PART I
ANTI-ARAB ANIMUS IN CONTEXT
Underreported, Under Threat: Hate Crime in the United States and the Targeting of Arab Americans is the culmination of dedicated, long-term research into the nation’s hate crime reporting and data collection system, with a specific focus on targeted violence against Arab Americans.

In this report, you will find important information regarding the nature and threat of hate crime targeting the Arab American community, including a selection of compelling case studies and a critical examination of the federal government’s response to anti-Arab hate crime over the last three decades. Located in Appendix A, you will also find Rating the Response: Hate Crime Legislation, Reporting, and Data Collection in the United States. Our resource guide is the first of its kind, complete with just about everything you could hope to know about state-level commitments to preventing hate crime against targeted or vulnerable communities, protecting hate crime victims, and promoting sensitivity, transparency, and accountability on the part of law enforcement when responding to hate crime incidents. We intend to update Rating the Response on an annual basis, compiling hate crime data from state-level and federal statistics, tracking relevant legislation at the state and federal levels, and holding elected officials accountable where shortcomings remain.

Whether committed because of race, ethnicity, religion, national origin, sexual orientation, gender, gender identity, disability, or some other protected characteristic, hate crimes must not be tolerated. Out of the desire to advocate for the specific concerns of our community, we have created a product with the potential to serve all communities in the effort to counteract hate crime. Progress will require a collective effort. Working together, however, we cannot forget the nature and threat of hate crime are distinct for each community, and depend on a mix of historical, political, and cultural factors.

When it comes to understanding the nature and threat of hate crime against Arab Americans, context is key.

"I think I can say that Arab individuals or those supporting of Arab points of view have come within the zone of danger."  

This was the statement made by Federal Bureau of Investigation (FBI) Director William H. Webster at the National Press Club on December 10, 1985—just two months after Arab American civil rights advocate Alex Odeh was murdered in a bomb explosion at his office on October 11.²

It is important to understand the climate in which this hate flourished, including the period during the 1970s and 1980s when Arab Americans were targeted by government policies, an active FBI-designated terrorist group, and organizations engaged in the suppression of pro-Palestinian advocacy. While a decidedly odd combination, these individual phenomena came together to inform the bigotry, discrimination, political exclusion, and government targeting that define the broader historical trend of anti-Arab animus. This sentiment requires attention in this report on hate crime, as it provides the necessary context for understanding targeted violence against Arab Americans.

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² Alex Odeh was the west coast regional director for the American-Arab Anti-Discrimination Committee (ADC). He was tragically murdered at his ADC office in Santa Ana, California on October 11, 1985. Odeh was 41 and left behind his wife, Norma, and three daughters: Helena, Samya and Susan, ages seven, five and two respectively. Nearly 33 years later, the FBI’s case into Odeh’s murder remains open and no one has been charged or prosecuted.
About Arab Americans

Arab Americans are a diverse community of immigrants and descendants of immigrants numbering at least 3.7 million people. They have been immigrating to America since the 1880s.

The first Arabs to arrive at America’s shores in significant numbers came in the late 19th century from what was then known as Greater Syria (i.e., Lebanon, Syria, and Palestine). The immigrants who arrived between the late 1870s to 1924 were among the more than 20 million people who came to the United States from all over the world during that period. An anti-immigrant backlash to this influx, combined with nativist sentiments, culminated in the passage of the Immigration Act of 1924, which imposed restrictions on immigration and resulted in a significant reduction of new arrivals.

When immigration restrictions eased in the aftermath of World War II, a second wave of Arab immigration began. Unlike those that preceded them, immigrants arriving after 1970 came to America as a result of war and political conflict in the Middle East, including Palestinians displaced by the 1967 Arab-Israeli war and Lebanese by the 1975 civil war in Lebanon. These immigrants, politicized by their experiences and developing Arab nationalism, would find established communities of third and fourth generation Arab Americans coming of age at a time of elevated political consciousness rooted in the civil rights movement of 1960s America. They would come together to form an emerging Arab American community, one with a shared sense of ethnic pride and newly established organizations to represent its interests.

Though they live in all 50 states, two-thirds of the Arab American community is concentrated in just 12 states (California, Michigan, New York, Texas, Florida, Illinois, New Jersey, Ohio, Massachusetts, Pennsylvania, Virginia, and Maryland). Arab Americans tend to vote for issues and candidates rather than political parties, and have a high rate of political participation. Contrary to prevailing perceptions, they are not a single-issue constituency.

