

# Report On Hate Crimes and Discrimination Against Arab Americans: The Post September 11 Backlash

## Executive Summary

In this Report, the American-Arab Anti-Discrimination Committee Research Institute (ADCRI) surveys the experiences of the Arab-American community in the year following the September 11, 2001, terrorist attacks.

### **PRINCIPAL FINDINGS**

#### **Hate crimes and discrimination**

- \_ Over 700 violent incidents targeting Arab Americans, or those perceived to be Arab Americans, Arabs and Muslims in the first nine weeks following the attacks, including several murders.
- \_ 165 violent incidents from January 1-October 11, 2002, a significant increase over most years in the past decade.
- \_ Over 80 cases of illegal and discriminatory removal of passengers from aircraft after boarding, but before takeoff, based on the passenger's perceived ethnicity.
- \_ Over 800 cases of employment discrimination against Arab Americans, approximately a four-fold increase over previous annual rates.
- \_ Numerous instances of denial of service, discriminatory service and housing discrimination.

#### **New discriminatory immigration policies**

- \_ Secret detentions, hearings and deportations.
- \_ Alien registration based on national origin and ethnicity.
- \_ "Voluntary interviews" of thousands of young Arab men.
- \_ Monitoring of international students.
- \_ Discriminatory visa screening procedures for young Arab men.
- \_ Selective deportation of Middle Eastern "absconders."

#### **Disturbing provisions of the USA Patriot Act**

- \_ Indefinite detention of foreign nationals without process or appeal.
- \_ New search and surveillance powers with insufficient judicial review.
- \_ Measures providing for guilt by association.

#### **Additional civil liberties concerns**

- \_ Eavesdropping on attorney-client communications.
- \_ Military tribunals.
- \_ Suspension of constitutional rights of U.S. citizens without due process or appeal.
- \_ Domestic law enforcement spying on lawful political and religious activities.
- \_ Seizure of assets without due process, especially from Muslim-American charities.
- \_ "Operation TIPS" — Terrorist Information and Prevention System, and other programs encouraging Americans to spy on each other.

#### **Police and FBI misconduct**

- \_ Arbitrary and abusive stops and detentions.
- \_ Abuse of detainees.
- \_ Racial profiling or stereotyping.

#### **Persistent problems in educational institutions**

- \_ Physical assaults, death threats, and overt ethnic and religious bigotry in schools and on college campuses.
- \_ Harassment and bias against Arab-American and American-Muslim students by teachers and administrators.

#### **Defamation by public figures and in the media**

- \_ A campaign of vilification against Islam and the Prophet Mohammed by leaders of the evangelical Christian right, including Jerry Falwell, Pat Robertson and Franklin Graham.
- \_ Pervasive acceptance of hostile commentary against Arabs, Arab culture and Islam in mainstream media and publications.
- \_ Increased use by the mainstream media of commentators whose main aim is to promote fear and hatred of Arab Americans, including Steven Emerson and Daniel Pipes.

\_ Openly racist statements by members of Congress and other prominent persons.

### **Instances of support, compassion and reassurance for Arab Americans**

\_ Statements defending the community by many prominent persons, including President Bush and Secretary Powell, and institutions, including both houses of Congress.

\_ Fundraising for backlash victims.

\_ Volunteer escorts, especially for hijab-wearing Muslim women.

\_ Public relations efforts promoting tolerance.

### **CONCLUSIONS**

\_ Arab Americans suffered a serious backlash following September 11, 2001.

\_ The worst elements of this backlash, including a massive increase in the incidence of violent hate crimes, were concentrated in the first nine weeks following the attacks.

\_ Arab Americans continue to suffer from increased levels of discrimination from their fellow citizens in many fields, while the government has shown a real commitment to uphold the law and punish offenders.

\_ Arab Americans, especially immigrants from the Arab world, have been the principal focus of new government powers that restrict individual freedoms and protections, and infringe upon civil liberties.

\_ Defamation against Arabs and Muslims, particularly attacks on Islam as a faith, has steadily increased in intensity and frequency during the entire period covered by this Report, laying the groundwork for potential future waves of hate crimes.

