

# CAUGHT IN THE BACKLASH

stories from Northern California

**ACLU**

AMERICAN CIVIL LIBERTIES UNION  
of Northern California



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# CAUGHT IN THE BACKLASH

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The cataclysm of Sept. 11, 2001, shuddered across America like an earthquake, shocking our basic assumptions, jarring our complacency and rattling our view of the world. But if the attacks on New York and Washington DC were an earthquake, they carried with them a powerful aftershock – a backlash that continues to penetrate the lives of American citizens and immigrants across the nation.

In the summer of 2002, the ACLU of Northern California, in collaboration with community and civil rights groups, set out to explore the backlash in northern California, far from the nerve center of federal government. We wanted to know how the Sept. 11 fallout impacted people here, thousands of miles from where the twin towers fell. Has intolerance reached its tentacles into our streets, schools and workplaces? How have new government policies that curtail civil liberties impacted the people of this region? What has this year meant for those of Arab, Muslim and South Asian descent, and for political dissenters?

All too soon we found ourselves echoing the words of Mark Twain: “The coldest winter I ever spent was a summer in San Francisco.”

## **Hate Crimes and Incidents Sully the Region**

*Rocks crashed through an East Bay mosque. An Indian man and his Australian friend were brutally attacked on the streets of San Francisco; the Australian was stabbed and almost died. The body of a 69-year-old Sikh was found in a Central Valley canal. A flyer posted at San*

*Francisco’s Islamic Center read: ‘Allah is dead; Rambo killed him.’*

Hate crimes against “people of ‘other’ ethnicity or origin” in California rose 345.8 percent in 2001.<sup>i</sup> In San Francisco, there were 48 reported hate crimes in September 2001; in the same month the previous year, there were 11.<sup>ii</sup> In Santa Clara County, reported hate crimes rose 2,500 percent in 2001 over 2000.<sup>iii</sup>

Although the sobering numbers have tapered off, the hate has not stopped. “Make no mistake: the backlash isn’t over,” says Dahlia Eltumi of the Council on American Islamic Relations (CAIR)’s northern California office. “If anything, hate incidents” are going up – we have people calling in every day asking for our help.” While political leaders inveighed against scapegoating after Sept. 11, subsequent government actions that single out Middle Eastern immigrants have only enflamed the situation, Eltumi says.

Yet many hate crimes and incidents never make the statistics. According to Jill Tregor of the Intergroup Clearinghouse (IC), a San Francisco organization that works to reduce hate-related violence, the real numbers may be up to 100 times higher – because hate motivation is difficult to prove, and because many victims are simply afraid to report.

“So many people are being harassed or detained by the government that they are fearful of law enforcement,” says Tregor. “When concerns about immigration or language capacity enter the equation, those fears are only exacerbated. When people call us, the first thing they ask is ‘What are the repercussions?’”

### ***The Targeting of Immigrants***

Fear is not surprising when many immigrants have seen their neighbors disappear. The government enacted numerous measures designed to tighten the grip on noncitizens in the wake of the attacks. In the days following Sept. 11, young Muslim, South Asian and Arab men were interrogated and rounded up on college campuses and city streets across the country. Close to 1,200 immigrants were behind bars by the winter of 2001, most of them jailed in New York or New Jersey on minor visa violations, with no charges related to Sept. 11.<sup>v</sup>

While secrecy shrouds the investigation, troubling reports leaked from the jail cells. Detainees were held for as many as 119 days without being told why. Some had been denied access to attorneys for up to three months. Some were shackled and held in solitary confinement for prolonged periods. People were deported without notice, leaving families and homes behind.<sup>vi</sup>

Despite efforts by the ACLU and others to secure information about the detainees, their identities and fates remain under wraps. This new era of government secrecy has drawn fire from a wide range of critics. “I’ll never forget going to Argentina and seeing the mothers marching in the streets asking for the names of those being held by the government,”

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According to government figures, of the 751 people who were originally detained on immigration violations, most were deported, with 74 remaining in custody in June 2002.

Some of the immigrants caught in the backlash just want their lives back; others have altered the way they view their adopted country. A Pakistani high tech worker from Silicon Valley was exuberant about America until he was handcuffed, detained and deported when his visa expired. Now, he wants to forget that he ever came here.

### ***The 8,000 Interviews***

The U.S. Attorney General’s “Interview Project” only fanned the flames of fear. Five thousand young men from the Middle East and South Asia who had entered the country in the last two years were targeted for ‘voluntary’ questioning in November 2001. They were profiled because of their national origin, not because they were suspected of any crime. On December 12, 2001, the U.S. Attorney’s office for the Northern District of California announced that it would supervise the interviews of 85 men on the list.

Police departments including Oakland, San Jose and San Francisco refused to participate in the dragnet, recognizing that racial profiling would erode community relations. Eight former FBI officials went on record to voice doubts about the tactics, with one calling the questioning the “Perry Mason School of Law Enforcement” that would produce little but “the recipe to Mom’s chicken soup.”<sup>viii</sup>

But many immigrants like Kamal Hakim, a Yemeni living in San Francisco, complied with the questioning, either eager to aid the war on terror or too frightened to decline. Some were rewarded only with more trouble, as INS agents hauled them into custody for overstaying their visas.

The results of the interview project, as announced by Attorney General Ashcroft on March 20, 2002, were: three arrests for criminal activity unrelated to Sept. 11, 17 arrests for visa violations, and no arrests for crimes related to terrorism. While Ashcroft characterized the operation as a success and announced a second round of questioning, community leaders

**One Muslim woman reported to CAIR that as she took her seat on a flight to San Francisco, her neighbor remarked: “I’m sitting next to a bomb.”**

argued that the discriminatory operation only exacerbated existing tensions. “Broad-based investigations of thousands of people, especially when based on an ethnic profile, inevitably spread fear and anxiety,” noted Ziad Asali of the American-Arab Anti-Discrimination Committee.

Meanwhile, perceived Arabs and Muslims had another new phenomenon to deal with: discrimination in our airports.

### **Airport Discrimination**

*The Saudi student and his Sri Lankan companion were excited. Obsessive basketball fans, they had scored coveted tickets to the NBA final.*

*But they didn’t make their flight from San Francisco to Los Angeles that night. The FBI and INS interrogated the pair for four hours, skeptical that they were really headed to watch Shaquille O’Neal trounce the New Jersey Nets. After pounding away, question after question, one of the agents asked:*

*“What do you know about the Lakers?”*

*The Saudi rattled off every statistic known to a Lakers fan, the history of the club, the secret of their success, the plays each team member would make that night. He was terrified, he says, so he just kept talking. The agents began to laugh. Then they wrote on their tickets that the young men could fly the next day, and released them. The following morning, the pair made it to the game without incident. But they were shaken. Frightened, and worn down by daily slurs in their San Francisco apartment complex, they left the country soon afterwards.*

Some people missed flights because their name or face caught the eye of law enforcement in the months following Sept. 11. Others were forced to deal with the bias of passengers. One Muslim woman reported to CAIR that as she took her seat on a flight to San Francisco, her neighbor remarked: “I’m sitting next to a bomb.”

The prejudice of passengers and flight crews has kept some travelers, like Arshad Chowdhury, off planes even *after* they have cleared security. The result, says the young Bangladeshi-American, “is that my parents and my friends in the Bangladeshi community are too scared to fly.”

### **Stifling Dissent**

*“To those who scare peace-loving people with phantoms of lost liberty, my message is this. Your tactics only aid terrorists for they erode our national unity and diminish our resolve.”* With these words before the Senate Judiciary Committee on December 6, 2001, Attorney General Ashcroft made his message clear: dissent equals disloyalty.

Meanwhile, the USA Patriot Act and subsequent administrative orders gave the government a host of new powers to monitor people and organizations that are not suspected of any wrongdoing. To compound the situation, initiatives like “Operation TIPS” encourage Americans to watch and inform on their neighbors. As a result, political dissenters, as well as perceived Arab-Americans, are feeling the bite of the backlash.

By January 2002, the FBI had received half a million calls from concerned citizens, and local law enforcement was inundated with thousands more. “Police chiefs are talking about the amount of money they spend on bogus calls,” said Arnold Ajello of the Community Policing Consortium.<sup>ix</sup>

Meanwhile, the FBI has been using its new powers: visiting libraries to find out what people are reading, even in the absence of suspicion of a crime<sup>x</sup>; and issuing subpoenas to Internet Service Providers for hundreds of thousands of customer records.<sup>xi</sup> Every major FBI office in the country is involved in surveillance of hundreds of young, mostly Muslim men, according to the *New York Times*, which describes a campaign including: “24-hour monitoring of the suspects’ telephone calls, e-mail messages and Internet use, as well as scrutiny of their credit-card charges, their travel and their visits to neighborhood places, including mosques.”<sup>xii</sup>

This new surveillance culture has ensnared numerous northern Californians in alarming – and often mysterious – ways.

Charlotte Wu still doesn’t know how the police arrived at her door after she talked on the telephone about a videogame that involved “planting bombs,” and Barry Reingold was just as surprised to find the FBI on his doorstep after he criticized President Bush in a San Francisco gym. Activist and college

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## ***“People were basically told they had good records, and then a few days after Sept. 11, they were told: ‘Don’t come back.’”***

professor Snehal Shingavi has received hundreds of death threats and was blacklisted on a “Campus Watch” website for his pro-Palestinian views. And if peace activists Jan Adams and Rebecca Gordon were shocked to find their names on a secret government “no-fly” list when they arrived at the airport in San Francisco, they were even more troubled to find that nobody can tell them how to get their names off the list.

### ***A Long, Lingering Aftermath***

The aftershock lingers on in the streets, stores and schools of northern California. Sugako Green’s seven-year-old daughter is wary of men in uniform after a security guard refused to let her in a store, saying she might be “strapped with a bomb.” Angela Al-Faqih felt like an average American high school senior -- until her teacher began to make anti-Arab remarks. And Syed Mahmood, a Republican running for Congress, received hate letters so vitriolic that he fears for the safety of his staff. Syed will not stand down, but he does stand out: 90 percent fewer Muslims are running for elected office nationwide this year, according to the American Muslim Alliance.

The backlash has penetrated our workplaces, too. 60 cases of workplace discrimination related to Sept. 11 were filed with the Employment Equal Opportunity Commission (EEOC) in north-

ern California in 2001, with 52 complaints related to national origin and 27 to religion. 610 were filed with EEOC across the nation.<sup>xiii</sup> As Bill Tamayo, who heads the San Francisco office, says: “People were basically told they had good records, and then a few days after Sept. 11, they were told: ‘Don’t come back.’”

The people profiled in this report are the tip of the iceberg, for most of the faces of the backlash remain hidden. The government continues to shroud its investigation in a cloak of secrecy. And while some victims wish to put the worst behind them, others are afraid to speak out. As one Muslim mother from rural California says, “I’m just so frightened about the backlash.”

The aftershock has swept through all these people, and in many cases, the damage cuts deep. Listen to Hiam Yassine, who was fired from her job at Macy’s: “My dignity, they smooshed it,” she says.

Some of the people profiled here are U.S. citizens, born and raised, others are on the road to citizenship. They are of Arabic, South Asian, Latino, European, Filipino and Asian descent; they include Muslims, Sikhs, Christians and Jews. They are, as one profilee says, “good residents, good citizens, good people.”

Now meet some of the faces of the backlash.

*i* Hate Crimes in California 2001: California Department of Justice Division of Criminal Justice Information Services, September 18, 2002.

*ii* San Francisco Police Department Hate Crimes Unit Statistics, September 12, 2001, to January 31, 2002

*iii* Santa Clara County Community Network for a Hate-Free Community ([www.hateistheenemy.org](http://www.hateistheenemy.org))

*iv* A hate crime is a criminal act in which biased motive is a clear contributing factor. A hate incident is any act, including conduct, speech or expression, in which biased motive is a clear contributing factor. (National Center for Hate Crime Prevention, Education, Development, Inc.)

*v* On November 5, 2001, DOJ indicated that 1,182 people had been detained. On November 8, DOJ said it would no longer provide a total of individuals held in connection with the 9/11 investigation.