Like the general American public, jobs and the economy regularly rank as their top issues of concern, followed by healthcare. Democrats also cite gun violence as a priority, while Republicans name combatting terrorism. Additionally, emotional and familial ties to their countries of origin continue to place foreign policy as a concern. Despite diversity in their countries of origin, religions, and generations, Arab Americans generally coalesce around justice for Palestinians and meeting the humanitarian needs of refugees and other impacted people at times of crisis.

Negative Perceptions of Arab Americans

Negative portrayals of Arabs and Arab Americans are common. Both the entertainment industry and media outlets have played a significant role in either driving these negative portrayals or reinforcing them. Arabs and Muslims, two groups that are often falsely considered interchangeable, continue to be vilified on big and small screens alike. In the words of the late Jack Shaheen, who dedicated his life to examining and combatting anti-Arab stereotypes in the media, “Arabs are the most maligned group in the history of Hollywood.”

In his research, Shaheen explores how and why Arabs have been degraded by those in Hollywood, pointing out that films often ignore the realities about Arabs and instead represent them as “brute murderers, sleazy rapists, religious fanatics, oil-rich dimwits, and abusers of women.” While Arab Americans have long been embedded in the fabric of American society, they are almost uniformly ignored by Hollywood or hyper-focused on as undesirable characters, including dangerous terrorists. When entertainment fails to show Arabs as regular people, or, even worse, when their characters are limited solely to villains, the viewing public is acclimated to seeing an entire community as dehumanized, enforcing harmful stereotypes.

While some improvements have been made since the era of the The Sheik or The Siege, the dehumanization of Arabs continues with their absence from screens as normal, familiar characters, or their ongoing depiction as shallow, one-dimensional stereotypes.

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1 Arab Americans have historically been undercounted on the decennial census. The Census Bureau identifies only a portion of the Arab American population through a question on “ancestry” on the American Community Survey. Reasons for the undercount include the lack of a specific category on the census designed to capture Arab Americans; the placement and limit of the ancestry question on the significantly more limited American Community Survey; the effect of the sample methodology on small, unevenly distributed ethnic groups; and distrust or misunderstanding of government data collection efforts. While the census estimates there are 2 million Arab Americans, AAI demographics research estimates that number to be closer to 3.7 million.

2 National organizations established in support of Arab American empowerment included the Association of Arab-American University Graduates (AAUG) in 1968, the National Association of Arab Americans (NAAA) in 1972, the American-Arab Anti-Discrimination Committee (ADC) in 1980 and the Arab American Institute (AAI) in 1985. Of these, AAI is the only one that adopted political engagement of Arab Americans and electoral politics as its core mission, which continues to today.


The negative portrayal goes well beyond fiction. What emerges as a result of these stereotypes is an Arab and Muslim exception to the customary threshold of bigotry deemed appropriate for mainstream outlets.

The news media’s embrace of anti-Arab commentators goes back decades, but continues to be evident with contemporary pundits as well. When a conservative commentator declares, “Arabs like to bomb crap and live in open sewage,” his bigotry does not disqualify him from appearing on leading American media networks, from CNN to Fox News. In the face of apparent pushback, a television personality lamented that “Forty-eight years ago in this country we could make fun of Arabs...but now we can’t. What has changed in America?”

The impact of the normalization of anti-Arab bigotry by the media is sporadically visible in our political discourse as well. For example, during the 2008 presidential election, Republican nominee Senator John McCain was confronted on the campaign trail by a woman who said: “I can’t trust Obama... he’s an Arab.” Senator McCain challenged the bigotry inherent in her statement about then-candidate Barack Obama, and he was rightly acknowledged for it. However, his admirable instinct to defend Obama resulted in him harshly rejecting the accusation of Arab identity, stating, “No ma’am, no ma’am. He’s a decent family man.” The impression left from this exchange was clear: being an Arab and decent were mutually exclusive terms.

The 2016 presidential election and the candidacy of Donald Trump would bring a newfound, noticeable increase in bigoted campaign rhetoric targeting many communities, particularly American Muslims. The roots of that bigotry are solidly based in stereotypes that continue to plague Arabs, painting them as backwards, violent, and untrustworthy.

Western media’s portrayal of the Middle East in general is not much better. “To read the headlines from major US news networks is to believe that the Middle East is trapped in an eternal cycle of violence, instability, and terrorism. The reporting these headlines introduce may be a bit more nuanced, but not by much.” Although not directly about Arab Americans, coverage of the region as a never-ending conflict zone instead of highlighting its multidimensional people only reinforces negative beliefs.

