

THE DANGERS OF RACIAL PROFILING

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Since the September 11, 2001, terrorist attacks on the United States, the discriminatory law enforcement practice of racial profiling has worsened. Groups being racially profiled now not only include African Americans and Latino Americans, but persons from Middle Eastern or Arab descent, especially those practicing Islam. Racial profiling is a danger to civil liberties and Constitutional rights, it is divisive to society, and it is an unreasonable and ineffective means of law enforcement. Relying on Randall Kennedy's concept of "race as a proxy," this paper seeks to use relevant and current news articles and other theoretical arguments, as well as the comparative use of an infamous example of racial profiling from American history, to show that the racial profiling of suspect individuals not only jeopardizes their civil rights and Constitutional freedoms, but also endangers the Constitutional protections of all Americans.

In the face of the tragic September 11, 2001, terrorist attacks on the United States, the American people sought to cling to what was familiar and safe, and deem suspect what was unfamiliar and perceivably dangerous. Americans became afraid, craving security in the time of crisis. This panic was bred through the fear of repeat attacks, and caused Americans to lose sight of fundamental equal protection guarantees.¹ However, will Americans let this fear carry them so far that bedrock legal principles are jeopardized in the name of national security? Because fear led to preventative security measures, racial profiling has turned from an increasingly discredited and unjust means of crime fighting into a bold national policy, led by the George W. Bush Administration's hasty approval of the USA PATRIOT Act.²

Government officials utilizing "race as a proxy for an increased risk of criminality"³ to characterize Arabs, Muslims, and those mistaken as Middle Eastern⁴ not only endangers the Constitutional freedoms and civil rights of those individuals targeted solely on the basis of race, but

also warns Americans of potential civil rights violations relevant to everyone. This paper will use Randall Kennedy's notion of race as a proxy to show that Arabs, Muslims and those mistaken for them, including Latinos and South Asians⁵, have been subjected to racial profiling; therefore, their Constitutional freedoms have been endangered. Further, these practices that inform our political present are merely the latent link in a long chain of America's history of racial discrimination. An infamous example of racial profiling from our nation's past will bestow a solid comparative framework for this analysis, which will culminate to reveal the unreasonableness and inefficacy of racial profiling.

In *Race, Crime, and the Law*, Randall Kennedy argues that it is a widely accepted American practice to use race as a trait that is assumed to be correlated with a person's propensity to be criminal.⁶ In the minds of the fearful, race is inherently connected to crime because of the demographics of criminality. Just as police justify racial profiling African Americans because of their proportionately higher drug use and sale, though "the sheer number of whites who use and sell drugs outpaces blacks many times over,"⁷ government officials are now racially profiling Arabs and Muslims in America due to the fact that the hijackers responsible for carrying out the September 11, 2001, attacks were from predominantly Arab or Muslim countries and had Arabic names.

Law enforcement has not replaced African Americans and Latinos with Arab Americans and Muslims in the illegitimate scheme of racial profiling; it has simply added them to the list of suspect classes⁸ of which the majority of Americans must be wary in the name of patriotism. This backward system of racial profiling does not replace one group of people of color for another; it simply expands the entire group. In a highly publicized case of racial profiling, "an Arab American Secret Service agent working for President [George W.] Bush was denied a seat on board an American Airlines flight, [with] race or racial stereotyping purportedly play[ing] a part in the airline employee's refusal to allow the agent to re-board."⁹ Further incidents include "a New York Family Court judge, a Sikh, who refused to remove his turban in public for airport officials, [and] a [young] Pakistani-American woman was strip-searched at O'Hare Airport in Chicago, after allegedly being singled out as an Arab for wearing a *hijab*, the traditional head covering for Muslim women."¹⁰ In addition to the Family Court¹¹ judge, numerous other Sikhs across the nation have been targeted as victims of hate crimes for wearing head turbans, a religious article of dress that perpetrators mistakenly believe to be an identifiable Muslim trademark. These documentations of blatant racial profiling and race-based violence not only victimize the individuals involved on the basis of their ethnicity, but the officials' treatment of them also provokes the question of their religious freedom in America. Of concern here is the freedom to wear sacred garments according to one's

religion, as protected by the First and Fourteenth Amendments. Both religious freedom and equal protection are at stake. In addition, “the Justice Department has tagged 5000 young men, based on nationality, for voluntary interviews that are not entirely free of coercion or consequences and therefore not entirely voluntary.”¹²