\_ In spite of numerous expressions of support for the community from public figures and thousands of private citizens, Arab Americans remain exceptionally vulnerable to hate crimes, discrimination, extreme vilification by prominent persons, and derogations of civil rights and liberties.

### **RECOMMENDATIONS**

\_ Arab Americans should continue to work as closely as possible with the authorities and our fellow citizens to help ensure the security of our country while preserving civil rights and liberties.

\_ The government should continue to rigorously prosecute those who commit illegal discrimination and hate crimes.

\_ The government should avoid any new policies that discriminate on the basis of national origin, ethnicity or religious affiliation, especially in combination with other factors such as age and gender.

\_ There is no place in the American legal system for secret detentions, evidence, hearings or deportations, or for indefinite detention without due process.

\_ The fundamental human and constitutional rights of immigrants and foreign nationals in the United States

should not be sacrificed, including the right to due process of law.

\_ Law enforcement investigations should be restricted to persons or groups suspected of criminal activity, not those engaged in lawful political or religious activities, and should never be based on national origin, ethnicity or religious affiliation.

\_ No form of racial profiling is ever acceptable or effective.

\_ Extraordinary measures taken in response to a national security emergency should, by definition, be regarded as temporary and rescinded as soon as possible.

\_ The government should make every effort to compile statistics on law enforcement stops and searches of Arab Americans, and security checks at airports.

\_ The Department of Transportation (DOT) should work with the airline industry, pilots' unions and Arab-American and Muslim groups to create guidelines for crews, including safeguards and recourses for passengers, in cases where concerns or actions based on perceived ethnicity are raised or taken following boarding.

\_ National leaders, including the President, and mainstream Christian, Jewish and Muslim religious leaders, should forcefully denounce public figures who engage in vicious defamation against Arabs and Islam.

\_ The media should not present hate speech as a legitimate contribution to the national conversation, or rely on commentators who routinely resort to racist stereotypes and smearing entire communities.

\_ The entertainment industry should begin to feature positive and neutral Arab and Arab-American characters, and move away from stereotypical Arab villains which have long been used and have a negative impact.

\_ Schools, colleges and universities should make every effort to ensure that their students have access to basic and accurate education on the fundamentals of Islam and Arab culture.

\_ Arab Americans should redouble their efforts to build bridges with other communities, engage in civic life at all levels of American society, and empower themselves within the political system.

### **Introduction**

#### **I. Legal Issues**

For over a decade, ADCRI has been publishing periodic reports on hate crimes and discrimination against Arab Americans to document the civil rights experience of the community.

This Report, which covers the period between September 11, 2001, and October 11, 2002, follows similar patterns of classification as earlier reports, but in many other respects is very different from previous reports. Its unprecedented size and scope is, of course, a reflection of the extraordinary difficulties the Arab-American community faced in the days, weeks and months following the terrorist attacks against the United States on September 11, 2001. As the Report demonstrates, the backlash following the terrorist attacks

was both serious and sustained, involving everything from hate crimes and murders to widespread discrimination.

The anxiety created in the community by hate crimes and discrimination was compounded by serious civil liberties concerns regarding aspects of the investigation into the terrorist attacks and new “homeland security” policies and legislation. The atmosphere of fear and suspicion, as documented in this Report, was exacerbated by a campaign in American popular culture and media of vicious defamation and vilification against Arabs and Islam, including defamation by well-known public figures. As this Report amply demonstrates, this has been a period of profound challenges for Arab Americans, as well as other communities caught up in the backlash, including Muslims and South Asians, especially Sikh men. But this Report also demonstrates that the situation could have been far worse.

The most onerous aspects of the backlash, particularly the upsurge in violent hate crimes, were concentrated in the first nine weeks following the September 11 attacks. Statements of support by leading Americans, including President Bush, and aggressive action by federal, state and local law enforcement against vigilantes, combined with a widespread public outcry against hate crimes, combined to contain the level of violence and terminate it, sooner rather than later. While civil liberties abuses have been deeply troubling, even at times outrageous, and concerns remain very high, in this sphere as well the situation could have easily been even more onerous than it was. As this Report shows, the government has mainly focused its new powers over immigrants and foreign nationals in United States, particularly targeting Arab and Muslim non-citizens. Therefore, while Arab and Muslim foreign nationals, especially those in certain high-risk groups, have been quite vulnerable to government abuses, Arab Americans remain much less vulnerable. And while the government has been very aggressive in asserting and accumulating massive new powers, which on paper could easily authorize draconian measures tending towards a police state, it has also been fairly cautious about using many of these powers in practice. Some measures such as military tribunals, stripping U.S. citizens of their constitutional rights, and introducing evidence based on eavesdropping on attorney-client communications have either not been used at all or have thus far been restricted to one or two cases that serve as tests of the new powers rather than broad applications of them.