Such stereotypes are not without consequence. According to Arab American Institute (AAI) polling, half of all Arab Americans have personally experienced discrimination in the past because of their ethnicity or country of origin, and 62% are concerned about future discrimination. When it comes to Arab Americans who are Muslim, that number jumps significantly, with nearly 8 out of 10 concerned about facing discrimination in the future.

Given what AAI surveys of American attitudes show, these experiences or feelings are well founded. The first time AAI polling found a majority of Americans were found to hold favorable opinions of Arab Americans (52%) came just last year in 2017. When it comes to hate, a plurality of Americans recognize there has been an increase in hate crimes against Arab Americans (47%). However, Americans are deeply divided along party lines on the nature of the problem, with 60% of Democrats agreeing anti-Arab hate crimes are increasing, while 53% of Republicans do not believe an increase has occurred.

The depiction of Arabs in the entertainment industry, the often-biased reporting of news from the Arab world, and the unrelenting coverage of the indefinite “war on terror” with its ostensibly leading Arab and/or Muslim main characters, come together to produce a prejudice or distrust of Arab Americans in the most classic understanding of bigotry.

**Discrimination Takes Hold: The Backlash Effect**

In addition to the bigotry advanced by entertainment and media stereotypes, Arab Americans often find themselves as targets because of events wholly unrelated to them. Arab Americans are vulnerable to attack—both threats and targeted attacks—in the wake of developments in the Middle East or incidents of mass violence. The incident may be domestic or take place abroad, but if viewed as an issue related to national security, members of the Muslim, Arab or...
South Asian (MASA) community will feel the backlash effect. Episodic violence against immigrant communities has been evidenced after major events such as World War II and 9/11. In these instances, hate is “redeployed as patriotic gestures, when belongingness is exercised through the negation or abjection or those people marked as truly different.”

The aftermath of 9/11, when communities perceived to be Arab or Muslim, including Sikh Americans, endured untold retaliatory violence, is a particularly salient example of the backlash. The violence prompted then FBI Director Robert Mueller to warn, “Such acts of retaliation violate federal law and, more particularly, run counter to the very principles of equality and freedom upon which our nation is founded.” However, similar tides of antipathy, albeit less severe, date back to the 1970s.

One of the earliest documented backlash effects was in 1973 in the aftermath of the Arab-Israeli war and the subsequent oil embargo. As one Arab American would explain it, “Suddenly we were being held responsible for things we had nothing to do with and no control over and maybe didn’t support in the first place.” The increase in hostility and prejudice toward Arab Americans in response to events wholly out of their control was a new phenomenon, but one that would continue to repeat. Whether the Iran hostage crisis in 1979, or in the aftermath of plane hijackings in 1985, community members learned to brace for harassment and intimidation in the wake of events making headlines.

It was not until 1990, and its dramatic increase in hate crime, that the backlash effect, which had been cemented in the Arab American experience, was so severe that President George H.W. Bush spoke out against it. After a meeting with community leaders, President Bush acknowledged the targeting of Arab Americans, stating:

"Unfortunately, today—I’m glad the media are here because I want this message to go out beyond this room—today some Americans are the victims of appalling acts of hatred. And this is a sad irony that while our brave soldiers fight aggression overseas, a few hatemongers here at home are perpetrating their own brand of cowardly aggression. Death threats, physical attacks, vandalism, religious violence, and discrimination against Arab-Americans must end.”

The event prompting this meeting and President Bush’s remarks was the 1990 Gulf War. The American-Arab Anti-Discrimination Committee (ADC) documented a total of four anti-Arab hate crimes from January to August of 1990. Then Iraq invaded Kuwait on August 2, 1990, and between August 2 and January 17, 1991, the day the United States entered the combat phase of the war, ADC recorded 40 hate crimes. During the first week of the war, another 44 hate crimes were recorded. The New York Times would cite the ADC data when it called for an end to hate crimes targeting Arab Americans saying, “Lives and liberty are at stake.”