A young Arab or Muslim person, living in America, whether a citizen, a permanent resident, or here on a legal visa, must now fear that he or she will not be afforded the same protections as others residing in America. This revelation should have all liberty-valuing Americans protesting in the streets because the foundation of freedom in our country is being mocked in the name of security. Nonetheless, the George W. Bush administration, in making racial profiling legitimate, has made it clear that foreigners, or even those who could be perceived as foreign, are not to be treated the same as others who are not seen as foreign in America, such as most European Americans.

Racially selective law enforcement is not a new phenomenon, and just as African Americans were not the first group in the United States to be categorized as criminal and threatening, Arabs and Muslims will certainly not be the last. According to Kennedy, “the most dramatic and extensive single episode in which authorities used race as an [indication] of potential criminality involved the wholesale detention of persons of Japanese ancestry during World War II.”¹³ In addition, legal scholar Lisa Hajjar contends:

It took decades for our government to acknowledge the wrongness of the World War II internment in which people who fit a racial profile were stripped of their rights, but today we have no more legal protections against the repeat of such a scenario than we did in 1942. Actually, in the aftermath of [September 11, 2001] and as a result of the anti-terrorism legislation that has been passed recently, members of ‘enemy races’ are more vulnerable than ever.¹⁴

Furthermore, the Japanese internment raises other questions about religious freedom. According to Shinto, an official religion of Japan, the Japanese emperor is viewed not only as a political leader, but also as a religious leader. In fact, “The complete separation of Japanese religion from politics did not occur until just after World War II. The Emperor was forced by the American army to renounce his divinity at that time.”¹⁵ Thus, the United States government’s request of Japanese Americans to sign a patriotic loyalty form to avoid internment was in effect asking these people to reject not only their ancestral nation, but also their religion. The events of World War II decided that the “threat” included Japanese

Americans and Japanese immigrants, but in the so-called War on Terrorism,¹⁶ the menacing threat to national security fits the physical profile of a Middle Eastern person. Because men fitting this profile made Americans deeply afraid by killing thousands of people, all people possessing these physical characteristics have lost the rights and privileges that people without these traits can claim. In fact, it has been powerfully argued that:

The most egregious breach [of fundamental Constitutional protections] has been the roundup and ‘preventative detention’ of thousands of Muslim, Arab, and South Asian immigrants under an unprecedented veil of secrecy. By now the vast majority has been deported or released without yielding any information about or connections to Al Qaeda.¹⁷

It is difficult to overlook the obvious repeat of events in comparing the treatment of Japanese Americans during World War II and the treatment of Arabs and Muslims in America during the War on Terrorism. These individuals are being denied their rights, and nothing is being done to rectify it. Perhaps this current example of racial profiling is a revisiting of America’s historical discrimination based on colored skin. Italian Americans and German Americans were not interned during World War II as Japanese Americans were, although the threat of Italy’s Fascism and Germany’s Nazism was as great as the threat from Japan during this era. Indeed, it is doubtful that Irish Americans would be racially profiled after a hypothetical Irish Republican Army attack on the American people, and this is because their “whiteness”¹⁸ has allowed them to assimilate into American culture. However, people of Middle Eastern ancestry who do not inherit white skin are being profiled today as a function of their physical characteristics as were the Japanese Americans during World War II. Thus, today, as in previous eras, whiteness is privileged, and becomes a beneficial ownership of race by those who possess it because they cannot be profiled as a function of their race. Cheryl Harris advocates this idea of “whiteness as property;” that is, all caucasians regardless of economic or social status enjoy a certain amount of benefit from their whiteness because it is considered property in the presence of colored skin.¹⁹

