

# STOP THE REPRESSION AGAINST MUSLIM, ARAB AND SOUTH ASIAN IMMIGRANTS

ROUNDUPS

DETENTIONS

MILITARY

TRIBUNALS

RACIAL  
PROFILING

## DISAPPEARED IN THE USA:

Faruk Abdel-Muhti, Rabih Haddad, Faisal Ulvie  
Mohammed Rafiq Butt, Jose Padilla, Enaam  
Ernaout, Hady Hassan Omar, Amer Jubran,  
Yazeed Al-Salmi, Ayman Gheith, Duraid  
Sulaiman, Adel al-Oteibi, Abel-Ilah  
Imardoudi, Shakir Baloch, Adel  
al-Oteibi, Abdoul Achou, Omar  
Chaudhary, Abdullah Higazy,  
Ahmed Hassan, Isaam  
Sadek, and  
thousands  
more....

Blue Triangle  
Network

# Stop the Repression Against Muslim, Arab and South Asian Immigrants!



December 18, 2002, Los Angeles INS Office. 3,000 people, mainly immigrants, demonstrate against the detention of 500-1,000 mostly Iranian immigrants. Authorities detained them when they voluntarily appeared to register in compliance with harsh new U.S. regulations.

**Mohammed Rafiq Butt was one of over 1,200 Muslim, Arab and South Asian immigrants rounded up and held without charges in the weeks after September 11. Mr. Butt had come to New York to work and send money back to his children in Pakistan. The FBI arrested him when neighbors called in a "tip". They turned him over to the Immigration and Naturalization Service (INS) on September 20. Never charged with a crime, he was held on a visa violation and ordered deported. He died in a New Jersey jail on October 24. (Minneapolis Star Tribune, 10/24/01) Other prisoners told Butt's relatives that he had complained of chest pains for two days. Officials refused to take him to the hospital. INS officials claimed Butt had a heart attack. The INS refused to release information about his death to Human Rights Watch—immigration officials told the group they must produce a document signed by Butt consenting to release the information!**

Butt's cousin, Aziz Butt, told the media an autopsy performed in Pakistan revealed marks on Rafiq Butt's body suggesting he had been subjected to severe torture before his death. The coroner found multiple fractures in his cousin's legs and chest, as well as deep bruises on the body. According to the *Ashville* (North Carolina) *Global Report* (11/15/01), "Aziz Butt said his family had faced serious difficulties in having his cousin's body returned to Pakistan. He claimed FBI officials deliberately delayed sending the body back and initially insisted

on burying the corpse in the United States."

**On September 12, 2002, the Georgia Information Sharing and Analysis Center in Atlanta (an "anti-terrorism intelligence center" set up after 9/11 and working with the FBI Joint Terrorism Task Force) issued a "Be On the Lookout" order for three young "Middle Eastern looking" men. The reason? A woman at a restaurant in Georgia claimed that she overheard three young "Arab-looking" men, one wearing a Muslim Kufi cap, talking about a terrorist plot. The reality? Ayman Gheith, Kambiz Butt, and Omar Choudhary were talking about bringing a car down from Chicago to Florida. The reality? The three young men were medical students on their way to begin a medical residency program in Florida. All are citizens or legal residents.**

On national live late-breaking news about "suspected terrorists," police shut down a 21-mile stretch of I-75. As the three were held at gunpoint, the police blew up medical equipment sticking out of one of the men's backpacks in case it contained explosives. After 17 hours, the FBI released them. The authorities admitted they had absolutely no evidence of any wrong doing by the three. However, the three students from Ross Medical School were told by the Larkin Community Hospital in Miami that they could no longer participate in their medical residency program.

**On May 8, 2002, government agents seized Jose Padilla, a U.S. citizen born in**

**Brooklyn to Puerto Rican parents, as he departed a plane arriving from Switzerland at Chicago O'Hare Airport. Jose, a convert to Islam, disappeared without a trace for almost five weeks. On June 10, Attorney General John Ashcroft revealed Padilla's arrest when Ashcroft bragged that Padilla's arrest had stopped a plot to detonate a radioactive "dirty bomb" in the U.S. The next day, Paul Wolfowitz, deputy Secretary of Defense, was forced to admit that there was no actual plan to do any bombing: Other authorities admitted Padilla had not chosen a target, made a plan, or possessed materials for a bomb.**

No formal charges against him have been made. He has had no right to plead or to request bail. He is not facing trial. He is being held in an isolation cell with a lamp burning 24 hours a day at the Charleston Naval Weapons Center in South Carolina, without contact with his lawyer. He is prevented from telling anyone on the outside his story, denied any right to face his accusers or present evidence in his own defense.