*vi* Amnesty International’s Concerns Regarding Post September 11 Detentions in the USA, 3/14/02

*vii* “After Sept. 11, a Legal Battle Over Limits of Civil Liberty,” New York Times, 8/4/02

*viii* David Harris, “No Common Sense in the War Against Terror,” [www.aclunc.org/911/resources.html](http://www.aclunc.org/911/resources.html)

*ix* “A Vigilant Nation or Tattletale America?” Christian Science Monitor, 1/23/02

*x* In a nationwide survey of 1,020 public libraries in January and February 2002, the University of Illinois found that 85 – or 8.3 percent – had been asked for information about patrons related to Sept. 11.

*xi* “In the name of Homeland Security, Telecom Firms are Deluged With Subpoenas,” Newhouse News Service, 04/10/02

*xii* “Seeking Terrorist Plots, FBI is Tracking Hundreds of Muslims,” New York Times, 10/6/02

*xiii* Figures from San Francisco EEOC office as of 9/23/02

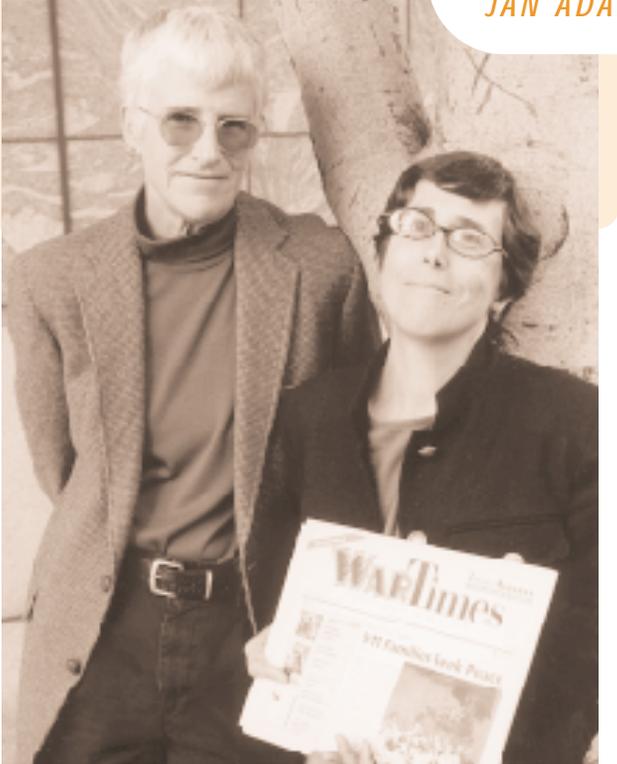


PHOTO: GIGI PANDIAN

Jan Adams and Rebecca Gordon have been activists for most of their lives. Between them, they have fought for women's rights, taken testimony from people abused by the Nicaraguan Contras, monitored elections in El Salvador, and taught desktop publishing to anti-apartheid activists in South Africa.

They knew some of their work was controversial. But the couple never expected their commitment to peace to land them on a secret government watch list after Sept. 11.

"We've spent our lives working against unjust violence – we couldn't be more opposed to terrorism," says Jan.

The contradiction is so glaring that what happened to the activists on a trip from San Francisco to Boston in August 2002 is as bizarre as it is chilling. As they checked in for the leg from San Francisco, an airline employee said that both their names had shown up on an "FBI no-fly" list.

"The airline employee asked if there was any reason that our names could be on the list," says Jan. "Right away, I thought: 'War Times is bothering the government.'"

*War Times* is an anti-war publication founded by a group of activists including Jan and Rebecca shortly after Sept. 11. The newspaper appears in print and online, and has criticized the

government's position on the war in Afghanistan, the erosion of civil liberties in the wake of the attacks, and the looming invasion of Iraq.

Agents told the women that if their names appeared on a "master list" they would be held for the FBI, and alerted the police. Airline staff and the San Francisco police, says Jan, "were frankly dumbfounded. Here we were, two middle-aged women, detained by three police officers in the middle of the airport, when what we were held for was the most normal, most American, thing in the world."

The police permitted the women to fly, but their boarding passes were marked with a big red "S," singling them out for special searches at every stop. On the return flight from Boston, the "S" reappeared – and a police officer and an airline employee trailed Jan to the gate.

The source of the blacklist remains a mystery. While several federal agencies say they contribute names to the list, no agency says it is responsible for managing it. "The problem with this list is that there is no accountability," says Jayashri Srikantiah, an attorney with the ACLU-NC. "People don't know why their names were put on this list, and they don't know how to get them off."

Jan and Rebecca are not the only dissenters on the list. A group of 20 peace activists, including a 74-year-old Catholic nun, was detained by law enforcement at Milwaukee Airport in April. And Nancy Oden, a Green Party official, was barred from flying from Bangor, Maine, to Chicago in November 2001. She says that her ticket, too, was branded with an "S."

Rebecca, 50, and Jan, 55, are anxious to know how their names appeared on the list and how they can get them off.

***"People don't know why their names were put on this list, and they don't know how to get them off."***

But, while they worry about what will happen the next time they fly, they have decided to continue with their *War Times* work. "We've got a war to stop," says Jan. "We're more determined than ever to work for peace." 

*“There was not a thing before Sept. 11. People sometimes thought we were Muslim, but we never thought anything about it. We thought it didn’t make any difference.”*

Lakhwinder Singh Sodhi’s seven-year-old son looked at his father and begged for an explanation. Why, the child wanted to know, are people shooting my family?

Lakhwinder is still groping for answers. For now, he has none to offer his son.

Within a year of the Sept. 11 attacks, Lakhwinder’s two older brothers were shot and killed in two separate incidents in two different states. The likely explanation is as simple as it is sad. Like half a million other Americans, both brothers were Sikh.

The Sodhi family began to pursue the American dream nearly two decades ago. They came to the country in increments, leaving India’s Punjab in a quest for peace. They moved to Los Angeles, San Francisco and Phoenix, AZ, trying to build a future. They worked hard, driving cabs, managing gas stations, toiling at restaurants.

In all those years, nobody harassed them. “There was not a thing before Sept. 11,” Lakhwinder says. “People sometimes thought we were Muslim, but we never thought anything

The Phoenix man accused of murdering Balbir says he shot him “because he was dark-skinned, bearded and wore a turban.”

Sukhpal, the oldest brother now, stepped up his taxi driving in San Francisco. He needed to make enough money to move to Phoenix and be close to his family. On Aug. 3, 2002, he spoke with Lakhwinder and his family. “He talked to my four-year-old and said he would bring candy,” Lakhwinder recalls.



SUKHPAL SINGH SODHI / PHOTO: HARI NAM SINGH KHALSA

### *SUKHPAL & BALBIR SINGH SODHI, San Francisco and Mesa, AZ*

about it. We thought it didn’t make any difference. We are all children of God.”

But in the days after Sept. 11, the Sodhi family sensed trouble. “I had a flag in my store,” says Lakhwinder, “but a customer told my employee that his wife didn’t want to shop there anymore because the store belongs to terrorists. You could feel it - the look, the hate. People would say, ‘watch yourself.’”

Balbir, 51, was the oldest brother, “the person everybody went to.” On Sept. 14, he warned Lakhwinder not to go to work close to downtown Phoenix because he feared for his younger brother’s safety. As for Balbir, he felt safe in suburban Mesa, where he had opened a gas station nine months before. He called his wife at his parents’ house in India and told her not to worry.

On Sept. 15, Balbir drove to Costco, searching for an American flag to display at the gas station. On his way out, he donated \$75 to the Sept. 11 victims’ fund. At 2:45pm, Balbir was stooped outside the gas station, planting flowers, when the shots rang out. Leaving Balbir drenched in a pool of blood, his assailant sped off, tires squealing, in a pickup truck.

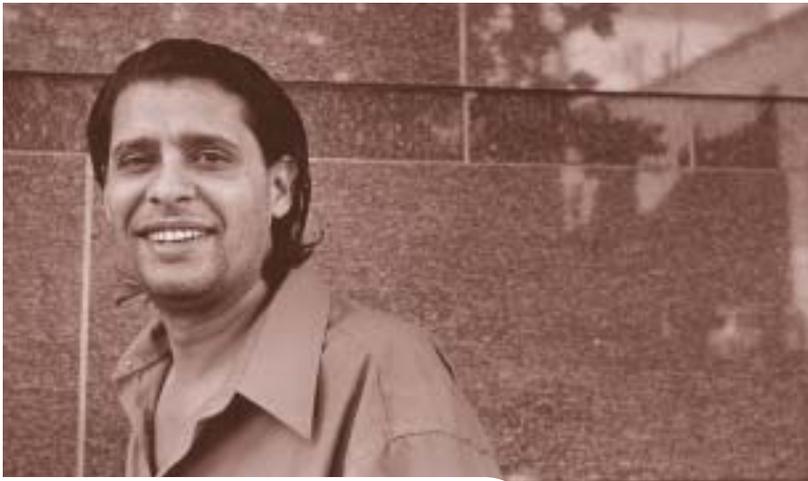
Then came the crushing second blow. At four the following morning, Sukhpal was shot and killed as he drove his cab in San Francisco’s Mission District. To lose a second brother within a year, was almost unbearable, Lakhwinder says.

San Francisco police, who have made no arrests in the case, have not classified Sukhpal’s murder as a hate crime. He might just have been a man in a dangerous profession who fell prey to a killer, they say. But it is hard for the family and the larger Sikh community to accept that explanation.

Despite a year of unimaginable darkness, Lakhwinder feels that something remarkable emerged from the shadows.

The community arranged a memorial service after Balbir’s murder, and 4,000 people - all faiths, all ages - came to speak out against hate. Lakhwinder thinks that in some way the murders may have helped people understand that Sikhs, Muslims and others are not so different under the skin, the beards and the turbans. If it is true, he says, his brothers’ deaths may ultimately have “saved a lot of people.”

One day, that may be an answer that Lakhwinder can offer his son. ∞



RICK ROZANORA

## KAMAL HAKIM, San Francisco

**W**hen Kamal Hakim arrived home at his apartment in San Francisco's Tenderloin district on a cold winter evening his roommate had a message for him.

The FBI stopped by. They want to talk to you.

Kamal didn't know why they came to see him, or how they had got his name. "I don't know," he says, "they just came to my home." He wondered if maybe it was because the newspapers were running photo after photo of Arab men. Maybe he looked like one of them, the Yemeni green-card holder thought.

His attorney, Cara Jobson, has a different explanation. "I assume he was profiled because he's an immigrant from Yemen," she says. "Maybe he somehow wound up on the Attorney General's list."

After consulting with his attorney, Kamal met with the FBI.

Agents asked about his personal life: what he does, where he prays, what he reads. They asked political questions, too. They asked if he knew Osama bin Laden and how he feels about the United States. Kamal told them that he likes the country, and that he does not know any terrorists.

Then they queried him about other Yemenis who live in the Tenderloin. Noting that Kamal had lived there for five years, they asked him for names, addresses and phone numbers of any people he knew who travel back and forth between Yemen and San Francisco. Kamal complied: for an immigrant who was desperately trying to prove that he is worthy of U.S. citizenship, it seemed like the right thing to do.

Kamal's American story began in 1995, when he was teaching elementary school in Yemen. He decided to come to the U. S. to join his father, who owned and operated a shop on San Francisco's Market Street. When Kamal applied for citizenship in 2000, he didn't think he was asking for anything unusual. His father and five siblings had gone through the process before him.

But for Kamal, it wasn't so easy.

Whether by accident or design, the INS claimed that Kamal had confessed to three imaginary arrests, and demanded that he prove his innocence. Ordinarily an affable, gregarious man, Kamal wrote that he "couldn't wait" to clear his record. He secured documentation that proved the arrests did not exist. When the INS continued to make claims that he knew weren't true, he got a lawyer and said enthusiastically that he was "ready to rock and roll."