Furthermore, “American citizens can now be detained, denied access to a lawyer and held without a charge in a military brig for an indefinite period.”²⁰ This quasi-internment of American citizens forces the realization that the abominable scenario of World War II involving Japanese Americans can happen again, even to citizens of this country. One may ask, if citizens are not even safe from the government’s encroaching role in abusing our freedoms, then how could an immigrant or permanent resident be free from intrusion? In addition, “Americans of Middle Eastern

heritage were outraged when Peter Kirsanow, a conservative member of the US Commission on Civil Rights, reportedly suggested that the public would support their detention in internment camps if there is another Arab terrorist attack on the United States.”²¹ The institution of such an internment program would rely on racial profiling, and this strongly suggests that people would be losing their civil rights and Constitutional protections. It would make a suspect class that is already stigmatized even more vulnerable, thus alienating Arabs and Muslims from mainstream American society. Arab Americans have not just been profiled; they have been subjected to seizure and put into secret detention. Extreme times, such as the fight against terrorism, may call for some extreme measures, but should they be so severe that they trample Constitutional rights? All Americans should be afraid of the danger to everyone’s civil rights and freedoms that the federal government is implying through its policies in the War on Terrorism. Some liberties are so ingrained in the doctrine of our country that if we subject them to questionable measures in the name of security, we change the character of America. Our Constitutional freedoms and civil rights are not bargainable, they are inalienable.

Assessing the “reasonability” of racial profiling, Kennedy writes:

Most courts that have confronted the issue [of permitting race to be used on a routine basis] have concluded that race can appropriately be used as a factor of suspicion in determining the likelihood that a person is engaging in, or has already committed, criminal activity, so long as this use of race is reasonably related to law enforcement aims and not a mere pretext for racial harassment.²²

Under no circumstances is racial discrimination a reasonable method of enforcing the law and protecting national security. Yet, from the evidence presented here, the majority of incidents arising from the racial profiling of Arabs and Muslims since September 11, 2001, have indicted discrimination as a key suspect in the “crime”²³ of racial profiling. One could not say that the racial profiling of these individuals hinges solely on racial harassment, but in the interest of preserving the safety of America, officials have targeted Middle Eastern types as a suspect class, thus denying them the protection of due process of law and fundamental freedoms. Removing dark-skinned passengers from airplanes, as numerous accounts claim, is not about security, but about accommodating the prejudices of the other passengers and the airline personnel. Justification for these discriminatory actions cannot be reasonable because the acts are based on subjective preferences disguised as objective preventative measures.

Though government officials deny that they are pursuing suspects based on religious or ethnic profiling, few [Muslims] believe that. Detentions and deportations have only intensified those feelings, particularly since very few arrests have resulted in charges related to terror[ism].²⁴

The government's questioning and detention of hundreds of mostly immigrant men in probes that are likely based on religious or racial profiling have created a powerful sense of alienation in Muslim communities in America. Furthermore, a recent FBI announcement stated that FBI field agents are to "develop 'demographic' profiles of their localities—including the number of mosques," and the tallies of such data are supposedly to be used to help counter-terrorism investigations and set investigative goals.²⁵ The concern is that the FBI will be using a type of religious profiling to facilitate its law enforcement aims. Are these changes reasonable effects of racial profiling? Is the racial profiling based on a likely innocent person's possible ties to a terrorist organization reasonable? Any American willing to be critical of his or her nation would agree that the alienation of entire communities because of the government's profiling policies in the War on Terrorism is unreasonable, even in the interest of effective law enforcement.