The final section of this Report focuses on a small sampling of the countless expressions of support, compassion and reassurance for the Arab-American community and others affected by the backlash. Throughout the period covered by this Report, it has been clear that the overwhelming majority of

Americans remain committed to maintaining a tolerant and respectful multiethnic, multicultural and multi-religious society. Through polling data, anecdotal evidence and grassroots activism, Americans across the country have demonstrated repeatedly that hatred of Arab Americans and Muslims is confined to a distinct minority.

Although the Arab-American community suffered considerably as a result of the backlash detailed in this Report and is clearly more vulnerable than most to hate crimes, discrimination and civil liberties abuses, the United States has remained a country in which most Arab Americans can live without the likelihood of being abused by the government or their fellow citizens.

ADCRI offers this *Report on Hate Crimes and Discrimination against Arab Americans: September 11, 2001 - October 11, 2002* as a record of the experiences of the community during this period of unprecedented difficulty. We sincerely hope that it will also be a substantial contribution to continuing to develop an American society that is tolerant, equitable, civil, free and secure.

In the months following the terrorist attacks, the Arab-American community was the central target of a major upsurge in hate crimes and illegal discrimination. Arab Americans, like other minority groups, have long faced problems with discrimination, but following the September 11 attacks this pattern became more intense, frequent and widespread.

The Arab-American and Muslim-American communities also became the central target of the new national security campaign launched by the government. Widespread FBI interviews of young Arab and Arab-American men, combined with hundreds of secret detentions and hearings by the Immigration and Naturalization Service (INS) added to the generalized climate of fear and hostility in creating considerable anxiety and deep feelings of isolation among Arab Americans. The INS and other Department of Justice (DOJ) agencies, which have a documented history of discriminating against Arab Americans and Arab immigrants, were granted much broader powers to target the Arab immigrant, Arab-American, and Muslim-American communities. This type of institutionalized discrimination has been significantly reinforced by legislation such as the USA PATRIOT Act, the general decrease in concern for civil rights, and the added abuse of power by government agencies following September 11, 2001.

Discriminatory policies and disproportionate focus on the Arab-American community have encouraged racism and bigotry by the general public. There have been increased reports of hate crimes against persons and property, particularly in the first nine weeks following the terrorist attacks. During this period, ADC confirmed over 700 violent incidents aimed at Arab Americans, or those perceived to be Arab Americans. Because the intensity of the backlash, especially in terms of hate crimes and discrimination, was at its peak in the first six months following the attacks, and particularly during the first nine

weeks, most of the case summaries in this report are drawn from that period of time.

Hate crimes and acts of illegal discrimination also increased in the employment sector, especially in the airline industry. Some employers are reluctant to hire Arab Americans and are routinely dismissing or creating hostile work conditions for Arab Americans with such illegal discriminatory practices increasing soon after September 11, 2001. Between September 2001 and September 2002, ADC received more than 800 complaints of employment discrimination. This represents a fourfold increase over previous annual rates for employment discrimination against Arab Americans in the past decade.

Many members of the Arab-American community who contact the ADC Legal Department are not aware of their rights and the procedures that law enforcement officials must follow. Even when Arab Americans or Arab immigrants are aware of their rights, they fear that to assert them (such as refusing a voluntary FBI interview) makes them more of a target and perceived as less patriotic.

ADC's Legal Department received approximately four times its usual volume of calls, e-mails, and letters from its constituents reporting illegal airline discrimination, police, FBI, and INS misconduct, denial of service, and physical and psychological attacks in the first six months following the terrorist attacks. ADC has had to double its legal staff and open new offices around the country to effectively respond to the dramatic increase in discrimination incidents associated with the backlash. Institutionalized discrimination is defined as bias occurring within a specific system, procedure or organization.