But after Sept. 11, Kamal felt that his quest for citizenship took on a new intransigence. He jumped through every hoop, but it seemed to make no difference. He went to the emergency room for stress. He wanted to return to Yemen briefly to get married, but was uneasy about leaving the country. Would he be allowed to return, especially with the U.S. government's investigation increasingly focused on Yemen?

Kamal began to fear that there was a concrete reason that his application was moving at the speed of molasses: his ethnicity. When he realized that the FBI was not only watching him, but was asking him to inform on his acquaintances, he worried that a failure to comply with the agents' requests could spell the end for his dreams of citizenship.

For Kamal, the story ends well, for in October 2002, the INS approved his citizenship application. Still, Kamal says, he will never forget those months when he was caught in the backlash, waiting for the wheels of justice to turn. 

*When he realized that the FBI was not only watching him, but was asking him to inform on his acquaintances, he worried that a failure to comply with the agents' requests could spell the end for his dreams of citizenship.*



**CHARLOTTE WU**, Berkeley

**C**harlotte Wu is an acknowledged videogame whiz. But the 22-year-old sophomore never imagined the trouble her talent would bring in the wake of Sept. 11. Her story illuminates a paranoia so deep it even reached into a phone call between friends on the UC Berkeley campus.

In the fall of 2001, Charlotte spent an early evening playing “Metal Gear Solid” with her roommate and some friends. Charlotte was the master of the game. But she had to leave early, and at around 9pm, she headed to her ground-floor dorm room, leaving the others in intense combat with the videogame gods.

After Charlotte arrived home, the phone rang. One of her friends was stalled at one of the game’s more daunting levels. “How do you find the secret entrance?” he asked. Charlotte told him, “You have to press this button and that button. If you lay a bomb icon against the wall it should help.”

“We were talking about hidden rooms and bombs,” Charlotte recalls.

Then Charlotte went to take a shower.

Her roommate answered a knock on the door as Charlotte headed for the bathroom. As she was drying off she heard a door slam. When she came out, there was another knock. Thinking her roommate had forgotten her key, she opened the door wearing only her bathrobe.

There stood three police officers.

“I was really shocked. I had no idea what was going on. They asked me if I remembered making any phone calls.” Charlotte immediately recalled saying the word ‘bomb.’ She explained the call, she says, and saw that “they believed me but somehow they didn’t believe me.” Charlotte offered to go to the apartment where the game was in progress. The officers allowed her to get dressed - with a female officer standing guard outside her door - then they headed across campus where the matter was resolved.

Charlotte still doesn’t know why the police visited or who brought them. Was it her roommate? The resident advisor? Did someone walk by and hear the word ‘bomb’ through the

open window? Charlotte learned later that the resident adviser told her roommate to leave the apartment. The police questioned that roommate, who is white, about Charlotte and her other roommates, one of whom, like Charlotte, is of Asian ancestry, the other Hispanic.

“It makes me very angry,” Charlotte says. But with anger comes caution. Charlotte is leery now of what she says and how she behaves. She and her friends make macabre quips about their phones being tapped, but deep down they wonder if the government really is listening in on friendly conversations between videogame fans. ∞

*Charlotte is leery now of what she says and how she behaves. She and her friends make macabre quips about their phones being tapped, but deep down they wonder if the government really is listening in.*



ERIC ROCA/MORA

## MUSTAPHA GHEZALI

**M**ustapha Ghezali is a man with strong opinions, which he does not hesitate to voice. He used to think that speaking your mind was welcomed in the United States – especially at a university that should thrive on independent thought.

But the rules changed on Sept. 11, the practicing Muslim found. His views upset a fellow student at San Jose State University who, as Mustapha tells it, “set out to take me down.” Since then, Mustapha has been publicly humiliated, arrested at gunpoint, and barred from campus during finals time.

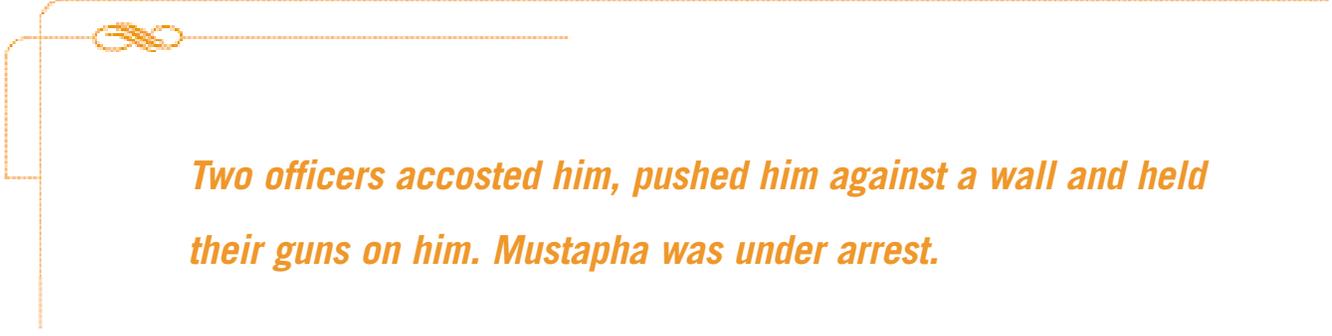
Mustapha now lives in a state of “complete fear.” His view of America and his trust in others are shattered. “When I drive in my car to Safeway,” he says, “and I see an Anglo woman loading groceries, I think, that woman could say to the police ‘this guy did this,’ and the police would take me away.”

Mustapha is so anxious that he believes his phone is tapped, and he insisted on being interviewed in a public place - a city park - where nobody can eavesdrop. He lives in the South Bay, but will not say where.

Mustapha, 39, grew up in France and speaks five languages. He is of Algerian extraction, has been in the U.S. for roughly 15 years, and has dual French and U.S. citizenship. His interests range from playing the cello to swimming and religion.

Mustapha has a “curious mind.” That led him to San Jose State, where he is seeking a degree in mechanical engineering. At the university, he hung out with a mix of students, including a white Christian woman in her 30s.

After Sept. 11, Mustapha noticed a change in attitude toward Muslims and those believed to be Middle Eastern. Muslim women needed escorts to get around campus. The



***Two officers accosted him, pushed him against a wall and held their guns on him. Mustapha was under arrest.***

atmosphere was tense and, in some cases, hostile. Nevertheless, he continued to express his views – which were often starkly different from the mainstream.

His first run-in with the authorities occurred shortly after Sept. 11, when the Muslim Student Alliance met with university officials to talk about getting a better place to worship. A photographer from the *Spartan Daily* was there. Mustapha warned him three times not to take his picture. He had seen the photos that had been splashed across the media - photos that whipped up a generalized fear of Middle Eastern men. “I don’t want my photo on the front page of the *Spartan Daily*,” he said.

His firmness drew the attention of the campus police chief, who ran a check on him. When he found out Mustapha had a Class A license - which allows you to drive a truck - the chief became very interested. Two weeks later, the phone rang. It was the FBI. “I’ve been expecting you,” Mustapha said, with characteristic sardonic humor. Two agents, a man and a woman, later questioned him at the university. A professor walked by, chided the FBI as being “secret police,” and vouched for Mustapha.

The agents grilled him about Sept. 11. He refused to give ‘safe’ answers. What did he think about the loss of life? Any loss of innocent life is deplorable, he said, whether in New York, Hiroshima, Nagasaki, or Baghdad. “Is there anything you don’t like about the U.S.?” they asked. Of course, Mustapha said; “there is always something you don’t like, no matter where you are.” They asked him about Israel and Palestine, why he had a pager, why he spelled his name Mustapha, not Mustafa.

Word spread about his FBI interrogation and he became more ostracized. One day, he asked his white Christian classmate if he could borrow her assignment - a practice he says had been routine in both directions before. She refused, and complained to the class professor.

His relations with other classmates also disintegrated. “Nothing caused it other than Sept. 11,” he says. When he presented his final class project, he remarked that he had succeeded despite his “enemies” wanting him to fail. Then he said to himself, “it’s over.” He went to prayer.

Shortly afterward, two officers accosted him, pushed him against a wall and held their guns on him. Mustapha was under arrest for allegedly making a terrorist threat. He later learned that the classmate had told police that Mustapha had threatened to shoot people. Her friend supported her story. Other witnesses said they hadn’t heard any such threat. It was he-said-she-said, with Mustapha having to prove a negative.

Mustapha was thrown into the county jail, his first experience behind bars. He spent two days locked up before his aunt bailed him out. Although the district attorney did not press charges, the police banned Mustapha from campus – during finals time. He was allowed on campus only during one designated period, to take one exam.

Mustapha’s attorney complained to the university about his treatment and asked for the authority under which a police officer could bar a student from campus. The university stonewalled, and then responded by launching an investigation of Mustapha – not of the police actions, or the other student. To date, university authorities have declined to interview witnesses who say that Mustapha never made any threats.

Mustapha is fighting for exoneration and for the university to change its procedures because, he says, “I did nothing wrong... I am the victim here.”

When he is cleared and gets his degree, he says, he may go back to France. Meanwhile, Mustapha is trying to hold on to his effusive personality, one that has always led him to be who he is, and say what he feels. 

***Mustapha now lives in a state of “complete fear.” His view of America and his trust in others are shattered.***



RICK ROZAMORA

**SUGAKO GREEN,** Oakland

**S**ugako Green is no stranger to racism. Growing up in foster homes wasn't easy for the half-Palestinian, half-Japanese American Muslim. Her own grandfather was locked up in internment camps at Tule Lake and Manzanar during World War II. And Sugako wears the hijab, the head covering worn by many Muslim women, and the niqab, a veil that reveals only her eyes. Last fall, just after Sept. 11, one of her professors at Laney College told Sugako, in class, that she "should assimilate." She was stopped by police officers on campus twice in one day and asked for identification. Hostility toward her on campus accelerated so swiftly that she needed an escort.

But even Sugako, 26, was stunned by the abuse of a store security guard in her own Oakland neighborhood on June 25, 2002.

Especially when he called her daughter a suicide bomber.

It was 5pm on a hot Tuesday evening. She decided to head to the local supermarket to pick up some ice cream and other items for dinner. She took her seven-year-old daughter, Alycia, and her four-year-old friend, Maryam.

As they walked past Walgreen's a security guard began to harass her. "You can't go into my store," he warned her. He called her "the bride of bin Laden" and pelted her with obscenities.

Then he turned his attention to the little girls. "I can't be having kids coming in our stores that might be strapped with bombs," he said.

"I felt their hands clench," says Sugako, who had a girl holding each of her hands. They were clearly terrified.

Sugako went to Albertson's, where she bought her groceries. She told the youngsters that the guard was an anomaly. She did her best to reassure them. But she was angry. On the way back home, she strode into Walgreen's and demanded to see someone in charge. She was trailed by the guard, who kept declaiming, "I didn't do anything to that bin Laden woman."

The assistant manager apologized. She told the security

guard to go back outside. Sugako left the store - with an escort - and went home.

For Sugako, the worst part about the incident is its impact on her daughter. "We've always told her that policemen and firefighters are 'help' people," says Sugako. But children don't draw distinctions between uniformed figures, and Alycia doesn't wave to police officers anymore.

Sugako's efforts at redress hit a brick wall when she contacted the security company that was contracted to guard Walgreen's. She called four times just to get a response - and then the company called her a liar. Sugako wants the guard fired and the company to institute sensitivity training.

Sugako firmly believes that education can overcome bias,

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*"When people see one racial or ethnic group being singled out for repression, they have to think, 'that could be us.'"*

and she goes out of her way to put this theory into practice. If someone makes fun of the niqab, for example, she will say, "would you like me to explain why I wear it?" She finds people receptive.

And she wants other Americans to realize that people who dress like her are often, "Americans who were born and raised here, have children here, pay taxes. When people see one racial or ethnic group being singled out for repression," she says, "they have to think, 'that could be us.'"

For Sugako Green, multiracial Oakland is an incubator for what the country needs. "Make friends outside your group," make blended families, blended friendships. Sugako Green, half-Palestinian, half-Japanese American Muslim, knows what she is talking about. 