Five years after the surge of hate crimes in the aftermath of the Gulf War, the Oklahoma City bombing occurred on April 19, 1995, killing 168 people. Hours after the bomb went off, media outlets featured “terrorism experts” that offered their own biased and dangerous commentary. Steven Emerson appeared on CBS Evening News, saying “This was done with the intent to inflict as many casualties as possible. That is a Middle Eastern trait.” CNN would go as far as releasing the names of four innocent Arab Americans in relation to the horrific attack. For months after the explosion, violent hate crimes targeting Arab Americans and American Muslims happened across the country. This was the case in spite of the fact that a far-right paramilitary group, led by Timothy McVeigh and co-conspirator Terry Nichols, had committed the attack. During the same period, hate crimes targeting other demographics saw a coinciding decrease.

Decades in the making, the backlash effect became common for Arab Americans, as well as members of the Muslim, Arab, and South Asian communities who would be equally subjected to its destructive impact. But the backlash following the terrorist attacks of September 11,
2001 would prove to be unprecedented. Four days after the terrorist attacks, Balbir Singh Sohdi, a Sikh-American, was murdered in a violent hate crime in Arizona – the first of many. According to FBI data, there was a 424% increase in anti-other ethnicity hate crime incidents reported in 2001. This data demonstrates with clarity the "retaliation" Director Mueller had condemned.

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In the years following 9/11, Muslim, Arab, and South Asian communities have continued to face bigotry, hostility, and sometimes violence in the wake of world events unconnected to them.

The Alienating Nature of the Politics of Exclusion
In addition to the experience of bigotry and backlash, Arab Americans have historically faced unique challenges to their full participation in politics and policy, including elections. In what would come to be known as the “politics of exclusion,” referring to the phenomena of “Arab-baiting” and the desire to exclude Arab American constituencies from politics to obstruct their advocacy for Palestinian human rights, the community would pay a heavy price on the road to their political empowerment. This “politics of exclusion” produced a “political racism” with far reaching impact. As explained, “It has been not so much Arab origin as Arab political activity in America that has engendered a new form of ‘political’ racism that takes prejudice and exclusion out of the arena of personal relations into the arena of public information and public policy.”

Among the most outright examples of the politics of exclusion are the rejection of campaign endorsements and contributions by both local and national campaigns. The presidential campaign of George McGovern rejected the endorsement of Arab Americans in 1972. President Jimmy Carter allowed a committee in 1976, but it had to be called “Lebanese Americans for Carter.” Campaigns returned contributions—from candidates as varied as Philadelphia mayoral candidate Wilson Goode to presidential candidate Walter Mondale—and candidates were targeted based on their connection to, or support of, Arab American constituents in the very districts they were running to represent. The first presidential campaign cycle with established Arab American support committees came in 1984 with committees formed in support of both President Ronald Reagan and Reverend Jesse Jackson. That historic campaign for Arab Americans, with its issue debates and platform battles, would lead to the first organized effort of the community to impact electoral politics in America on a national scale with the 1988 campaign cycle.

In addition to negatively impacting Arab Americans’ efforts to gain their rightful place in American politics, attempts at hampering their political development meant they were less equipped to respond to the surge in hate crimes the community would endure. Indeed, one could argue that in attempting to silence a community on a policy issue, the politics of exclusion would also serve a key role in advancing anti-Arab animus, and as such, contribute to a climate in which hate crimes against Arab Americans increased. To be clear, no claim can be made that any organizations intended their attempt at political suppression or exclusion to take the form of targeted violence or hate crimes noted in the next section of our report. For example, many organizations condemned the deplorable tactics of the Jewish Defense League (JDL), a terrorist organization. However, what some organizations did not do then, and continue to fail to do now, is acknowledge the role their efforts to silence a community on the Israeli-Palestinian conflict (while unquestionably non-violent) played in advancing anti-Arab animus and the targeting of Arab Americans.
When Exclusion Adopts Violence

As noted, for Arab Americans exclusion often took the form of harassment and intimidation. It also took the form of violence. The “zone of danger” Director Webster described in 1985 was by then well known to Arab American community leaders after having regularly experienced the ugly reality of being pursued by violent actors. Indeed, this targeting of Arab Americans and the corresponding number of attacks would play a role in the 1990 passage of the Hate Crime Statistics Act, landmark legislation discussed further in this report, that created the infrastructure for the collection of bias-motivated incidents.

Among the leading proponents of the use of violence was the Jewish Defense League (JDL). According to the FBI, JDL’s violence, including “arsons, bombings, and assaults,” was targeted at “Soviet diplomatic establishments and personnel, individuals associated with the American-Arab community, and persons allegedly affiliated with the World War II Nazi Germany atrocities.” In their targeting of the Arab American community, the objective was to suppress the community’s engagement, necessitating tactics that sowed fear far and wide. Based on both the violence they would inflict, and the difficulty law enforcement seemed to have in preventing their terror during this arduous time for Arab Americans, these tactics worked.