Furthermore, in a display of anti-immigrant racial discrimination, the USA PATRIOT Act is the most recent in a long list of anti-immigrant congressional acts. The act creates a separate system of justice for non-US citizens accused of terrorism. The use of military tribunals, secret evidence, the ability to eavesdrop on attorney-client conversations and the detention of more than 1,200 individuals violates the most basic due process and equal protection rights. The irony is that many of these non-US citizens are required to register with the Selective Service and can be drafted to serve in the military. Yet, in response to the tragic events of September 11, 2001, the [federal] government has chosen to deny them their right to a fair judicial process that complies with the US Constitution.²⁶

A legitimate law enforcement goal, according to the US Supreme Court's holding, is the only reasonable usage of race as a factor for suspicion. Denying fellow Americans their Constitutional rights is likely not the intent of government officials, but it is a ghastly after-effect of the racial profiling techniques now in place. According to David Cole, the USA PATRIOT Act is "harsh[est] on immigrants, allow[ing] the government to exclude aliens based solely on political views, deport them based on innocent political associations, and detain them on the attorney general's say-so."²⁷ Thus, the racial profiling of these immigrant individuals becomes even more dangerous when it is coupled with the injustice of denying

them their political freedom, leading to a deprivation of civil rights through detention.

Using African Americans as a case study in racial profiling, which could easily be connected with the current situation involving Arab Americans and Muslims, Kennedy argues, “the more one empathizes with the innocent blacks erroneously detained by racially discriminatory investigation, the smaller will be the range of decisions one views as ‘reasonable.’ By the same token, the more distant one feels from those erroneously detained, the larger will be the range of decisions one views as ‘reasonable.’”²⁸ Before September 11, 2001, the customs of the Arab and Muslim communities were largely foreign to Americans, which can explain why people who are not Arab or Muslim, though may be mistaken as such, are being subjected to the same racial profiling wrongs, while being lumped into one large category of foreign “other.”²⁹ If these individuals are perceived to be different and foreign, then racially profiling them does not seem all that bad. However, if we realize that they are erroneously detained and mistakenly branded as suspect, then we are one step closer to guaranteeing the Constitutional freedoms promised to them, and thereby not jeopardizing the country’s ideological integrity.

Not only is racial profiling unreasonable as a standard of law enforcement, it is also highly ineffective, subjecting all Americans, especially dark-skinned Americans, to an unproductive means of policing. Ronald K. Chen, associate dean of Rutgers Law School, Newark, has discounted the use of racial profiling in investigations as a whole, saying, “it has never been shown at all to be an effective law enforcement technique.”³⁰ Logically, racially profiling a group of people in America will yield mostly innocent people with no ties to terrorism whatsoever. Thus, while profiling gives no significant results, it also alienates all those in the community who were profiled, thus deeming it a highly ineffective strategy to preserve national security. Furthermore, how does the government control or prevent terrorism crimes committed by non-profiled groups, such as caucasians? David Harris, professor of law at the University of Toledo College of Law has “analyzed police data from over half a dozen areas around the nation, and found that ‘in every case, profiling was less effective’ than police work based on suspicious behavior and probable cause.” Harris continues, “as with the War on Drugs, where statistics show the focus on blacks and Latinos has not slowed overall use or trading, profiling in the War on Terrorism will likely be counterproductive.”³¹ It is clear that racial profiling is ineffective. Yet why does our federal government insist on continuing such a discredited form of law enforcement? This question is especially pertinent considering the time, money, and energy that could be spent trying to apprehend true threats to our country, not

speculating as to how many Arabs or Muslims out of thousands in America could have potential ties to terrorist organizations.