**T**here has been nothing subtle about the backlash aimed at Snehal Shingavi. It has been direct, and it has been chilling.

“I’ve been spat at,” he says, “and yelled at on the street...I’ve received over 20 death threats and an enormous [amount] of hate mail - 100 pieces between October 2001 and January 2002. I’ve been the victim of an Internet smear campaign.”

Snehal has altered the way he lives his life. He changed his phone number. The manager of his apartment installed security cameras. “I think twice before opening my mailbox every single day,” he says.

Some of this, he understands, is to be expected. Snehal is a leader in Students for Justice in Palestine (SJP) at UC Berkeley. He has a high profile on an unpopular issue at a time when tensions are high. Snehal himself is Texan, of Indian descent.

Student protest is not new for the 26-year-old, although he didn’t plunge into it fully until he arrived at Berkeley, where he is seeking a Ph.D. in English. At high school in Houston and college in San Antonio he gravitated to a host of social issues, among them rape crisis and anti-sweatshop campaigns. Then, during the Palestinian Intifada, he became involved with the SJP. He has struggled ever since to get the Palestinian point of view into the public arena.

It was at a protest on campus on April 9, 2002, that things turned sour. With violence mounting in the Middle East, pro-Palestinian and pro-Israeli students held dueling rallies on campus. Then SJP members moved the protest inside to conduct civil disobedience. The University responded by threatening to suspend for up to a year the 41 students who were arrested for trespass, and issued an interim ban on SJP (which it rescinded days later).

This crackdown was disproportionately harsh, according to the ACLU, which wrote to Chancellor Robert M. Berdahl to question the response. “The university’s reaction to the April 9 sit-in has a chilling effect on the students’ right to free speech, especially at a time when freedom of expression is so critical to our democracy,” the letter said. “The right to express ideas that are controversial and unpopular must be vigilantly protected.”

Snehal believes that the university is using technicalities to silence the Palestinian point of view – a view that must be expressed now more than ever, he says, because of a “rightward shift” of politics on campus. American flags have become ubiq-

uitous, “patriotic” groups have sprung up, and anti-Palestinian sentiment is growing.

Snehal has every reason to be afraid. He was recently singled out by the controversial Campus Watch website, which listed contact details for college professors with pro-Arab leanings. The site sparked a new spate of obscene and threatening e-mails - as well as widespread protests about blacklisting and the chilling of academic freedom.

But Snehal says he is neither afraid, nor discouraged. “You measure victory in different ways,” he says. “Change will find expression down the road.”

*“The university’s reaction to the April 9 sit-in has a chilling effect on the students’ right to free speech, especially at a time when freedom of expression is so critical to our democracy... The right to express ideas that are controversial and unpopular must be vigilantly protected.”*



PHOTO: YOUTH UNITED FOR COMMUNITY ACTION

**ALIA ATAWNEH**, Santa Clara

**A**lia Atawneh has plenty to be angry about. But, ask her about hate crimes committed against Muslims and Arab-Americans, and her tone is one of bafflement. Speaking of a fellow San Jose resident, an Egyptian taxi driver who was beaten in July, she erupts in incredulity: “What did he do? He did nothing! Nothing! Nothing!”

Alia did nothing either, but she lost her job at Macy’s anyway.

A Palestinian Muslim married to a U.S. citizen, Alia, 30, holds a green card and is working on becoming a citizen. On Sept. 11, 2001, she was a sales associate in the men’s active wear department at Macy’s in the Valley Fair Mall in Santa Clara.

The trouble began two weeks later. On Sept. 27, a customer came into the store and made a beeline for Alia. He began to harass her, complaining about Osama bin Laden as though she were responsible for his actions. The customer told a manager that they should “get her [Alia] out of here.” Store managers told her that if an overwrought customer came in again, she should avoid an argument.

Meanwhile, Alia was being sabotaged on another front.

Shortly after the attacks, Alia’s co-workers had seen TV scenes of young Palestinians dancing in the streets, apparently in celebration. They asked Alia to explain the behavior and she tried, as best she could. She told them of the frustration and despair many Palestinians feel. Then she thought no more about the conversation.

But her co-workers didn’t forget. They told a store manager that Alia supported the Sept. 11 attacks.

On Oct. 9, the Human Resources Department called her in.

Alia denied the manager’s basic accusation, that she supported Osama bin Laden. Nevertheless, the manager told her that her co-workers were afraid of her. She fired Alia.

Alia was stunned. She was pregnant and told the store official that. “Congratulations,” came the reply, but you’re still fired. Panic set in.

Alia felt betrayed by the people she had worked with. She thought they knew her better. “I’m a very peaceful person,” she says. “I never fight with anyone. How did they make me like that? What did they think I would do?”

Alia did not sit around and mope. With the support of her husband, Zak, an electrical engineer, Alia hired a lawyer and the case made headlines. Supporters held rallies for her and Hiam Yassine, a Palestinian Muslim who used to sell handbags at the store. Hiam, once a member of Macy’s “Star Academy” salesforce and one of the leading sellers of Dooney & Burke handbags for Macy’s nationwide, was also fired from the store shortly after Sept. 11 and believes her dismissal was the result of discrimination.

On Sept. 11, 2002, Macy’s offered Alia a settlement of \$125,000 – but Alia says she will not settle without an apology. “When they apologize to me,” says Alia, “I will feel like my rights have come back for me.”

*“I’m a very peaceful person... I never fight with anyone. How did they make me like that? What did they think I would do?”*



**B**arry Reingold has always been an active citizen. He has never hesitated to speak his mind, taking full advantage of this most basic American right.

Barry never expected that voicing his opinion would bring him a visit from federal agents. But days after he criticized President Bush in a San Francisco gym, Barry opened his door to find two FBI agents standing there.

Barry, 61, recounted his tale one day in July 2002, after a workout. Wearing a San Francisco 49ers cap he sat in the shade outside the health club, across the street from the Pacific Bell offices where he worked for decades before retiring.

Barry's encounter with law enforcement began roughly a month after Sept. 11. He and six or eight others were talking politics at the 24-Hour Fitness health club in downtown San Francisco. Somebody said, "that Osama bin Laden is an ...hole." Barry agreed, and said that what happened Sept. 11 was horrific. However, he added, "Bush is a bigger ...hole than bin Laden will ever be because he bombs people all over the world for oil profits."

The argument went on and the rhetoric escalated. Barry is no stranger to these frays: He is well read, and lived through the 1960s. He has relatives who fled to the U.S. from Germany and Russia. He predicted that President Bush would use Sept. 11 as an excuse to curb freedoms in the U.S.

His point of view did not sit well with his verbal combat-

*"You do, of course, have freedom of speech," one of the agents reassured him.*

ants. "Aren't you an American?" one of them asked.

A few days later, Barry was sitting in his apartment near Lake Merritt in Oakland when he heard the buzzer. "Who's there?" he asked. "The FBI," came the answer.

Barry was spooked. His wife was at work and he wanted witnesses. There were none to be had, however, and he decided to hear his visitors out. As Barry describes them, they were clean cut, well groomed men in their 20s - a Central Casting version of FBI agents.

"We've heard," they told him "that you've been discussing President Bush, oil, Osama bin Laden" and other political matters. Barry was dumbfounded. "A lot of people have," he pointed out, and as far as he knew that was still allowed. "You do, of course, have freedom of speech," one of the agents reassured him. "Thank you for reminding me," Barry replied. "This discussion is over."

The encounter, he says, left him "a little bit scared and a whole lot pissed off." He believes he is just one of many victims caught up in a broad-based move "to intimidate anyone who's an activist."

"For a little while I was a little more careful," Barry says. "I sound out people" before opening up. Eventually, he moved past the intimidation and now, "if anything, I try to talk to more people." He believes, however, that many people would be cowed by a visit from federal agents or even by hearing about such a visit. "They might say, 'I agree with you,' but they wouldn't say it too loudly."

Barry says he does not know who in his health club called the FBI.

For now, he anticipates more of the same: pressure not to dissent, and other repressive moves. But he doesn't think it will last. In the long run, says Barry, "people will mobilize against repression."



**BARRY REINGOLD,** San Francisco



RICK ROCCAMORA



RICK ROZANDORA

## ERLINDA VALENCIA, Pacifica

**E**rlinda Valencia exudes an air of calm. But she grows animated when she speaks about her work – perhaps because, to her, it is more than a job: it is a mission.

Erlinda is a screener at San Francisco International Airport (SFO). She has been involved with airport security for 14 years, and she knows the ins and outs of her job. She knows how to make things move smoothly for stressed or frightened passengers. She is the person you would want watching out for you at the airport.

But Erlinda is on the brink of losing her job because she, like 80 percent of airport screeners at SFO, is not a U.S. citizen.

Under the Aviation and Transportation Security Act of November 2001, all airport screeners must be U.S. citizens – a higher standard than is required for the U.S. Army or the National Guard. When a new screening pilot program goes into place at SFO on Nov. 19, 2002, all immigrant screeners will be out of a job.

Erlinda is fighting to keep hers. “Whether you are a citizen has nothing to do with the job,” she says. “It is the skill and experience that count.” She says she has shown her loyalty already -- especially by being at the airport on Sept. 11 and during the tense months that followed. “Loyalty,” Erlinda stresses, “depends on the individual.”

Erlinda’s tenure with SFO began in 1988, when she arrived from the Philippines. She had retired after spending 23 years teaching science and English, but shortly after she arrived, she and her husband parted company, leaving Erlinda to raise six children. The ‘kids’ are now grown, and there are four grandchildren. “It is a big family, and a happy one,” Erlinda, now 56, says.

To pay the bills, Erlinda worked at the airport, first simply screening, then working her way up to supervisory positions. She has become one of the top security people at the airport, with several promotions and numerous awards. She has uncov-

ered a hand grenade, a gun loaded with 16 bullets, drugs and other contraband.

After the Sept. 11 attacks, Erlinda worked hard, adapting to the tighter security procedures and trying to keep things in her sector running as smoothly as possible. Then, in November, came the announcement. The federal government was taking over airport security and all screeners would be fired. To be rehired they must meet strict new criteria – which exclude noncitizens.

Erlinda was astounded. “This is the thanks I get,” she says, for her 14 years of service.

Erlinda is not alone in her battle. SFO officials want to keep workers with her experience level. And in January, the ACLU and SEIU filed suit in federal court in Los Angeles on behalf of screeners in San Francisco and Los Angeles, arguing that the law violates equal protection laws guaranteed by the Fifth Amendment.

For now, as one of 164 SFO screeners who have applied for U.S. citizenship, Erlinda is playing a nail-biting waiting game. In June 2002 SFO was selected to host a two-year pilot program that makes it the only major airport where screening is still under private control. Covenant Aviation Security, the company selected to run the program, must hire 1,000 qualified screeners by Nov. 19, 2002. If Erlinda can secure her U.S. citizenship by then, she has a chance of keeping her job.

Whatever happens, she says she will roll with it. She has her family, always. “They are proud of me,” Erlinda says. “They say I’m a strong woman.”

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***“Whether you are a citizen has nothing to do with the job,” she says. “It is the skill and experience that count.”***



Syed Mahmood is used to public life. He knew that any Muslim who ran for office after Sept. 11 was going to catch some flak. But even this street-wise politician was thrown off balance by the virulence of the anti-Muslim malice that landed on his congressional campaign this fall.

It began shortly after Aug. 17, 2002, when Syed, a Republican, put up campaign signs in his race to replace incumbent Democrat Pete Stark. The 13th congressional district includes Fremont, Union City and Newark, and has a large Asian American population. It is home to a sizeable Afghan American community known to locals as “Little Kabul.”

No sooner had the signs gone up than someone began to deface them. Then the phone calls and e-mails began. Even in an age that has brought out widespread hate, the messages to Syed’s office stand out.

“We don’t want any Turbanheads running for government in this country,” the first one began. “Take your signs down. You Raghead!” The slurs, laced with obscenities, intensified as the messages continued: “No camel jockeys in the government of the United States,” one writer warned. Another railed against “stinky, uncircumcised hair growing out of your earlobes and n...ers.”

