the inappropriateness of taking whatever head—persons wore on their head, me, I personally I don't think that's right, you know. So I'm just speaking for myself. Other members here could speak for themselves.

COMMITTEE MEMBER PEREZ. I have a question. You made a comment that there was an ultimatum given to remove the scarves. I've not been made aware of any government ultimatum.

DR. HILAL. No, no, no. Let me try to correct myself. I did not mean that it was a written or verbal ultimatum. This is a reality ultimatum that presented itself suddenly in everybody's life. That knowing that others have been violated, and knowing that others have been physically injured, and if you happen to have a daughter who covers her head and she wants to go to her school in the morning, what goes in her mind that morning when it's time to cover her head? What goes in her mind? What is she going to do? Is she going to immediately throw that

ritual/habit/religious symbol that she had been exercising and using for so many years, or is she going to insist on doing the same thing and go out in the street and face whatever comes her way? Now, some people do subscribe to the philosophy of going out and facing whatever comes their way. If those people happen to be of the religious convictions, if they have enough religious convictions, that would help them face whatever comes their way. Not everybody is that calm that collected or that strong. We had teenagers who have not developed enough skills in life that were faced with that practical ultimatum and they had to face it and they had to make decisions, either stay home, not go to school or grocery store, take it off or go face the world, whatever, no matter how cruel the world can be.

COMMITTEE MEMBER PEREZ. As an individual, my comment is don't judge the many of us by the contact of a few, just as you don't want us to judge you by the contact of a few as well. Because I think we speak for the majority of American people that I come across, they don't judge all Arabs by the few that engaged in the kinds of actions on September 11. So I'm just asking you don't judge us by that standard of those few individuals that have engaged in that conduct.

MS. WAHDAN. We only pointed the negative points, the harsh incidents that Arab community were subjected to, but we didn't because this is in relation to civil rights, but there are other positive incidents with neighbors contributing to go together with the Arab neighbors to shop or to take them to school. So there is the positive side and there are actually a quite good number of people who showed their support, showed their actual support to their fellow Arab Americans. And now universities, other talk shows, there are positive things that we have seen, but the phenomenon now is like a fashion, even in talk shows you have to have this subject to talk about, like this Mr. Trivissano, he's a sports talk show host. I mean he points out these comments and gets feedback from the people. People are calling him and people are joining him with his thoughts. These kinds of shows, these kinds of talks actually incite people to discriminate, to harass, to even injure Arab Americans. And maybe they are not Arabs; maybe they are Hispanics. We look alike, Arabs and Hispanics, and we do have similarities.

DR. HILAL. Italians.

MS. WAHDAN. In one of the neighborhood meetings there was a councilman from Argentina and his daughter has the same features as an Arab, so she was subjected to harassment and he was very much worried about this atmosphere. So

you have the bad things and you have the good things. But in this it is very logical that we can see all the atmosphere of educating people, its reaction, but we expect more from the media part to play a very moderate, let's say not bias, but moderate, objective role in the community. Because if you are letting people like Trivissano lead the way of the media, he is contributing more to the instruction part of the picture. He's not contributing any positive ideas, because Arab Americans are going to stay here whether he likes it or not. This is their country. They have their ties with their country of origin.

DR. HILAL. More than land.

MS. WAHDAN. Yes, this is it.

DR. HILAL. Everybody, they will have relatives abroad or overseas, but they are going to stay, to remain, to contribute to be part, to integrate into this society, and no one can dictate otherwise to them. This is a temporary phase, but we hope that it can open our eyes. How can we make this horrible incident into a benefit of the future of this country and its interrelations within the different communities that compose this country?

CHAIRPERSON BATTLE. Roberta, I think you had a question.

COMMITTEE MEMBER PRESLEY. My question was the same. I had not heard of an ultimatum, so I was wondering.

DR. HILAL. I hope I clarified myself.

COMMITTEE MEMBER PRESLEY. Yes, you clarified it.

DR. HILAL. On the thought of the bright moments in those tragic days, your invitation itself to us to come and share our ideas with you and discuss and hear from you and talk to you is definitely one of the brighter moments in what we do and what we feel every day. Our biggest concern is that for each and every bright moment there are multiple dark moments that are inflicted upon our thoughts and our feeling of our own stability and security and piece of mind for each and every day. If there is something we need to do tomorrow, it's probably to voice a little louder and a little more frequent, how harmful these messages are to the fabric of

America. You don't build a better America by pitting one group against another. You build a better America by understanding all of the groups together and what they can do for this country that we all call home.