Kennedy discusses his familiarity with the racial profiling of Latino Americans to examine the effect that such law enforcement policies have on people who are racially profiled. He writes, “At stake will be a lifetime of numerous stops. A person will not cease to be of apparent Mexican ancestry after the first instance of being pulled aside for questioning. In the eyes of the Border Patrol, his looks will continuously mark him as more suspicious than his similarly situated white Anglo counterpart.”³² By association, one could conclude that the current profiling of Arabs and Muslims in reaction to the terrorist attacks will not end suddenly, as the profiling of Latinos on America’s southwest border and African Americans in the War on Drugs has not.³³ Moreover, this racial profiling will follow the offspring of the presently profiled people, generation by generation. Unlike the offspring of Anglo or European immigrants who assimilate to American society quite easily because of their whiteness, the offspring of darker-skinned immigrants are habitually placed in the class of foreigner as a function of their skin color. The events of September 11, 2001, have placed lasting effects on our society, and though it is disheartening to consider, Middle Eastern types may now bear the brunt of the scrutiny placed on individuals suspected of terrorism indefinitely. According to Salah Obeidallah,

Racial profiling has become the norm for Muslims. Community members who are arrested are presumed guilty prior to any charges being read in a courtroom, with fingers pointing at their immediate family, their places of worship—in fact, their entire community. Many within [the] community shy away from travel, fearing intrusive searches and questioning. Many have been taken off airplanes as captains exercise judgments or merely express prejudices. Many have chosen to leave well-established lives here rather than face aggressive questioning by the FBI for minor infractions of immigration laws. They fear justice will not be served.³⁴

As we can see by this documentation, lives are being disrupted by the unconstitutional measures the current United States administration is using in the name of national security. This is an unacceptable result of current policy meant to secure America, as we are in effect telling Arab and Muslim communities that their experiences do not matter to the society as a whole. Americans are telling these people that their feelings of victimization are simply an unfortunate by-product of making this country more secure, stronger, and able to prevent terrorist attacks.

In a final example of the questionability of the effectiveness of racial profiling, “the Justice Department propose[d] new regulations requiring tens of thousands of Muslim and Middle Eastern visa holders to register with the government and be fingerprinted, [an] initiative designed for ‘individuals from countries who pose the highest risk to our security.’”³⁵ Rudimentarily, one should question whether government officials actually believe that those immigrants who are truly dangerous will actually show up to be registered or fingerprinted. The federal government is illogical in instituting such a policy, and is sacrificing the freedoms and rights of the people subject to such regulation. Targeting a group of people who have an overwhelming innocent majority sends the message that this country is unfriendly to immigrants seeking a new life in America.

Official treatment of profiled individuals also has its dangerous counterpart within the private sector in the form of hate incidents. Hate crimes committed against Sikhs, who usually wear a visible indicator of their religion, rose sharply immediately after the terrorist attacks.³⁶ Bina Ahmad, a first year law student at Northeastern University, “received reports of Muslim women having their head coverings pulled off, Muslim women in head coverings being denied access to public transportation and students of color enduring death threats, racist slurs, and even beatings.”³⁷ Again, at stake here is not only the right to life and liberty, but also the right to religious freedom. Americans should be critical of such government tactics that can legitimize hate incidents by racially profiling the people at whom the crime is directed. The potential criminals are no longer the suspect class; they are now the victims of injustice, and will continue to be treated as a threat. Furthermore, “according to results of a poll released by the Washington-based Council on American-Islamic Relations, a national Islamic civil rights and advocacy group, 57 percent of American Muslims say they have experienced bias or discrimination since the terrorist attacks and almost all said they knew of a fellow Muslim who experienced discrimination.”³⁸ The poll also discovered that 48 percent of respondents believe their lives have changed for the worse since the attacks.³⁹ In short, the effect of discrimination stemming from racial profiling on Arabs and Muslims in America has been degradation, indignity, injustice, and deprivation of rights.