Syed had never seen such venom in his 30 years of public life. He became worried about the safety of his campaign workers, and called the Newark Police, who are investigating the calls and e-mails as hate crimes.

On a personal level, Syed says that, although he is appalled he is “surprisingly, not angry. I felt sorry (for the writers). These people make themselves miserable by their hate for others.”

Syed is a man who defies stereotypes. He is a marketing specialist, was a Bush delegate to the convention in Philadelphia, and is a player in state Republican politics. Yet at the core of his political beliefs is a deep commitment to social and economic inclusion.

Syed works to persuade Muslims and Arab- and Asian-Americans to enter mainstream politics. “We need people from all over the world and ideas that are not necessarily part of the mainstream,” he says.

Few Muslim politicians share his general optimism, at least this

*Only 70 Muslims are running for office at any level of government nationwide this year – down from 700 two years ago.*

year. Only 70 Muslims are running for office at any level of government nationwide this year, according to the American Muslim Alliance – down from 700 two years ago in a staggering 90 percent drop.

The attacks have not fazed Syed, who is an American by choice, not birth. Born in India and raised in Pakistan, he came to the U.S. in 1969, when he was 24, and graduated from Armstrong College in Berkeley. He has lived in Union City since 1977. Syed and his wife have been married 29 years and raised a daughter, who is training to be a teacher.

“I am not discouraged. The more of this hatred I see, the more I am determined not to let it happen again,” he says. American culture, Syed notes, “is changing.” He intends to be part of that, and to move it in a direction that benefits everyone. No amount of backlash, he says, will change that. ∞

*The letter was such a palpable violation of her freedom of speech that Marcia didn't know whether to laugh or fume.*

In some cases, the backlash is inadvertent. In others, it is subtle. But in the case of Marcia Perez and her young son Marcelo, it was as straightforward as it gets.

Marcia and 'Chelo' first came under fire on Sept. 28. The boy's roller hockey coach, who is from the New York area and knew people who died in the World Trade Towers, was talking about the attacks. One of those listening was Marcia. The mother of three had been a Team Mom during her son's two years on the team, and had done all the things that Team Moms do: arrange pizza parties, order gift certificates and the like.

"He was very emotional," Marcia says of the coach. "He was saying, 'why the hell did they (the terrorists) have to do it?'"

Marcia sympathized. Then said she hoped the attack would cause the U.S. government to re-examine its foreign policy. With that remark, the coach was off and running.

"You don't want to go there with me," he warned Marcia. "I don't give a ... if they bomb all those sister-.... ers." When Marcia said it was wrong to bomb women and children in Afghanistan who had nothing to do with the attack on the U.S., the coach launched into an expletive-filled tirade, delivered in front of small children, including Chelo. The argument turned racist. "What would La Raza in East L.A. do?" the coach asked Marcia, who is Mexican-American. Then it got personal. "You must be a lousy lawyer," he said, "because your arguments suck."

Marcia and her husband thought about taking Chelo off the team, but the boy had friends there, so they let the episode pass.

A few days later, a parks and recreation official called. Chelo, he said, is off the team.

Dumbfounded, Marcia asked why. The coach, it turned out, had told the league she supported the Sept. 11 attacks. This was not true, she pointed out, but in any case, what difference do a parent's politics make to a sports team composed of eight-year-olds?

OK, they told her, we'll put Chelo on probation while we try to find him another team.

"Probation for what?"

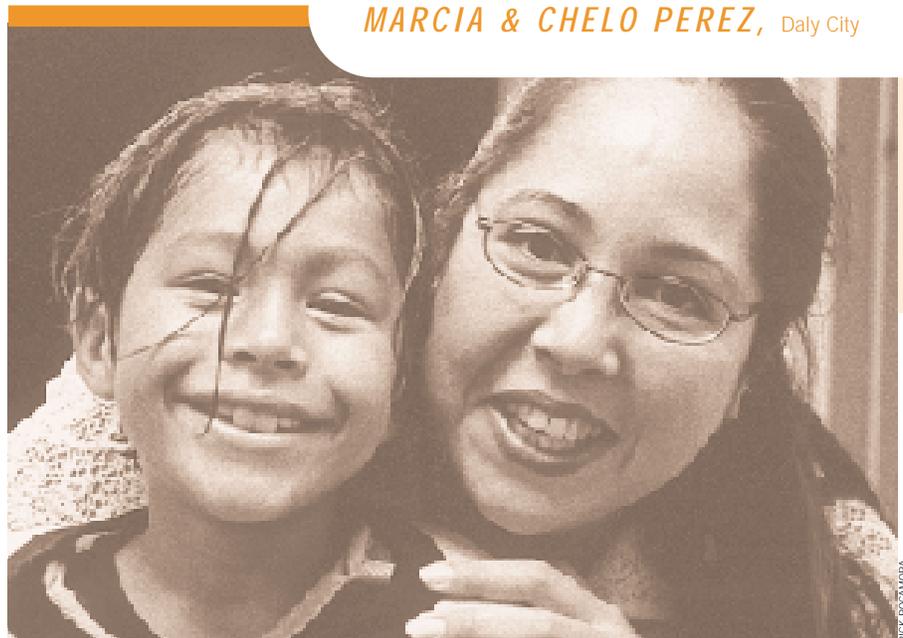
Marcia asked again. The league backed off the probation, but did move Chelo to a different team. "He cried for two days when we told him," she says.

That, however, was not the end of it. Marcia soon received a letter from league officials banning her from discussing anything but youth hockey. The letter was such a palpable violation of her freedom of speech that Marcia didn't know whether to laugh or fume. She paid no attention to the ban.

The incident is not Marcia Perez's first experience with discrimination. Her husband fled death squads in his native Guatemala. His father fought for land reform there. Marcia has strong views on a myriad of issues – views that are not always mainstream. But, as she has tried to explain to the parks and recreation officials and to her son, she still has a right to express them.

Chelo is nine now, and entering fourth grade. Two hockey cycles have passed and he is happy with his new team. But when he plays his old team, it is clear that Chelo hasn't forgotten. At end of the game, when players and coaches line up to shake each other's hands, Chelo shakes every hand except one: the hand of the coach who punished him for the opinions of his mother. 

*MARCIA & CHELO PEREZ, Daly City*



RIK ROZAMORA

Clean-cut and articulate, American born and raised, Arshad Chowdhury, a 26-year-old MBA student, is a founder of the popular Tea Shop on a Carnegie Mellon campus corner. In Pittsburgh, Arshad is an entrepreneur, an involved student in a diverse environment.

But at San Francisco International Airport in October 2001, Arshad was reduced to his ethnicity. Returning home from a weekend vacation, Arshad passed through all security checks. He was investigated, searched, and cleared to fly by FBI and police officers. Nevertheless, Northwest Airlines employees refused to allow Arshad to board the Detroit-bound flight.

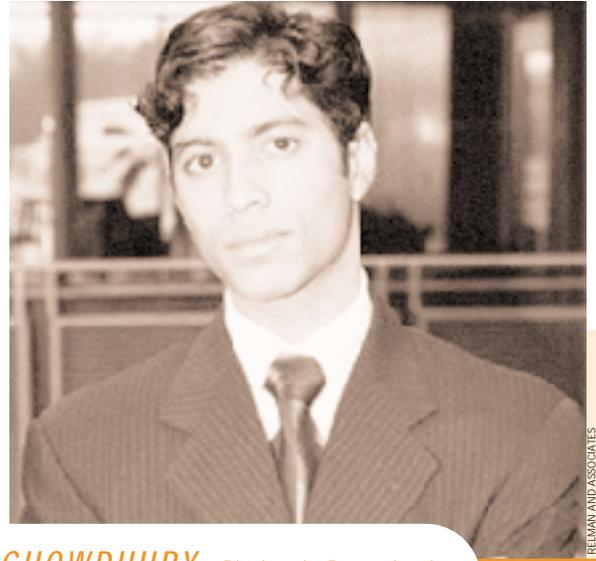
Arshad was closer than most to the Sept. 11 tragedy. He worked for an investment bank in and across the street from the World Trade Center from 1998 until April 2001. "The attack on the World Trade Center was an attack on my colleagues, my livelihood, and me," says Arshad. "So I endorse increased security at airports."

But what happened to Arshad that day had nothing to do with security. In the eyes of the airline employees, his race and ethnicity were reason enough to single Arshad out.

Arshad's travails began when his name was called over the loudspeaker at the boarding gate. He asked if he would be placed on another flight if he missed this one, and an agent told him, "If we do find something, you're not going anywhere, buddy." Then he was, in his words, "made to stand in full view of all 200 passengers for 40 minutes," while "flanked by four police officers, two FBI agents, and two Northwest agents."

When he was cleared, Arshad moved to board the plane. A Northwest agent again stopped him, saying, "I'm sorry, this won't make sense, but you can't fly with us." Arshad could hardly have agreed more; his situation did not make sense.

*"What would have happened if another terrorist attack were to have happened while my name was on that list? In that case, could the FBI have had reason to round up all their new 'suspects'?"*



**ARSHAD CHOWDHURY**, Pittsburgh, Pennsylvania

Even after the FBI said flatly in front of the agent that he was not a security threat, Arshad was still prevented from flying.

Eventually, Northwest placed Arshad on a US Air flight, which he boarded while escorted by an airline supervisor. He arrived home exhausted, humiliated and angry.

One month later, when he tried to board another US Air flight, Arshad found that Northwest had not removed the block from his name. The fear of being grouped with suspected terrorists set in.

"What would have happened if another terrorist attack were to have happened while my name was on that list? In that case, could the FBI have had reason to round up all their new 'suspects'?" Arshad asks. US Air has since removed the block.

Arshad and his family are left with lingering fears of being discriminated against again. His parents in Connecticut don't travel as much as they used to. "They have always felt the United States was a safe place. Now it hurts them that they find themselves second-guessing their decision to stay." Arshad's parents immigrated to America from Bangladesh 30 years ago.

Arshad is a member of the South Asian Business Association at Carnegie Mellon and regularly encounters others who experience post Sept. 11 discrimination. "What I keep hearing are a lot of stories about people having experiences like this who just decide to keep their heads down. They just don't want to draw attention."

But Arshad is not keeping his head down. In June 2002 he was one of five men represented by the ACLU to file lawsuits across the country charging four major airlines with discrimination in the wake of Sept. 11. Arshad is represented by the ACLU of Northern California and Relman and Associates, a Washington, DC-based law firm. 

ANTIOCHAN  
CHURCH  
OF THE  
REDEEMER,

Los Altos

The blaze that gutted the Antiochan Orthodox Church of the Redeemer in the Los Altos Hills just before dawn one Sunday in April 2002 was not a hate crime.

Or so say the authorities.

The church's pastor and its mostly Arab-American Christian parishioners agree that there is no evidence to show the arson attack was hate-related. But many have no illusions about why someone destroyed their house of worship.

"Our church was set on fire. We are mostly Palestinians. We are Middle Easterners," says church member Bishara Kakunda.

While many of the congregation's 200 families are from Jerusalem, Nazareth, or Ramallah, others hail from everywhere from Ethiopia to metropolitan San Jose. Nestled in a cheerful, pastoral grove off the freeway, the church housed a hand-carved Bishop's throne, a large icon of the Virgin Mary, and a carved limewood altar from Greece that held a scene of the Last Supper.

All went up in flames on April 7.

The arsonist attacked more than a building; he – or she – attacked a way of life and a sanctuary for people who had left troubled pasts behind. "This is our home," one member told the *San Jose Mercury News*. A church, says the pastor, Rev. Samer Youssef, is supposed to be "a secure place. This hits at the heart of our community."

Bishara, who has worked in the San Jose area for 20 years, said it was not easy having a Palestinian background after the Sept. 11 attacks. "Sept. 11 made me feel really uneasy," he says. "I could feel the anger and pain. But it for us it was also mixed with anxiety."

Nicolas Azar shares that anxiety. "What's next?" he asked the *Mercury News*. "Whoever did it, is he done, or is this just the beginning?"