CHAIRPERSON BATTLE. Other questions, Committee?

COMMITTEE MEMBER JURKIEWICZ. I just have one little comment following that train of thought.

DR. HILAL. I don't know why they stopped your sister.

COMMITTEE MEMBER JURKIEWICZ. That's going to be the mystery. It was so fascinating. It really was. I thought, my God, but anyways.

DR. HILAL. I'm sorry, I didn't mean to interrupt you.

COMMITTEE MEMBER JURKIEWICZ. In my former life I was in civil rights. I was fascinated with the whole dynamics of the whole thing. Anyway, about a week and a half ago on the news, I think it was Peter Jennings talking about a possible—another office or commission about promoting Arab Americans living in the United States and promoting that concept all over the world. It's not a bad place to live. You can wear your scarves, practice your faith and do all of that, and they or the person who they were thinking of putting in charge—which made no sense to me—was a woman who was in charge of several successful advertising campaigns. And Peter Jennings was also interviewing some Arab American and saying these people were saying, "Why do you need somebody like that when you have like me for instance, an Arab American gentleman who could promote that far better and live it and show it in practice. My wife can do whatever she wants to do. We have good relations with our neighbors." And I was just wondering if the ADC had been in part of this discussion or if anything had come out of D.C. about that, because it was just a fascinating piece in the news, and I thought, yes, that's far more logical than having a white woman talk about something she's really unfamiliar with in my estimation.

DR. HILAL. That's a great point. And the ADC has been to each and every place it was invited to, whether it be on a national office level or chapters in other cities. The ADC also has in a way hinted that it wanted to be in more places, but we can't

crash in parties and start talking about our problems. We will definitely answer every invitation that comes our way. And your point is so true, that there were programs that were dedicated to the Arab American discrimination problems where the guest was not an Arab American or even related to that issue. And I find this very peculiar, and one of the programs was in Cleveland itself on a morning talk show on the radio, where the two guests, where people who have done some mediations in the past, one of them has done mediation overseas and the other one has done mediation among juveniles who got themselves in trouble in the United States. None of them was an Arab American, and the program was about Arab Americans. And we tried to make ourselves available, but this is a very unusual situation where I can't tell you how I feel about it, that somebody is speaking on my behalf, nobody is asking me.

COMMITTEE MEMBER JURKIEWICZ. I was thinking it was an illogical conclusion.

COMMITTEE MEMBER ESPRIT. I would just like to, I think you're on the right track, and what it will involve is you'll continue to do what you're doing and networking and getting and talking to people, and having those meetings in your neighborhoods and sort of interface with those persons that listen that can go out and share the Arab Americans and share what you guys advocate. And certainly we are here. I mean the U.S. Civil Rights Commission in this region, and I think I speak for all of us to say that we are here to help.

DR. HILAL. We do appreciate that.

COMMITTEE MEMBER ESPRIT. And I really appreciate you having come.

DR. HILAL. We appreciate your invitation and extending yourselves to our needs. We appreciate that tremendously.

CHAIRPERSON BATTLE. You've been very helpful this afternoon. We are certainly in the educational mode. And one of the—just as an aside, before we wrap it up, my personal opinion of radio talk shows, particularly the call in variety is that they are pure entertainment. Very, very seldom will I come away with any credible information [from a call-in format] because it appeals to the base bigotry of most individuals to be able to call in anonymously and spew their venom across

the air waves, to many thousands of people, behind a screen that doesn't show a lot of courage to me. So I just put them all in one category as entertainment, and if I want to get a good hee-haw from time to time I turn it on for the entertainment value. But I would beg you in all of the invitations that you accept that you summarily dismiss any that you receive from radio talk show call in hosts. You won't gain an inch. Any other comments? Thank you, so much.

DR. HILAL. Thank you.

MS. WAHDAN. Thank you.

CHAIRPERSON BATTLE. Have a safe trip back to Cleveland. It's a wrap and I think unless anyone has something to contribute this afternoon we are adjourned.