It is not only immigrant Arabs and Muslims who could potentially be subjected to the humiliations of racial profiling in reaction to the terrorist attacks. One scholar asserts, “the rise of Islam and Islamism in American inner cities can be explained as a product of immigration and racial politics... and the interwoven cultural forces of black nationalism, Islamism and hip-hop that appeal strongly to disenfranchised black, Latino, Arab and South Asian youth.”⁴⁰ It is possible that because so much ethnic profiling and discrimination has been directed at Arab Muslims who fit

the Middle Eastern type profile,⁴¹ other minorities believed they were out of the criminality spotlight for the time being. Yet, because so many inner-city youth are converting to Islam to regain a sense of order and commitment in life, they are viewed as a suspect class twice over. The first element of their injustice is that they are usually impoverished minorities, and so more likely to be targets of increased police scrutiny. The second is that they have likely converted to Islam, which is now a suspect religion. The new governmental policies not only affect Middle Easterners, but will affect African Americans and Latinos who are converting to Islam because the system did not replace one stigmatized group for another; it added Arabs and Muslims to the list of “other”—those who apparently are not true Americans.

Racial profiling is divisive to society and painful to those who are victims of it. Branding people as guilty based on their race or apparent group membership harms not only individuals, but also society as a whole because it violates fundamental legal principles of due process and protected freedom. As discussed, racial profiling is unreasonable in any circumstance, even in times of crisis, and it is an ineffective means of preventing crime. With the institution of new law that allows state-sanctioned discrimination, it is not hard to foresee the parallels of the Japanese American internment of World War II; only this time it is placed upon Arab Americans and Muslims. Racial profiling will not make the United States a more protected place to live, as it is a threat to national security, not an improvement.

Endnotes

¹ Equal protection of the law is guaranteed to all; US Constitution, amend. 14, sec. 1.

² The USA PATRIOT Act sought to expand the surveillance and investigative powers of law enforcement for combating terrorism. *Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act*, H.R. 3162, (October, 2001).

³ Randall Kennedy, “Race, Law, and Suspicion: Using Color as a Proxy for Dangerousness,” in *Race, Crime, and the Law* (New York: Vintage Books), 137.

⁴ The use of “Middle Eastern” or “Middle Eastern types” describes those individuals who appear to be from Middle Eastern or Arab descent based on distinct physical characteristics. These people are

often stereotypically associated with the September 11, 2001, terrorist attacks because the individuals responsible for the attacks appeared to be “Middle Eastern” based on their names and physical characteristics.

⁵ The category of South Asians includes people who are from nations between the Middle East and South East Asia, as well as people who could be perceived to be from these nations, based upon physical characteristics. This region primarily encompasses Turkmenistan, Uzbekistan, Kyrgyzstan, Tajikistan, Afghanistan, Pakistan, India, Nepal, Bangladesh, and Sri Lanka.

⁶ Kennedy, 137.

⁷ Lisa Hajjar, “In Times of Trouble: The Problem of Racial Profiling,” in the *Race Matters* lecture series, (Talk at UCSB Multicultural Center, 28 January 2002), 1.

⁸ A suspect class can be defined as a group of people, sharing common physical or cultural characteristics, which the majority deems suspicious as a function of the group’s perceived differences.

⁹ Geoffrey A. Hoffman, “Racial Profiling in the Air After Sept. 11,” *New York Law Journal*, 15 April 2002.

¹⁰ Ibid.

¹¹ The Family Court of the state of New York has jurisdiction over the protection, custody, and correction of minors, in addition to adoption, establishing paternity, and other spousal or family conflicts. “Quick Summary of Courts/Judicial Districts,” *New York State Unified Court System*. May 2003. <http://www.courts.state.ny.us/ctstructure.html>.

¹² Chisun Lee, “Let Us Not Be Suckers For Anybody,” *The Village Voice*, 1 January 2002.

¹³ Kennedy, 138.

¹⁴ Hajjar, 3-4.

¹⁵ B.A. Robinson, “Shinto,” 23 April 2002, (30 April 2003). <http://www.religioustolerance.org/shinto.html>.