One of the people “associated with the American-Arab community” was the American-Arab Anti-Discrimination Committee’s (ADC) west coast regional director, Alex Odeh. A civil rights advocate, Odeh was killed when he arrived at the ADC office in Santa Ana, California on the morning of October 11, 1985. A bomb was triggered when he opened the door to his office, tragically killing him and injuring seven others on the same floor.

Consistent with the pattern described in a Rand Corporation report examining trends in terrorism, JDL head Irving Rubin denied involvement with Alex Odeh’s murder in 1985 but said, “I have no tears for Mr. Odeh. He got exactly what he deserves.” A group founded by former members of the JDL also denied responsibility for the murder of Odeh, stating, “We aren’t claiming credit, but it couldn’t happen to better people, more deserving people.”

Odeh’s murder, and the ongoing assault on the Arab American community were the circumstances that led to the historic congressional hearing in 1986 on hate crimes targeting Arab Americans. Held before the House Judiciary Committee, Subcommittee on Criminal Justice on July 16, 1986, the hearing entitled, “Ethnically Motivated Violence Against Arab Americans”

References:
33 Id.
34 Federal Bureau of Investigation, U.S. Department of Justice, FBI Analysis of Terrorist Incidents and Terrorist Related Activities in the United States 1985, page 16
35 Bruce Hoffman, “Recent Trends and Future Prospects of Terrorism in the United States,” The RAND Corporation, (May 1988), page 16-17. The unique way in which the JDL operated during the 1980s would prove to be a key factor for law enforcement: “The difficulty in affixing responsibility for these incidents to the JDL is in large measure a reflection of both the group’s unique character and its long-standing terrorist modus operandi. Although the FBI has long classified the JDL as a terrorist organization, the group is in fact a perfectly legal entity, incorporated under New York State law and enjoying tax-exempt status as a registered political action group. Thus, in order to preserve its legality, the JDL has rarely claimed credit for terrorist acts committed by group members. Typically, an anonymous caller has claimed responsibility for a specific terrorist act for either the JDL or one of its alleged subgroups, only to have an official JDL spokesman deny the claim the following day. In this manner, the JDL is able to deny association with the perpetrators and avoid prosecution on conspiracy charges. Nevertheless, over the past decade at least 50 indictments have been handed down to JDL members, of whom at least 30 have been convicted in the U.S. courts of committing or conspiring to commit terrorist offenses.”
Against Arab-Americans," proved to be critical to the passage of the Hate Crimes Statistics Act just four years later. It also afforded Arab American community leaders the opportunity to highlight their targeting by hate groups and biased government policies alike.

Advocates were able to explain these threats to the community’s well-being and power in the context of exclusion. In the leadup to the hearing, the New York Times described it as a “Briefing; On Arab ‘McCarthyism’” citing an interview with Arab American Institute co-founder James Zogby who referred to efforts to suppress the political activity of Arab Americans as the “new McCarthyism.” To advocates engaged in the protection of the civil rights of Arab Americans, the connection between the active political exclusion of the community and its ability to protect itself from hate crimes was both evident and lived daily.

“Our problem is not one of popularity but of the refusal by some to accept our very legitimacy as an ethnic community with equal rights to access to the political process of the country. We therefore come to you today to request that you assist us in our quest to secure our right to political participation, unimpeded right to the political process. We should push to secure indictments against all those who have committed acts of violence and threatened acts of violence against Arab Americans; and, second, we need more oversight of the FBI to end the harassment of Arab American activists by the FBI, by the Criminal Division of the Justice Department, and by other agencies of Government that have been so involved.

Finally, we need to end blacklisting of Arab Americans. It’s beyond the purview of this committee, but certainly by you having provided us, Mr. Chairman, the opportunity to air our concerns, clearly, the practice of blacklisting, I think, will be a more difficult one for some to practice in the future.”

The Arab American witnesses testifying at the hearing, from civil rights advocates to members of Congress to hate crime victims directly impacted, made a compelling case for necessary protections—and the rejection of the campaign to silence them.