Following the rash of hate crimes and violence against the Arab-American community in the first nine weeks following the attacks, institutionalized discrimination from both government and private sectors, as this Report demonstrates, became the most prevalent form of anti-Arab discrimination in the period covered by this Report. Some argue that the pool of potential terrorists of the kind that undertook the attacks on September 11 is limited to men of Arab descent. Similarly, in the wake of the Japanese attack on Pearl Harbor in 1941, it was argued that the pool of potential spies for Japan who might cause harm to our country was limited to people of Japanese descent. This shameful and discredited assumption resulted in President Franklin Roosevelt issuing Executive Order #9066, which led to the incarceration of over 100,000 American citizens of Japanese descent. While nothing done in the aftermath of the September 11 terrorist attacks is comparable to the mass internment of Japanese Americans, analogous assumptions about who constitutes a threat based on ethnic or religious identity have been a feature of the response to the September 11 attacks.

One noted public figure, Peter Kirsanow, one of President Bush's appointees to the United States Commission on Civil Rights, has even gone so far as to

raise the possibility of mass internment of Arab Americans as a possible response to any further terrorist attacks on U.S. soil by persons of Arab ethnicity. Kirsanow raised the possibility of internment camps for the mass detention of Arab Americans at a commission hearing in Detroit on July 19, 2002. He did not condemn this idea, but raised it as a serious and reasonable possibility in the event of future terrorist attacks against the U.S. He also stated that, if the perpetrators of any such attack "come from the same ethnic group that attacked the World Trade Center, you can forget about civil rights," and that "not too many people will be crying in their beer if there are more detentions, more stops, more profiling, there will be a groundswell of public opinion to banish civil rights."

Supreme Court Justice Sandra Day O'Connor suggested that Americans are "likely to experience more restrictions on our personal freedom than has ever been the case in our country." Justice O'Connor is correct that it was probably inevitable that, under the circumstances, Americans would experience more restrictions in the name of public safety and our nation's security. However, this understanding does not provide a rationalization for practices, which, in effect, sentence certain members of American society to more restrictions than others because of their race, national origin, religion or ethnicity.

The experience of the September 11 attacks and other threats posed by Al-Qaeda and like-minded extremists demonstrate that a "cookie cutter" approach to the threat will be not only discriminatory, but ineffective. The terrorists have proven that they can and will recruit members from many ethnicities and many countries to carry out their aims. Americans of non-Arab ethnicity such as John Walker Lindh and Jose Padilla; Richard Reid, a British national of English and Jamaican heritage; and Zakarias Moussaoui, a French national, are all examples of how neither ethnicity nor national origin are consistent characteristics of potential Al-Qaeda operatives.

Moreover, threats that emerged in the first 12 months following the September 11 attacks included a wide variety of sources, both foreign and domestic. The anthrax murders are widely considered to be instances of domestic terrorism. So too are the mailbox bombings that rocked the Midwest, plots by Jewish extremists in Florida and California to bomb Arab and Muslim targets including the office of the California Republican Congressman, and the October 2002 sniper rampage that terrorized suburban Washington, D.C., all examples of significant domestic security threats. Thus, focusing on Arabs and Arab Americans not only flies against our constitutional dedication to equality under the law, but it is also an ineffective tool of law enforcement. It does not adequately respond to the threat posed by Al-Qaeda and their allies who come from many different backgrounds, and ignores the considerable threats posed by fanatics and potential terrorists from completely different political movements and perspectives.

For purposes of this study, ADC has chosen to divide its account of the legal issues concerning hate crimes and discrimination, including civil liberties concerns, into two categories: private discrimination and public discrimination. Private discrimination refers to hate crimes and

discrimination by non-state actors: private citizens, companies, organizations and other individuals and entities outside of the government. A special section is reserved for issues involving discrimination in educational institutions, both private and public, as this constitutes a special area of concern. Public discrimination refers to discrimination by the state, or by state employees and includes, for purposes of clarity, civil liberties concerns. It is hoped that this distinction can help the reader distinguish those aspects of the post September 11 backlash which have been committed by private individuals and entities which were for the most part, strongly opposed by the government, from those aspects which are the result of government policies or actions. One of the most striking features of the backlash has been the extent to which the government has strongly opposed discrimination by non-government actors against Arab Americans and others, but, at the same time, has reserved its right towards the enactment of discriminatory policies or selected enforcement of laws and regulations in a discriminatory manner.