The members of the church are not sitting around waiting to find out. They are continuing their lives. On a Sunday morning in July, the church grounds were teeming with vibrancy. In the cool morning breeze, friendly parishioners chatted with each other. A tiny girl toddled out of the church on her mother's hand and smiled at a stranger. A group of girls watched ants crawling in the grass, their organdy dresses getting dirty.



RICK ROCAMORA

The charred superstructure of the old church sat behind the green, a small cross perched above the entrance, but the interior in ruins. Church members filed down the street to the Los Altos United Methodist Church for a service designed to show support for the congregation of the torched church.

There is a phoenix-like aspect to the church's story that gives the parishioners hope. They point to a strange and wondrous occurrence, a bit of residue that has given them a message on how to proceed. Although almost everything inside went up in flames, the Bible, although it was damaged, remained. The parishioner who first examined the charred ruins found the Bible open to Matthew in the New Testament. It says:

*If anyone strikes you on the right cheek, turn the other also.  
If anyone wants to sue you and take your coat, give him  
your cloak as well.  
If anyone forces you to go one mile, go also the second mile.  
— Matthew 5:39-41*

As they rebuild, the parishioners of the Church of the Redeemer are taking those words to heart. 

Stephanie Jolley Mubarak grew up in rural northern California, where the flags come out on the 4th of July and people wear patriotism on their sleeves. Her dad is a contractor and she has been around blue-collar people most of her life. She always believed in freedom.

But now, Stephanie fears that America is not as free as she thought. That's because Stephanie now faces the choice of staying here and losing the man she loves, or joining him in a distant country and turning her back on her native land.

Stephanie's husband, Nasir Ali Mubarak, 34, was swept away in the backlash after Sept. 11. He was deported in August, when, renegeing on their agreement with him, U.S. agents handed Ali over to intelligence agents in Pakistan. He remains in prison, his future uncertain.

Ali was ostensibly deported because he overstayed his visa. But he was singled out for other reasons. He is Muslim. He is

Ali did not know that his love of flying would hurt him one day. "Probably that was his first mistake and the biggest mistake," his attorney, Julie Caskey, told the *Albany Times Union*, "because it's not something that you want to be in (now) if you're a man of Arabic descent."

Ali came to the U.S. with another young man, Abdul Hakim Murad. They attended several flight schools, rooming together and sharing expenses. When Ali moved to northern California in the early 1990s, Murad stayed with him for two to three weeks. Then, Ali says, Murad went his own way.

Murad is now serving life plus 60 years for plotting to blow up 11 U.S. airliners over the Pacific Ocean and planting a bomb that killed a passenger aboard a Filipino airplane. He is believed to be tied to the upper echelons of Al Qaeda.

Ali's acquaintance with Murad kept him in the federal government's sights for years. But until Sept. 11, although they interviewed him a few times, they left him to live his life, appearing to accept his assertion that his old roommate had simply chosen a different path.

That new life led Ali to work at a small airport near Corning, California, between Chico and Red Bluff. He worked on airplanes, stripping and painting them. He married and had two children, then parted from his first wife.

In 1997, Ali met Stephanie, who was working at a gas station, and set out to court her. Stephanie says Ali is "a



STEPHANIE JOLLEY MUBARAK, Corning

a licensed pilot. He works around airports and airplanes. And a former acquaintance of his is serving a life sentence for plotting terrorist acts.

To Stephanie, Ali is a victim of racial profiling and guilt by association, neither of which take place in the America she thought she knew. "I don't believe our country is as free as I thought it was," she says.

The Mubaraks' story begins in the late 1980s in the United Arab Emirates (UAE), where Ali grew up. As a young man, his dream was to fly. An instructor suggested he come to the U.S., where instruction was cheaper and better.

workaholic who loses track of time" and loves being around planes. "He has a wonderful sense of humor," she says. "He's kind, he'd bend over backward for you. He's a good husband, a good father." He has many "friends, family and workers who believe in him" and showed their support at a bond hearing.

When the Mubaraks first heard about the attacks of Sept. 11, Stephanie says, Ali was "very shaken," in part because he feared that his old acquaintance with Murad would land him in trouble. He was right. Two FBI agents visited him that day.

According to Stephanie, Ali was forthcoming, describing once again his long-severed relations with Murad. The FBI left

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*To Stephanie, Ali is a victim of racial profiling and guilt by association, neither of which take place in the America she thought she knew.*

*“I don’t believe our country is as free as I thought it was,” she says.*

after an hour. Then they left the family alone. “We went about our daily lives,” she says.

Eight months later, in May 2002, Stephanie and Ali flew to Texas for the weekend. When they tried to fly back to California, a security guard ran a check. The INS got involved, then the FBI. They took Ali away. Stephanie remembers little things about the encounter. A female FBI agent, for example, pointing to her husband and snarling, “are you with that guy?” Government agents told her that Ali married her in order to become a citizen. “My husband didn’t marry me to stay in the country,” she fumes.

The government hauled off Ali, taking him eventually to the Yuba County Jail. At Yuba, Stephanie says, “I saw him every Friday and Sunday. He was having a hard time with it.” Ali eventually agreed to voluntary deportation to his birth country, Pakistan. The plan was for him to go to UAE, where Stephanie would meet him.

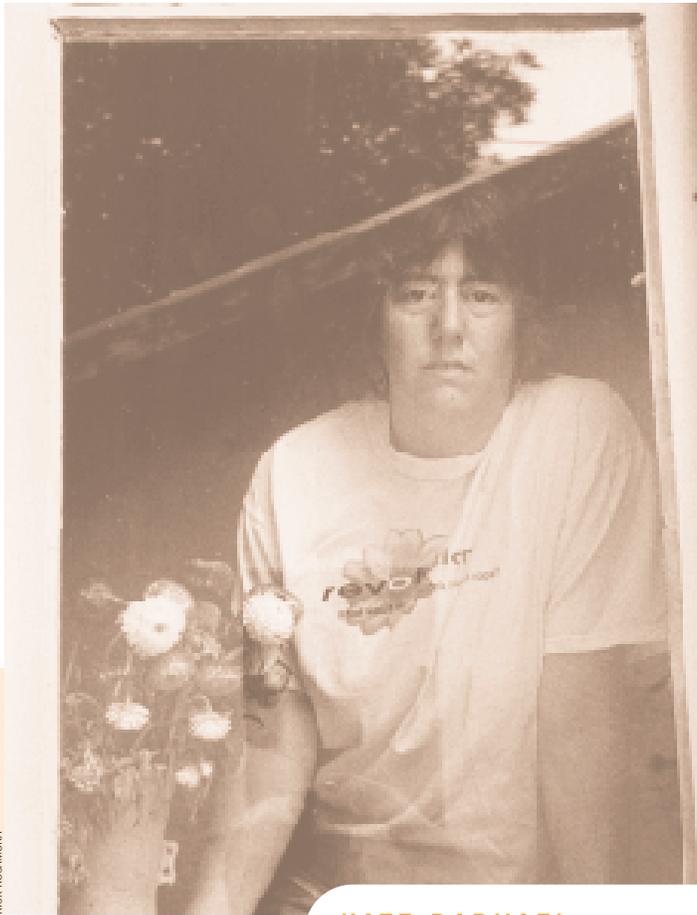
Then Ali disappeared.

“I knew there was something wrong when I hadn’t heard from him by Sept. 1,” Stephanie says. On Sept. 6 she learned that he was being held by the Pakistani intelligence services. On Sept. 19, Stephanie got a five-minute phone call from Ali. He told her he was being held and was under suspicion, although suspicion of what, he didn’t know. Stephanie then learned that the FBI had asked the Pakistani agency to detain Ali.

That was the last she heard of her husband.

Stephanie, now working as an office manager in Chico, is optimistic that he will be freed and they will move to the UAE. She confesses that while she finds the thought of adapting to a new culture “scary,” the U.S. government has made her decision easier. “You believe you live in a free country,” she says, “but I was naive.” It isn’t just Ali, she says. The government could come after you “because of the color of your skin, your eyes, your hair, your religion... It’s happening to other people, and nobody seems to care.” 

*“You believe you live in a free country,” she says, “but I was naive.” It isn’t just Ali, she says. The government could come after you because of the color of your skin, your eyes, your hair, your religion... It’s happening to other people, and nobody seems to care.”*



RICK ROCAMORA

**KATE RAPHAEL**, Berkeley

**K**ate Raphael never thought of herself as a big fish in any political movement.

But the FBI apparently thought otherwise.

After Sept. 11, agents called Kate, asked her to “name names,” and threatened her with a subpoena. When the National Lawyers Guild (NLG) intervened, the Bureau left her alone – but left behind another example of how precarious our grip on freedom of association and speech can be in an era of enhanced government power.

Kate is involved with Women in Black, a group of women activists who hold regular vigils dressed in black to protest injustices around the world. On Sept. 24, Kate handed out fliers for

the group at a rally sponsored by Jewish Voice for Peace in San Francisco’s Justin Herman Plaza.

When she returned to her Berkeley home from her job in San Francisco at one the next morning, she found a voicemail from someone claiming to be with the FBI.

This was a first for Kate. She didn’t know why the FBI was calling, but she “made the assumption that the call came because of the rally or the pamphlets.”

Kate, 43, has been around the political block a few times, and knew better than to call back herself. She contacted the NLG, which called the FBI. The agent explained that “they wanted to know who I knew in the Middle East.” Her lawyer told the Bureau that Kate knew nothing.

That prompted a second call from the FBI. In this voice mail, the agent told her if she didn’t come in and talk, “I’m probably going to have to subpoena you.” Kate called her lawyer and told her to inform the FBI that she had nothing to say. Her attorney did, meanwhile asking for a list, in writing, of questions the FBI wanted answered. The Bureau said no, threatened a subpoena again, and hung up.

That was the last Kate heard from the FBI.

Kate’s reactions ranged from fright to bemusement.

“I was a little scared,” she says. She asked herself, “Is it a joke?”

If the intent was to bully Kate, it didn’t work. She has increased her activity on behalf of civil rights. She helped found a group known as Community Protection Network, which helps provide “protection to people being targeted for hate violence.” She has passed out thousands of “know your rights” brochures and continued her activism – actions, which, she notes, constitute “protected First Amendment activity.”

Kate remains indignant about her harassment by the FBI, if puzzled. After all, she says: “If it’s your job to investigate Islamic fundamentalist terrorists, then it’s your job to know that they don’t hang out with Jewish lesbians in San Francisco.” ∞

***“If it’s your job to investigate Islamic fundamentalist terrorists, then it’s your job to know that they don’t hang out with Jewish lesbians in San Francisco.”***

**N**asser 'Nick' Heydarian came to the United States 19 years ago "for hope. I can talk, open my mouth, I can say whatever it is because the Constitution says I can."

Nick knows what it is like to live without basic freedoms. He fought the Shah of Iran for years and spent six years in an Iranian prison, where the Savak, the Shah's secret police, tortured him. After the Islamic Revolution in 1971, Nick continued to fight repression, taking to the mountains and eventually fleeing the country. He secured political asylum in the U.S. in 1983 and is now a U.S. citizen.

Nick has degrees in hospital administration, business and physical education, but for the past five years, he has owned and run the City Blend Café in San Francisco's Mission district. It was a steady, upward spiral for this Armenian Catholic former political prisoner turned American entrepreneur.

Until Sept. 11. On that day, life changed for him and, as he says, for "a million innocent, good people; good residents, good citizens."

It didn't happen right away. It took a few days. Nick received a phone call telling him to watch his back, to be alert for sharpshooters. Then someone began calling "ten times a day" threatening to burn down City Blend.

Why City Blend? Why Nick? He says it is known around the neighborhood that he is Iranian-American. In addition, he is outspoken - he has strong views, not always popular, and he expresses them; having the freedom to do so is one of the reasons he came to the United States.

Violence visited others in the neighborhood. The door to a Pakistani restaurant was destroyed. Someone left pigs' blood at an immigrants' services center down the street.

On Sept. 18, Nick came to work and found his front windows destroyed and the interior of the cafe vandalized - but mercifully, not burned down.