As noted earlier, the number of attacks carried out by the JDL was the impetus for the FBI’s reference to Arab Americans being in a “zone of danger.” While law enforcement undeniably played a significant role in addressing the violence that has targeted the Arab American community, there are several factors preventing a complete resolution to this ugly period in the history of anti-Arab animus. First and foremost, that Alex Odeh’s murder remains unsolved today prevents the healing that needs to take place by both his family and his community. A civil rights advocate was killed in what is arguably the highest profile hate crime against an Arab American and the case remains open, without any arrest or conviction.

Further, the JDL itself has resurfaced in a public way on at least two occasions. In December 2001, JDL leader Irving Rubin and Earl Krugel were charged in a plot to bomb the offices of the Muslim Public Affairs Committee (MPAC), a Culver City mosque, and the district office of then freshmen Arab American Congressman Darrell Issa. In March 2017, JDL members attacked people outside of an AIPAC conference in Washington, D.C., including Arab American professor Kamal Nayfe. JDL members, Canadian Yosef Steynovitz and American Rami Lubranicki, were indicted in December 2017 on multiple counts, including a hate crime charge for the beating of Nayfe. In photographs and video of the attack, JDL flags and insignia are quite visible.

From Protection to Targeting: The Complicated Role of Government Policies Toward Arab Americans

During this increase in hate crimes, Arab Americans would rely on their government to offer necessary protection and eventual prosecutions of hate crime perpetrators. However, the unique problems Arab Americans face as a community that became securitized by their own government through ostensible counter terrorism policies and practices, long

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39 Ethnically Motivated Violence Against Arab-Americans: Hearing Before the H. Subcomm. On Criminal Justice, 99th Cong. (July 1986) (statement by Dr. James Zogby, Executive Director, Arab American Institute)
predate the hate crimes analyzed in this report. Indeed, this very issue is what Zogby cited during the 1986 hearing when he called for the ending of “harassment of Arab American activists by the FBI.” While not an attempt at a comprehensive list, the following are select examples of government policies that have targeted Americans of Arab descent.

The government’s view of Arab Americans through the lens of national security contributes to framing the community as merely a means toward mitigating external threats, instead of an internal community deserving of service and protection as any other group of Americans. This positioning undermines Arab Americans’ ability to approach their government for service or assistance, as Arab Americans face policies and actors who harbor suspicion of insufficient loyalty to the United States, or ulterior motives of turning Arab Americans into government informants. In each of these cases, government policies can be seen as facilitating discrimination rather than functioning as policies of a state actor obligated to safeguard and defend the rights of Arab Americans.

The government targeting of Arab Americans can be traced back to what was termed “Operation Boulder” in 1972. In the wake of the killing of Israeli athletes in a terrorist attack at the 1972 Munich Olympics, the Nixon Administration created the surveillance program known as Operation Boulder. The program sought to silence Arab and Arab American voices within the United States through investigation, surveillance, and harassment. The program specifically targeted Arabs with U.S. citizenship, resident aliens of Arab descent, non-Arab Americans sympathetic to Arab causes, as well as the relatives, neighbors, friends, and employers of Arab individuals. Operation Boulder officially ended in 1975 after it was deemed “not worth it” by law enforcement, though its demise would be announced in a major media outlet as “A Plan to Screen Terrorists Ends.”

A decade later in October 1982, Arab American community leaders presented the FBI with more than 100 affidavits providing evidence that prominent Arab Americans had been subjected to violence and widespread threats of violence. The same leaders also presented evidence of continued harassment by the FBI. During a surge in hate crimes targeting Arab Americans, the FBI was investigating and infiltrating leading Arab American organizations, including the Palestine Human Rights Campaign, the Association of Arab-American University Graduates, and the General Union of Palestinian Students. In response to the surge in hate crimes or conducting routine investigations, the FBI deployed agents to conduct interviews with hundreds of leaders and advocates nationally. The FBI spokeswoman would state it clearly: “We have two mandates. One is to protect these people from any ignorant individuals who might try to injure them if hostilities with Iraq would break out. But we also have a mandate to deter terrorism.” Once again, it is clear the securitized approach to Arab Americans would hamper efforts to protect them.

Passed during the Clinton Administration and in response to the Oklahoma City bombing, the Omnibus Counterterrorism Act of 1995 gave the federal government broader tools to target Arabs and Arab Americans, allowing for the deportation of non-citizens under vague criteria, and allowing the identities of accusers to remain secret. A 1998 report found that all 25 men targeted for deportation under this statute were of Arab descent.