Discrimination facing Arab Americans at airports, the first subject of this report, is a mixture of both public and private discrimination, since for most of 2002 the airlines themselves have been responsible for airport and airline security but under strict government guidelines. In addition, many of these cases involve both airline employees and sworn law enforcement officers. Thus, illegal airline discrimination belongs to both public and private discrimination categories.

## **Airline Discrimination/ Airport Profiling**

A disturbing pattern emerged in the months following September 11 as airline crews and security began to remove passengers of Middle Eastern ethnicity and other people of color from their flights after boarding but before take-off, because some members of the crew or another passenger felt “uncomfortable” with them on board. Once back in the jetway or gate area, security typically would inform the passenger that, “the crew does not feel safe with you onboard,” the only articulated reason for the removal being a “feeling” of discomfort on the part of someone else on the plane. In most cases, this discomfort was attributed to the passenger’s name or perceived ethnicity, since all passengers had, before boarding, successfully passed through at least three levels of security including the Computer Assisted Passenger Screening System (CAPSS) and the FBI watch list (for more information on the CAPSS system, see previous editions of ADC’s *Reports on Hate Crimes and Discrimination against Arab Americans*).

In some cases, the removed passenger had a common Arabic name similar to one on the FBI Wanted List. In other cases, concern was based merely upon appearance and involved persons with perceived origins in Middle Eastern countries.

Some actually had origins as far a field as India, the Philippines and Guyana. These acts of discrimination on

the part of airline crew members continued unabated for months despite clear statements by the U.S. Department of Transportation (DOT) and the Federal Aviation Administration (FAA) that basing a decision to remove passengers from a flight solely on their ethnicity, national origin, gender or religion is “not only immoral, but illegal.” While airline captains have broad discretion to remove passengers from a flight, the law is clear in forbidding any airline official, including a flight captain, from removing any passengers based solely upon protected categories such as these.

There is an obvious lack of guidance and specific instructions for crews in dealing with such situations from both the airline industry and the FAA. While pilots are told not to illegally discriminate, they are not given adequate guidance on how to deal with such circumstances, which were unknown before the period covered in this Report. Under the present circumstances, professional airline pilots are left to act as law enforcement officers, psychologists, and attorneys all at once. While pilots should be respected as professionals trained in flying and managing an aircraft, they should not be burdened with difficult matters involving the delicate interplay of security and the law without proper guidelines. Several airlines issued strict directives to their employees not to discriminate against passengers in this manner, however, ADC is aware of no instance in which airline employees were disciplined for such actions. ADC made repeated attempts to enlist the support of the DOT and the airline industry to create guidelines for crews, and safeguards and recourses for passengers in such situations. These efforts were not successful and on June 4, 2002, ADC and the ACLU filed lawsuits against United Airlines, Continental and American Airlines.

The ACLU additionally filed suit against Northwest Airlines. In three of the cases, ADC served as co-plaintiffs with the individuals who were discriminated against. Four of the five passengers are U.S. citizens and the fifth is a permanent legal resident; two of the five are of Arab descent. While details of the incidents vary, the cases share certain key elements: the men are all of Middle Eastern or Asian appearance; they had all passed rigorous security checks and were cleared to board; they were all ejected after passengers or members of the flight crews said that they “felt uncomfortable” with them on board; they were all immediately offered seats on subsequent flights without any further security checks; and the incidents all occurred more than a month after the terrorist attacks of September 11, some as late as New Year’s Eve.