The attack scared away some of Nick's customers. But others helped. In an outpouring of support, they helped clean up; they brought sleeping bags and slept all night on the premises to ward off attack. "One lady, she's 80 years old, she brought warm apple pie and gave everyone hugs," Nick recalls with a smile.

City Blend shut down for two days. But a week later Nick came to open the cafe at 6 am and, again, the windows were gone and the interior damaged. This time he had to close for six days and when he reopened

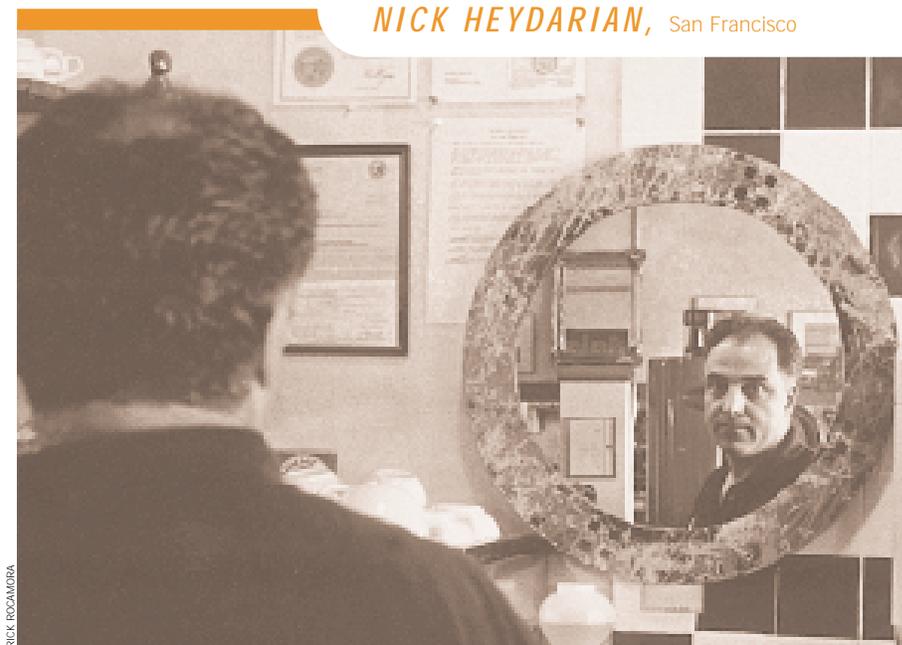
*In an outpouring of support, they helped clean up; they brought sleeping bags and slept all night on the premises to ward off attack.*

business did not pick up quickly. It plunged for a month and a half. The damage went beyond the cafe. Nick was "knocked down by grief and depression."

City Blend is back in shape, and on a summer Saturday morning it was thriving. It is a cheerful, airy place, with yellow walls made brighter by a skylight. Paintings by local artists hang on the wall. The clientele is diverse - Jewish, Christian, Arab-American, Latino, and Nick would not have it any other way.

Nick's hope is that the backlash will soon ebb - and education, he believes, is the key. "There's nothing wrong with the people of the United States," he says. "We just need more understanding of other cultures." 

**NICK HEYDARIAN**, San Francisco



Like most Americans, Robert Soza had a lot on his mind when he drove to work on Sept 11, 2001.

The 31-year-old teaching assistant at UC Berkeley had spent the morning watching the devastation on the east coast unfold on his television. As he pulled off Telegraph Avenue and onto Parker in Berkeley, he was trying to think of ways to work the tragedy into a class discussion.

He didn't pay much attention when a blue pickup truck pulled over to let him pass. As he drove past, however, he made eye contact with the driver, a Caucasian in his late 30s. There was something unsettling about the stare, Robert says.

*He knew that to racists appearance is all that counts. Was he about to become one of the first victims of Americans seeking payback?*

Nevertheless, he continued on.

The man in the pickup began to drive erratically, straddling the center of the road, and obviously following Robert. "I could see him clearly in my side mirror," Robert says.

Robert, who is dark-skinned, had a full black beard at the time. A PhD candidate in Ethnic Studies, he was well aware of some of the less savory episodes in American history. He knew that Arab-Americans had become targets immediately after the Oklahoma City bombing. He knew that during the Iran hostage crisis in 1979 and 1980, Iranian students were beaten on the streets of the U.S.

The World Trade Towers had fallen just a few hours earlier, but talk of revenge already had begun. Robert is not Middle Eastern—he is Mexican-American—but he became apprehen-

sive nonetheless: He knew that to racists appearance is all that counts. Was he about to become one of the first victims of Americans seeking payback?

Robert pulled into a parking place, hoping the driver of the pickup would keep moving. He didn't. He slammed on his brakes, pinning Robert in. "I couldn't move my car. I was in shock."

The pickup driver "runs around the car, reaches in and grabs me by the throat. He says, 'Do you know what's going on today?'"

By this time, Robert says, "I was terrified." He tried to calm the man down and finally got him to back off. Then, in a bizarre twist, his assailant told Robert that he wouldn't leave unless Robert handed him the keys to his car. Fear and anger apparently had twisted his thinking so profoundly that he perceived Robert as the aggressor. He grabbed Robert's keys, threw them to the floor of the car, jumped back in his pickup and drove away.

Robert did not report the incident to police, because he didn't think they would do anything about it. But it changed Robert in small but significant ways. He made "a conscious decision to 'look American,'" and shaved off the beard. "I don't like to go out to eat alone," he says. "I'm more aware of my surroundings."

The backlash continues to trouble him – particularly that "dissent is being so closely watched." And Robert now has a harrowing personal experience to draw on when he talks in the classroom about ethnic scapegoating. He has used the attack to educate his students and others. "I'm just asking people to think, even I could become a victim," he says.

**A**ngela Al-Faqih always thought of herself as a typical American teenager. “I fit in,” the 18-year-old said. “I was born in Walnut Creek. I’ve lived in the same house, had the same bedroom all my life.”

But as she sat outside Starbucks in the tony suburb in June, Angela was anything but a typical high school senior at graduation time. Angela had just gone through a year that shattered her sense of the world and her place in it.

Angela came face to face with the backlash in a venue where she should have been learning something quite different: a high school government-economics class. As

Angela tells it, the class sat in silence on Sept. 11, watching the horror unfold on television. As the week wore on, however, her teacher, a 35-year veteran of the classroom, began to make disparaging remarks about Middle Easterners.

According to Angela, he said that people from the Middle East should have a special sticker on their ticket so that when they board a plane they are the only ones to be checked. Better yet, he added, they should have their own plane, “because we don’t care if they go down or not.”

“He started blurting out stereotypes,” Angela said. “He said that in the Middle East if you do something wrong they chop off your hand. He suggested that Middle Eastern women are forced to ride in the back of the car and added that they should say to their husbands, ‘Honey, go ride your camel; I’m driving.’”

The school’s principal says the teacher was quoting or paraphrasing news articles. He said he had investigated the complaint and brought it to a satisfactory conclusion.

But the “he said-she said” aspect of Angela’s story underlines one of the most frustrating problems facing Arab-Americans in the U.S. today: Those who denigrate them don’t always realize they are doing so.

Angela is Lebanese-American, and has been to Lebanon three times. She knows there is more to it than camels and desert. She knows that Beirut is considered the Paris of the Middle East. She understands the complexities of the cultures and religions of the region.

The teacher’s comments began to eat away at Angela. On the advice of a counselor, she found an “American-looking” girl to write a letter of complaint. The teacher apologized: to a different student, a girl who wore more traditional Middle Eastern garb.

The derogatory remarks continued, Angela says. They ran through her mind as she sat in other classes. They nagged



**ANGELA AL-FAQIH**, Walnut Creek

her during her “free” time. “I felt that everything my parents had taught me was being bashed.”

Angela tried to switch out of the class, but counselors told her the logistics were difficult. One day she walked out. Finally, she simply stopped taking the class altogether. Two weeks later, the school found a place for her in another class – but by then, she had placed her graduation in peril.

Angela knuckled down, graduated and secured a place at college. But she still wants an apology from the school – and she would like to see school-wide classes on tolerance. As she moves on to a new phase in her life, Angela says the most enduring lesson she will carry with her was the one she learned in her civics class. “It was an eye-opener,” she says. “It’s also scary to think that I might encounter it again.”

*The “he said-she-said” aspect of Angela’s story underlines one of the most frustrating problems facing Middle Easterners in the U.S. today: Those who denigrate them don’t always realize they are doing so.*

# Grass Through the Rubble

*T*he people profiled in this report are not alone. Fifty-seven percent of American Muslims have experienced bias or discrimination since Sept. 11, according to an August 2002 poll by the Council on American Islamic Relations (CAIR), and 87 percent know of a fellow Muslim who has been discriminated against.<sup>1</sup> Numbers are similar in the Golden State, with 56 percent of Arabic, Iranian, Pakistani, Asian-Indian or Afghan residents saying they have been victims of racial and ethnic discrimination more frequently since Sept. 11, according to a Sept. 2002 poll conducted for New California Media.<sup>2</sup>

The backlash is far from over. Asked in September 2002 whether the situation has improved, an Iraqi woman living in San Francisco shook her head. "It's not better now... Many people, they came here because this was a wonderful and open country. Now they say they want to give up their citizenship. But I say we have to stay here, we have to be patient."

Patience may pay off, because discrimination is not the end of the story. As a horrified Muslim community reached out in sympathy to other Americans after Sept. 11, Americans also extended their hands to their Muslim neighbors. Three in four Muslims surveyed by CAIR reported acts of kindness by friends or colleagues, while overwhelming majorities of people of Middle Eastern and South Asian descent living in California say they feel their families belong and are welcome here, according to the New California Media poll.

The crisis has sparked a vigorous community reaction, with injections of funds birthing new organizations. With support from the California Endowment, the United Response Collaborative has brought together five community groups to coordinate services addressing backlash discrimination and violence. Organizations like CAIR and the ACLU have experienced significant surges in membership or support.

*“It’s not better now... Many people, they came here because this was a wonderful and open country. Now they say they want to give up their citizenship. But I say we have to stay here, we have to be patient.”*

Intergroup Clearinghouse, CAIR and other organizations have developed curricula and protocols designed to reduce discrimination in our schools and workplaces. A variety of hotlines provide referrals for people calling in to report hate incidents or violations of their rights, or to seek legal advice. Tens of thousands of multilingual “Know Your Rights” brochures designed by the ACLU and the National Lawyers Guild have been distributed throughout the region.

Blades of grass are growing through the rubble. Initiatives have sprung up to blunt the edge of the backlash -- but the work is just beginning.

## **A Groundswell of Resistance**

Meanwhile, resistance to government measures that curtail civil liberties is swelling across the nation.

The courts have been petitioned to redress government secrecy – and in some cases, they have delivered. In August 2002, U.S. District Court Judge Gladys Kessler issued a blistering rebuke to the government’s refusal to release the names of those detained since Sept. 11, writing that secret arrests are “odious to democracy.”<sup>iii</sup> Weeks later, ordering the government to end its policy of closed deportation hearings in a case that originated in Detroit, the Sixth Circuit Court of Appeals in Cincinnati wrote that “democracies die behind closed doors.”<sup>iv</sup>

The ACLU and SEIU are mounting a challenge in federal court in California to a new law that bars noncitizens from working as screeners in airports, and the ACLU has also sued four major airlines for discriminating against passengers for reasons unrelated to security after Sept. 11.

Even the highly secretive Foreign Intelligence Surveillance Act court provided a rare check on government power in May 2002. The court issued an unprecedented public rejection of a request that would have allowed for increased information sharing between counterintelligence investigators and criminal prosecutors.

On the political front, too, seeds of resistance have been sown.