After the terrorist attacks on September 11th, 2001, a series of counter-terrorism policies targeted Arab Americans, including the FBI’s interviewing of thousands of Arab Americans without particularized suspicion, and a 2003 “Special Registration” program entitled National Security

43 Testimony of James Zogby supra note 39
46 Id.
Entry-Exit Registration System (NSEERS) which required tens of thousands of immigrant males to be “fingerprinted, photographed and questioned by authorities.”

Congress also passed national security legislation empowering the executive branch to conduct mass surveillance of American citizens and lawful permanent residents. Both the USA PATRIOT Act of 2001 and the FISA Amendments Act (FAA) of 2008 authorized further incursions into Americans’ privacy.

The Patriot Act, for example, created the Student and Exchange Visitor Information System (SEVIS), which monitored international students in U.S. colleges and universities. The Act also expanded government surveillance to include “bulk collection” of Americans’ communications and other data. A new addition to FISA known as Section 702 increased the U.S. government’s surveillance capabilities, removing the long-standing requirement that it obtain a warrant to monitor communications between U.S. persons and suspected foreign targets. This form of warrantless surveillance resulted in the “incidental collection” of innocent Americans’ communications. While these policies are facially neutral with respect to ethnicity, the National Security Agency has been shown to use similar tools to target Arab Americans and American Muslims alike.

That same year, the Terrorist Screening Center (TSC) was created to monitor potential terrorist suspects and place individuals on a variety of watchlists for surveillance. The fact of a person’s presence on a list, and why a person was added, is not provided to listed individuals. Notably, Dearborn, Michigan, a city with less than 100,000 residents and home to the largest concentration of Arab Americans, was second only to New York City in the number of watchlisted individuals.

In August 2011, the Associated Press published an investigative report on the New York Police Department’s (NYPD) counter-terrorism and surveillance programs that directly targeted Arab American Muslim businesses, mosques, and communities in New York and New Jersey. The revelations of the breadth and depth of the NYPD’s surveillance program were shocking, with use of widespread “ethnic mapping” and reporting on the day to day activities of innocent people. Not only are the NYPD’s spying program and others like it illegal under the Constitution, they are ineffective and highly consequential to the communities they infiltrate. Not a single lead on terrorist operations resulted from NYPD’s spying activities.

The Obama Administration released the “Strategic Implementation Plan for Empowering Local Partners to Prevent Violent Extremism in the United States” in 2011. The plan was introduced as a domestic counter-terrorism strategy, and became the foundation for the federal government’s Countering Violent Extremism (CVE) programs. In 2016, DHS began the Interagency CVE Task Force, which essentially approached community outreach to American Muslim communities as part of counterterrorism programming. These programs seek to deputize local Arab American and American Muslim leaders and organizations to surveil their own communities on behalf of the U.S. government.

Operation Janus, which is a project between DOJ and DHS with the purpose of identifying individuals who may have been wrongfully naturalized as citizens due to incomplete fingerprint records, was also initiated during

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54 As defined in 22 U.S. Code § 6010, the term “U.S. persons” refers to American citizens, lawful permanent residents, and “any corporation, partnership, or other organization organized under the laws of the United States.” See also Letter from Brennan Center for Justice to members of the Privacy and Civil Liberties Board (Apr. 11, 2014), available at http://www.brennancenter.org/sites/default/files/analysis/BCJ-PCLOBComments04.11.14.pdf.
55 For up-to-date information and analysis related to Section 702, see Lawfare: FISA: Section 702 Collection (Apr. 21, 2018), available at https://www.lawfareblog.com/topic/sa-702-collection.
the Obama Administration. Since President Trump increased the funding of the program, Operation Janus searches for naturalized citizens who have committed crimes with the purpose of identifying individuals who can be ‘denaturalized,’ or stripped of their citizenship. The Trump Administration increased the funding for the program and earlier this year, the DOJ proudly announced the first denaturalization under the project, adding that 315,000 cases have been identified wherein fingerprint data was missing, and 1,600 more cases are recommended for prosecution. Troublingly, Operation Janus has been used to almost exclusively target South Asian, Arab, and Muslim men. Earlier this month, the administration moved to expand the program within USCIS, established a physical location, and hired “several dozen lawyers and immigration officers,” displaying an expanded commitment to targeting U.S. citizens for deportation.