At time of publication of this Report, ADC had received over 80 reports of illegal airline discrimination and denial of service of this kind. Reports continued to come in, but have declined in frequency following the filing of the lawsuits. On November 16, the Air Transportation Security Act (ATSA) was passed with the aim of improving air transportation security. However, there are multiple problems with ATSA. First, ATSA includes guidance on proper self-defense training for airline crews. Self-defense training without sensitivity training could exacerbate the antagonism shown to Arab-American passengers by flight crews. Furthermore, the broad definition of what constitutes a threat under ATSA leaves much room for

illegal discrimination by crewmembers. The lack of consequences for an inaccurate “threat” assessment also encourages illegal discriminatory behavior. Therefore, crew training should include sensitivity and cultural awareness training, language training, and clearer guidelines on what constitutes a threat. The Transportation Security Administration (TSA), which took over airport and airline security from airline companies in Fall 2002, should work in conjunction with civil rights organizations and the United States Department of Justice (DOJ) Civil Rights Division to establish the role that race, ethnicity, national origin and religion play in determining a threat.

The TSA along with airlines should establish a step-by-step procedure to be used once airline employees determine that there is a security threat. There should be a log of all incidents on all airlines to monitor discrimination against Arab-American passengers and hold TSA and airline employees accountable. Second, ATSA requires that passenger and crew manifests must contain the names of passengers, their passport number and country of issuance if required for travel, U.S. visa number or resident alien number. Furthermore, airlines are required to make their passenger manifests available to the Customs Service and, upon request, information provided may be shared with other federal agencies for national security reasons. This information may then be shared with other agencies, such as the INS, for “national security reasons” which are not defined or limited. This sharing of information with agencies such as the INS could result in the systematic investigation of Arabs based solely on their ethnicity or national origin. Third, ATSA provides immunity from legal liability for airline employees who capriciously report passengers as a threat. Airline employees are given ill-defined and broad powers to contact law enforcement concerning passengers. This could lead to routine harassment of Arab-American passengers for any behavior that an airline employee decides may be relevant. The standard for an airline employee to lose immunity from legal liability is, in turn, an extremely high standard of reckless disregard for the truth or actual knowledge. Thus, any employee could easily manufacture an excuse to harassment and still receive immunity. An airline employee should lose immunity for reporting “suspicious” activity if it is found that no reasonable person would think that there was such a threat.

Finally, to improve ATSA training programs and security plans must thoroughly address civil rights issues and provide airline crew members guidance on what factors other than race and ethnicity indicate a passenger might be a threat. The standards for hiring and retaining security personnel at airports must abide by federal civil rights laws, and those hired must be properly trained in defining and detecting security threats not based on race, national origin, religion, or ethnicity. Those hired must be provided with guidelines that all security employees must follow all laws and regulations that prohibit illegal discrimination. Actions must be taken against those who violate civil rights laws. Cultural and linguistic sensitivity training programs should be included for all levels of

both airport security personnel and airline employees. Furthermore, attorneys with the Equal Employment Opportunity Commission (EEOC) and DOJ Civil Rights Division should be consulted in amending the hiring and training policies.

## Physical and Psychological Attacks

The atrocities of September 11 provoked a backlash involving a surge of hate crimes against the Arab-American, Muslim, Sikh, South Asian and other communities perceived to be Middle Eastern. In September 2001, ADC received an unprecedented number of reports from claimants in 41 states and the District of Columbia alleging violent incidents directed at Arab Americans or those perceived to be Arab Americans.

ADC defines “violent incidents” as involving either physical violence of some kind or a direct threat of a specific act of violence. In September 2001 alone, the number of personal attacks on Arabs and Arab Americans reported to ADC exceeded the number of such attacks cited in ADC’s two year *1998-2000 Report on Hate Crimes and Discrimination against Arab Americans* (ADC 2001).

In the first nine weeks following the September 11 attacks, ADC confirmed over 700 violent incidents directed at Arab Americans or those perceived to be Arab Americans. In the first nine months of 2002, by contrast, ADC had received 165 reports of violent incidents, 66% of reports received by the ADC legal department alleged physical and psychological attacks. Acts of vandalism and arson equaled 27% of claims; hate mail, threats and bomb threats 22%; beatings and physical attacks 16%; murders investigated as hate crimes 1%. Physical attacks include either battery or destruction of property. Many of the cases of physical attacks included in this report occurred the week of September 11-18, 2001 (54% of battery reports, 67% of vandalism and arson reports, and five of the suspected or confirmed hate crime murders). As shown in the following case summaries, many of these incidents resulted in thousands of dollars worth of damage to mosques, businesses and homes. Others involved grievous bodily harm that resulted in hospitalization and maiming.