Faced with the “Interview Project,” which targeted 5,000 men for questioning based on their national origin in November 2001, police departments around the nation including several in northern California, refused to participate,

citing concerns about racial profiling. Months later, when Attorney General Ashcroft proposed deputizing local police to enforce federal immigration laws, the California Police Chiefs Association wrote to him in protest. They argued that, in order to be effective partners with their communities, they must not be placed in the role of detaining people based on a change in their immigration status.<sup>v</sup>

Critics, ranging from House Majority leader Dick Armey to the US Postal Service, joined the ACLU in a chorus of opposition to Operation Terrorism Information Prevention Service (TIPS), which aimed to recruit workers who have access

people's homes as government informants. "There are much better ways to involve our communities in securing our homeland," said Arney. "After all, we are here today to defend our freedoms."<sup>vi</sup> After a firestorm of protest, the government scaled back its plans for Operation TIPS.

Librarians, too, are engaging in muted protest. The USA Patriot Act requires them to share patrons' records with FBI agents, who may subpoena information even without suspicion of a crime. Barred from talking about the subpoenas, some librarians are discarding records that reveal which patron checked out a book, and for how long.<sup>vii</sup>

And, in a groundswell of resistance, city councils around the nation have passed resolutions expressing concerns about the USA Patriot Act's anti-civil liberties provisions and asking for local reporting on the impact of the Act. Approximately 40 other cities and councils nationwide are currently considering such measures.<sup>viii</sup>

One year after the attacks, a statewide poll revealed that Californians are more worried about restrictions of civil liberties (51 percent) than that government will fail to enact strong antiterrorism laws (41 percent).<sup>ix</sup> Concern is mounting across the nation and it is bridging the political divide, as conservatives and liberals alike question the government's new incursion on civil liberties. "The problem is that, with all this in place, we will no longer live in the same country we lived in prior to Sept. 11," says David Keene, chairman of the American Conservative Union. "Those asking us to give up liberty for security should be careful."<sup>x</sup>

Resistance is growing, but the challenge remains: How can we curb discrimination and protect the civil liberties that define this nation? During these troubling times, the ACLU and our allies urge all those who wish to preserve our freedoms and rights to join our campaign to keep this nation, and region, safe and free. 

*“Democracies  
die behind  
closed doors.”*

- i Poll: Majority of U.S. Muslims Suffered Post-9/11 Bias. Council on American Islamic Relations (CAIR) Press Release, 8/21/02. Additional information is provided in CAIR's report: *American Muslims: One Year After 9/11* (September, 2002)
- ii Study of 1,000 California residents conducted in 12 languages for New California Media and USC Annenberg's Institute for Justice & Journalism by Bendixen & Associates, September 5, 2002
- iii *Center for National Security, et. al. v. United States Department of Justice*, August 2, 2002. The order has been stayed pending appeal.
- iv *Detroit News, Inc., et al v. Ashcroft et al.* August 26, 2002. The U.S. Supreme Court has issued a national stay on the opening of any such hearings. On October 8, 2002, in a case that originated in New Jersey, the Third Circuit Court of Appeals upheld secret deportation hearings. The ACLU is involved in both cases, which may be resolved by the Supreme Court.
- v The letter is online at [www.aclunc.org/pressrel/020415-police.html](http://www.aclunc.org/pressrel/020415-police.html)
- vi Remarks on proposed TIPS program during mark-up of the Homeland Security Act of 2002, 7/26/02.
- vii *FBI Monitoring Library Records in Terror Probe*, Associated Press, 6/25/02
- viii Visit [www.gjf.org/NBORDC/OtherLocalEfforts.html](http://www.gjf.org/NBORDC/OtherLocalEfforts.html) or [www.aclu.org](http://www.aclu.org) for updates on these efforts.
- ix Poll by Public Policy Institute of California, 8/29/02
- x Cited in "Ashcroft: Good Intentions on a Bad Road," *The Hill*, 7/31/02

# Backlash Index

- Percentage increase in hate crime events targeted at people of “other ethnicity or origin” in California between 2000 and 2001: **345.8**
- Increase in hate crimes reported in California in 2001 over 2000: **304<sup>i</sup>**
- Anti-Arab hate crimes under investigation each day in six major California jurisdictions in the three months following 9/11: **10**
- Anti-Arab hate crimes under investigation each day in the same jurisdictions in December 2001 and January 2002: **Less than one.<sup>ii</sup>**
- Number of hate crimes reported in San Francisco in September 2001: **48**
- Number of hate crimes reported in San Francisco in September 2000: **11**
- Number of the 149 hate incidents reported in San Francisco for 2001 that were Arab related: **65<sup>iii</sup>**
- Percentage increase in hate incidents reported in Santa Clara County in 2001 over 2000: **2,500<sup>iv</sup>**
- Number of times that the actual rate of hate incidents and hate crimes is higher than those reported: **10-100<sup>v</sup>**
- Number of young men of Middle Eastern and South Asian origin targeted for questioning by the FBI’s first Interview Project: **5,000**
- Arrests made for criminal activity as a result of the Interview Project: **3**
- Arrests made for visa violations as a result of the Interview Project: **17**
- Arrests made for criminal activity linked to terrorism as a result of the Interview Project: **0<sup>vi</sup>**
- Number of immigrants with outstanding deportation orders when the government began to round up “absconders” in January 2002: **314,000**
- Number of immigrants prioritized for deportation under the Absconder Initiative because of their nation of origin: **6,000**
- Number of noncitizens rounded up and detained shortly after 9/11: **1,182**
- Number of post 9/11 detainees held on immigration charges: **751**
- Number of post 9/11 detainees still behind bars as of June 2002: **74<sup>vii</sup>**
- Number of 9/11- related claims filed with the Equal Employment Opportunity Commission (EEOC) in Northern California in 2001: **60**
- Number of 9/11- related claims filed with the EEOC nationally in 2001: **610<sup>viii</sup>**

i Hate Crimes in California 2001: California Department of Justice  
ii Attorney General Releases Interim Report on Anti-Arab Hate Crimes, News Release, California Department of Justice, 2/28/02  
iii San Francisco Police Department Hate Crimes Statistics, September 12, 2001 to January 31, 2002  
iv Santa Clara County Network for a Hate-Free Community (www.hateistheenemy.com)  
v Estimate by Intergroup Clearinghouse  
vi Attorney General’s Report, 3/20/02  
vii U.S. District Court ruling in Center for National Security et.al. v. U.S. Dept. of Justice, 8/2/02  
viii: Figures from Northern California EEOC as of 9/23/02.

# A Mandate for Action

The backlash is being played out at a local level, in our schools and campuses and on our city streets, and it is at the local level that the defense of those rights must begin. The ACLU of Northern California, the Northern California Council on American-Islamic Relations, the United Response Collaborative, the Lawyers' Committee for Civil Rights and the National Lawyers Guild therefore call upon state and local policymakers to take the following actions:

## **City and County Councils**

- Pass resolutions that affirm support for constitutional rights, express opposition to the anti-civil liberties provisions of the USA Patriot Act (USAPA), and condemn racial profiling and the scapegoating of immigrants.
- Include in these resolutions measures requiring local reporting on: the number of people questioned and held as part of the 9/11 investigation; the number and nationality of local residents detained on civil immigration violations; the number of subpoenas issued to local libraries and bookstores under USAPA; the number of “sneak and peek” searches and wiretap orders executed locally under USAPA; and the number of local religious institutions, political rallies and meetings monitored by law enforcement.
- Ensure that local anti-discrimination ordinances are not violated in the region’s airports.

## **Local Police Departments**

- Report to the City or County, and not accede to, any requests by federal law enforcement for participation in any investigations that use race or national origin as a factor without an individualized suspect description.
- Report to the City or County, and not accede to, any requests by federal law enforcement for cooperation with investigations that violate Californians’ constitutional right to privacy.

## **Attorney General Bill Lockyer**

- Issue guidance to local police departments informing them that cooperating with federal monitoring of religious and political organizations participating in protected First Amendment activity violates California’s constitutional right to privacy in the absence of suspicion of criminal activity.
- Ensure that guidelines for the California Anti-Terrorism Information Center fully respect privacy, free association, and political and religious expression, publish these guidelines, and establish system for oversight.

## **State & Local School Boards and University Authorities**

- Establish clear protocols on how schools and campuses should deal with hate crimes, using existing models created in partnership with community organizations.
- Expand programs of diversity training in schools by groups experienced in this area in partnership with groups from targeted communities.
- Develop guidelines that ensure a safe environment for freedom of expression and protect the rights of students to express unpopular opinions.

## **California’s Congressional Delegation**

- Work to repeal all provisions of the USA Patriot Act that infringe upon civil liberties.
- Protect innocent people against domestic spying by working to restore protections that were erased by Attorney General John Ashcroft’s rewriting of intelligence-gathering guidelines.

Individuals living in the northern California region who want to help fight backlash discrimination and preserve civil liberties should contact the organizations listed in the resource section of “Caught in the Backlash: Stories from Northern California.”

## ***Resources for Victims of Hate Crimes, Discrimination or Government Profiling***

***The American Civil Liberties Union (ACLU)*** is the only national organization devoted to defending and expanding the Bill of Rights of the U.S. Constitution. The ACLU of Northern California works to protect civil liberties and rights in this region. To report violations of your civil liberties post 9/11, call 415-621-2493. ([www.aclunc.org](http://www.aclunc.org))

***The Council on American Islamic Relations (CAIR)*** is dedicated to presenting an Islamic perspective on issues of importance to the American public. In offering that perspective, we seek to empower the Muslim community in America through political and social activism. For more information or to report an incident, call 408-986-9874 or email [dahlia@cair.com](mailto:dahlia@cair.com). ([www.cair-net.org](http://www.cair-net.org))

### ***Intergroup Clearinghouse (IC)***

IC's programs promote harmonious relations among diverse populations, identify and respond to critical intergroup issues, and recommend actions to prevent violence. IC also coordinates San Francisco's Hate Violence Prevention and Assistance Network and works in Bay Area schools to develop and implement bias-free school plans. For more information, or to report a hate crime or hate incident, call 415-564-9410. ([www.intergroupclearinghouse.org](http://www.intergroupclearinghouse.org))

***The Lawyers' Committee for Civil Rights*** is devoted to advancing the rights of people of color, poor people, and immigrants and refugees, while maintaining its historical commitment to provide legal advocacy for African-Americans. For more information call 415-543-9444. ([www.lccr.com](http://www.lccr.com))

***The National Lawyers Guild*** is a bar association dedicated to the need for basic change in the structure of our political and economic system to the end that human rights shall be regarded as more sacred than property interests. Targets of government profiling since 9/11 should call the Guild's hotline: 415-285-1055. ([www.nlg.org/sf/](http://www.nlg.org/sf/))

### ***United Response Collaborative***

The United Response Collaborative, generously funded by The California Endowment, was formed by Arab, Muslim, South Asian, and mainstream civil rights organizations to work together to address backlash hate violence and discrimination after Sept. 11, 2001.

The Collaborative is formed of five community-based organizations:

### ***Alliance of South Asians Taking Action (ASATA)***

ASATA is a grassroots, volunteer organization founded in March 2000. Its mission is to educate, organize and empower the Bay Area South Asian community to end violence, oppression, and exploitation within and against South Asian communities. 415-274-6760, ext. 310 ([www.asata.org](http://www.asata.org))

### ***American-Arab Anti-Discrimination Committee of San Francisco (ADC-SF)***

ADC-SF is a community-based group serving the Arab immigrant and Arab American communities through education, advocacy and empowerment programs. ADC-SF operates a 24-hour Community Resource Hotline that provides resources and support for victims of hate crimes, harassment and identity-based discrimination. Services are available in English and Arabic. 415-861-7444 ([www.adcsf.org](http://www.adcsf.org))

### ***Chinese for Affirmative Action (CAA)***

Established in 1969, CAA is a non-profit, member-supported civil rights organization that provides direct services and engages in broad-based policy reform and advocacy locally and statewide. 415-274-6750 ([www.caasf.org](http://www.caasf.org))

***Intergroup Clearinghouse (IC)*** (see above)

### ***Islamic Networks Group (ING)***

ING's mission is to eliminate stereotypes of Muslims through educational programs. Founded in 1993, ING's programs are delivered by trained and certified speakers who present Muslim culture in programs to public and private institutions. 408-296-7312 ([www.ing.org](http://www.ing.org))





# ACLU

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