As a presidential candidate, Donald Trump advocated for warrantless surveillance of U.S.-based mosques, openly considered a database of American Muslims and Syrian refugees, and called for a “total and complete shutdown of Muslims entering the United States.” During his first week in office, President Trump signed Executive Order 13769, entitled “Protecting the Nation from Foreign Terrorist Entry into the United States.” The order issued “temporary suspensions of entry” for all refugees, regardless of nationality, and foreign nationals from six Arab countries and Iran. In addition to an indefinite ban of Syrian refugees, the order required federal agencies to “implement uniform screening standards for all immigration programs” that would include “a database of identity documents” and “a mechanism to assess ... intent to commit criminal or terrorist acts after entering the United States.” The Muslim Ban saw several revisions and a multitude of legal challenges, but was ultimately upheld by the U.S. Supreme Court in Trump v. Hawai‘i.

Each of these policies have served to only entrench suspicion of Arab Americans among their fellow Americans, including policy makers. In so doing, Arab American rights are denied when they are viewed as acceptable targets of heightened counterterrorism policy. The fact the community is disparately impacted by such policies seems to be viewed as a necessary outcome of post-9/11 national security practices. Experiencing the resulting distrust every day, many Arab Americans have developed a skepticism toward the underlying motivations of government policies and officials, and thus are disincentivized from taking affirmative steps to interact with their government, including in cases of reporting hate crimes.

A 2006 study funded by the National Institute of Justice stated, “Our findings suggest that, based on community and law enforcement perceptions, government and public reactions after September 11 have created a particular environment in which some Arab American communities have collectively experienced a form of cultural trauma, and in these concentrated communities, fear of being victimized by state-sponsored policies and practices is greater than fear of conventional hate or bias related violence.” Like the bigotry, discrimination and exclusion before it, government targeting of Arab Americans would contribute negatively to their public safety.

In the direct aftermath of the 9/11 attacks, President George W. Bush visited a local mosque and gave a speech emphasizing that many Americans are Muslims, too. President Barack Obama also visited a mosque as president, doing so in 2016 while other politicians were campaigning to...
succeed him. However, President Obama was criticized for this decision by Republican candidates.\textsuperscript{71} Importantly, from 2002 to 2016, the proportion of Republicans and Republican-leaning independents who said that either “most” or “half/some” Muslims are “anti-American” actually increased by 16 percent.\textsuperscript{72}

In contrast to the rhetoric of his predecessors, President Donald Trump has repeatedly made dangerous, suggestive, and inaccurate statements about many communities, including Arab Americans. In one example, Trump falsely stated that Arabs in New Jersey were celebrating on rooftops after 9/11.\textsuperscript{73}

Today, we’re seeing unprecedented attacks on civil rights and civil liberties, but as this report explains, the challenges Arab Americans face date back to the founding of their first institutions more than three decades ago.

As severe as the 9/11 backlash was, it was also unquestionably tempered by elected officials who spoke out against hate crimes and bias incidents, including at the highest levels with President Bush’s mosque visit noted above just six days after the 9/11 attack.

Since the 2016 presidential election cycle, we have seen another surge in hate, but this time it is seemingly aided by the very elected officials and policy makers who should be working to protect all of their constituents. Instead of de-escalating tensions more broadly, President Donald Trump has regularly used the most powerful bully pulpit of the American presidency to instead promote nativism and bigotry, including the implementation of discriminatory policies.

While not a statement of a correlation, in a climate where we have a failure in leadership and growing animus, we are seeing an increase in violence. This violence includes the cases of people highlighted in the vignettes in this report, the 2015 murder of nine African American worshippers at the Emanuel African Methodist Episcopal Church in Charleston, South Carolina, and the 2017 violent march of white supremacists in Charlottesville, Virginia. Even with the limitations and shortcomings of federal data identified in this report, a rise is apparent. Recent data shows an overall increase in hate crimes during the most recent presidential election cycle, with a 6.8% increase from 2014 to 2015, and another 5% increase from 2015-2016. Within this data, anti-Arab hate crime incidents rose 38% in 2016, significant for a new category reported on for the first time in 2015. Also in 2016, anti-Muslim hate crimes climbed nearly 20%, after a 67% spike in 2015.

Our research has demonstrated that bias-motivated violence is increasing, and that it is a local, state, and national issue affecting every community in our country. Our response must do the same.


\textsuperscript{73} Rachael Revesz, “9/11: Donald Trump’s bizarre quotes about September 11 attacks before becoming President,” \textit{The Independent} (Sept. 11, 2017).