¹⁶ The War on Terrorism refers to the George W. Bush Administration’s attempts at fighting terror in America, sparked by the September 11, 2001, terrorist attacks in New York and Washington, DC.

¹⁷ Alisa Solomon, "Things We Lost in the Fire," *The Village Voice*, 17 September 2002.

¹⁸ As used here, the term whiteness refers to the property of being caucasian, and suggests the inherent privileges one enjoys being caucasian. Similarly, the term darkness is the property of being non-caucasian, and suggests the deprivation, disadvantage, and discrimination that can happen to people as a result of their color or other physical characteristics.

¹⁹ Cheryl Harris, "Whiteness as Property," in *Critical Race Theory: The Key Writings that Formed the Movement*, ed. Kimberle Crenshaw (New Press, 1996).

²⁰ Moustafa Bayoumi, "Constitutional Ground Has Been Lost Since 9/11," *The Times Union*, 8 September 2002, (30 November 2002).

²¹ Helen Thomas, "Ground Gained and Ground Lost," *The Times Union*, 10 September 2002.

²² Kennedy, 143.

²³ Using the word crime to describe the act of racial profiling suggests its abhorrent nature as an unfair and illegitimate means of law enforcement that should be subjected to criticism to prevent its continuation.

²⁴ Carol Eisenberg, "U.S. Muslims Feeling Besieged by Feds; Fears of More Reprisals, Betrayal as Sept. 11 Nears," *The Pittsburgh Post-Gazette*, 6 September 2002, (30 November 2002).

²⁵ Michael Isakoff, "The FBI Says, Count the Mosques," *Newsweek*, Periscope, 3 February 2003.

²⁶ Robin Bronen, "Profiling Wrong, Even After Attacks," *The Anchorage Daily News*, 17 January 2002, (30 November 2002).

²⁷ Seth Rosenfeld, "9-11-01; Looking Back, Looking Ahead; A Nation Remembers; Patriot Act's Scope, Secrecy Ensnare Innocent, Critics Say," *The San Francisco Chronicle*, 8 September 2002.

²⁸ Kennedy, 144.

²⁹ The concept of the "foreign other," as well as the problems associated with this issue are explored in: Bonnie Honig, *Democracy and the Foreigner* (Princeton: Princeton University Press, 2001).

³⁰ Jerry Jastrab, "Racial Profiling: is it Resurfacing Since Sept. 11?" *The New Jersey Lawyer*, 8 July 2002, (30 November 2002).

³¹ Lee.

³² Kennedy, 157.

³³ For clarification, the War on Drugs refers to the attempts of the political administrations of the 1980s and early 1990s to vigorously combat the drug problem in America. This included enforcing harsh penalties for drug possession, sale, and trafficking.

³⁴ Salah Obeidallah, "American Arabs Paying Steep Price for Terrorism," *The Record*, 17 November 2002.

³⁵ Eric Schmitt, "Traces of Terror: Immigration; U.S. Will Seek to Fingerprint Visas' Holders," *The New York Times*, 5 June 2002.

³⁶ CNN Online, "Hate Crime Up in Wake of Terrorist Attacks," *CNN*, 17 September 2001, (20 February 2003).

³⁷ Bina Ahmad, "People of Color Bearing the Brunt of Post-Sept. 11 Climate," *The San Diego Union-Tribune*, 23 June 2002.

³⁸ Kelly Thornton, "Local Muslims Feel Eyes of FBI; Fear of Being Watched, of Talking Freely is Rampant," *The San Diego Union-Tribune*, 10 September 2002.

³⁹ Bayoumi.

⁴⁰ Hisham Aidi, "Jihadis in the Hood: Race, Urban Islam and the War on Terror," in *Arabs, Muslims, and Race in America (Middle East Report 224, Fall 2002)*. http://www.merip.org/mer/mer224/224_aidi.html.

⁴¹ See Note 4.

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