ADC continues to receive cases of physical attacks, mostly reports of vandalism. Local convictions include a death sentence in the case of Mark Anthony Stroman, a white supremacist who walked into a succession of convenience stores in the Dallas area, in the days after September 11, and killed a clerk from Pakistan and another from India, and partially blinded a third from Bangladesh. In addition to numerous successful local and state prosecutions, several federal criminal civil

rights prosecutions have addressed acts of violence. In Salt Lake City, James Herrick was sentenced to 51 months incarceration on January 7, 2002, after pleading guilty to setting fire to a Pakistani restaurant in Salt Lake City on September 13, 2001. Patrick Cunningham of Seattle, Washington, pled guilty on May 9, 2002, to attempting to set fire to automobiles and shooting at worshipers at a mosque. Jason and Travis Kitts were charged with committing a federal hate crime in Knoxville, Tennessee. The Kitts brothers physically assaulted an Indian-American resident manager of a motel on September 24, 2001.

Meanwhile, federal charges are pending against several other defendants, alleging that the victims were targeted because of their perceived race, nationality, or religion. Among these are:

\_ Irving David Rubin, now deceased, and Earl Leslie Krugel, members of the Jewish Defense League, indicted in Los Angeles for conspiracy to bomb a mosque and the California office of United States Representative Darrell Issa.

\_ Charles D. Franklin indicted on April 17, 2002, for crashing a pick-up truck into a Tallahassee, Florida mosque.

Additionally, as this Report went to press, Robert Goldstein, the Florida podiatrist accused of plotting attacks on Islamic centers across the state was found competent to face criminal charges by a court-appointed psychiatrist. The competency finding clears the way for Goldstein to be indicted by a grand jury. He was arrested August 23, 2002, after Pinellas County sheriff's deputies found an arsenal of high-powered guns, Claymore mines and homemade bombs in his condominium when they responded to a domestic call. Agents subsequently found a typed, three-page "mission template" for a terrorist attack against Muslims in Florida. Although psychological attacks, such as hate mail, threats and hate speech, occur more frequently than any other type of personal attack, these crimes often are left unreported. Legally, derogatory speech made against any individual or group constitutes a crime only if it directly incites physical violence, either in words or with non-verbal threats (such as a gun or throat-slitting motion with the fingers.) Otherwise, derogatory comments made against the national origin and/or religion of an individual are protected as free speech under the First Amendment of the Constitution. Threatening speech, on the other hand, may be prosecuted as a hate crime under most jurisdictions.

In one of the most notable of these cases, Zachary J. Rolnik of Hanover, Massachusetts, pled guilty to making threatening telephone calls to James Zogby, President of the Arab American Institute (AAI). Rolnik pled guilty in federal district court on June 6, 2002, to interfering with Zogby's civil rights and was sentenced to two months in prison and assessed a \$5,000 fine. He admitted placing a telephone call to

Zogby in Washington on the morning of September 12, 2001, and leaving a voicemail message in which he threatened to kill him and his children. A similar case involving threats left in voice mail messages to ADC President Ziad Asali, M.D., is under DOJ civil rights investigation as this Report goes to press.

There have been guilty pleas in four other federal cases where threats were made to persons because of their perceived nationality:

\_ Thomas Iverson pled guilty to telephoning a bomb threat on September 29, 2001, against a Jordanian American liquor store in Beloit, Wisconsin. Iverson was sentenced to 27 months incarceration on April 12, 2002.

\_ Joe Luis Montez pled guilty to placing telephone calls on September 17, 2001, in Hewitt, Texas, threatening Sikhs employed at a truck stop. Montez was sentenced to 2 years probation and a \$500 fine on January 30, 2002.

\_ Justin Scott-Priestly Bolen pled guilty on February 6, 2002, to interfering with the housing rights of a Pakistani-American family in Fenton, Michigan, by leaving a threatening message on their answering machine on October 10, 2001. Bolen was sentenced on May 14, 2002, to ten months incarceration.

\_ Wesley Fritts pled guilty in Madison, Wisconsin, to an anthrax hoax letter mailed to an Arab-American restaurant. Fritts was sentenced to 21 months incarceration on May 13, 2002.