**In Lackawanna, New York, a suburb of Buffalo, on September 13, 2002, whole blocks in the Yemeni community were cordoned off. Reports indicated that police and FBI, well-armed and wearing bullet proof vests, went door to door that Friday evening, harassing and interrogating residents and often barging into their homes, sometimes with guns drawn.**

With no warrants, agents swarmed into houses, searching them and taking belongings. Residents were forced and frightened into giving "permission."

The purpose of the raid was to arrest six young men of Yemeni descent, all U.S. citizens. Before 9/11/01, the six attended an Islamic religious school in Pakistan. One says some attended a training camp in Afghanistan and heard a speech by Osama bin Laden.

They are charged with giving aid to a terrorist organization. The government admits it has no evidence of plans, weapons, or explosives, despite following them for over a year and interviewing them. So the government calls them a "sleeper cell," saying they are doing nothing, and awaiting orders.

**These are just a few of the thousands of stories since 9/11. People picked up in the dead of night; grabbed off buses, trains and planes; arrested based on anonymous tips; pulled from their cars at a traffic stop; homes raided by gun wielding federal agents; children terrorized. The government has seized on the tragic events of 9/11 to vilify, persecute and terrorize a whole section of people based on the language that they speak, where they**

**were born, the color of their skin and the religion that they practice. Raids, roundups, disappearances, indefinite detentions without charges, official racial profiling, the denial of access to family and attorneys, charges based on secret evidence, trials before military tribunals, deportations, threats of the death penalty based on secret evidence and more have become standard operating procedure. In the fall of 2001, Newsweek, the New York Times, the Washington Post and other mainstream media discussed the need for the government to use torture to extract information from suspects. The New York Times Magazine (10/27/02) questioned a senior law enforcement official in Washington about one detainee who threatened to kill himself after being held for months in solitary confinement. The official told them, "If your subject has a complete breakdown the barriers to resistance are lowered. Once a person is at that point, he has lost the will to deceive, and you can be pretty certain that he's not lying." Attorney General John Ashcroft has justified these roundups saying, "Foreign terrorists who commit war crimes against the United States, in my judgment, are not entitled to and do not deserve the protections of the American Constitution." And who is a terrorist? Anyone the government declares is a terrorist.**

## Implications and Impact of These Attacks

In this process, the government disrupted and devastated people's lives. The government detained and deported fathers and husbands with no concerns for the consequences for their loved ones left behind. Families are left with no breadwinner, with no way to survive and support themselves. People who worked hard for years at their jobs or building a business are swept up and disappeared. Wives such as Afghani-American Shokriea Yaghi learned that their husbands have been deported only after the husband called from Jordan (in Shokriea Yaghi's case) or Pakistan. Those who have luckily been released have lost jobs and homes and have been branded as "suspected terrorists." AND NOT ONE OF THESE PEOPLE HAS BEEN CHARGED IN ANY WAY WITH THE EVENTS OF 9/11. Yet federal authorities have not only refused to back off from these assaults but have intensified the repression. The federal government has implemented a broad and far ranging denial of civil liberties, the overturning of long established legal procedures and precedent. It has usurped and concentrated power and declared debate about this off limits.

Since September 11th, the U.S. government has detained and disappeared thousands of

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people because they “fit the profile of a threat to national security.” Their “profile” was in fact that they were Muslims, Arabs and South Asians. All of these people who have been picked up on the street and grabbed from their homes, at airports, train stations, buses, national monuments, religious institutions and political organizations were victims of racial and religious profiling. The government held the vast majority on immigration violations - which sometimes were a result of the bungling of the INS (for instance, being accused of not filing a change of address form within ten days, when actually they had done so and it had disappeared for months in the INS bureaucracy).

*These repressive actions are the domestic component of the U.S. “War on Terrorism,” a war which Vice President Dick Cheney says, “may last our lifetime.” The government has declared a perpetual war in which anyone or any country they claim to be a “threat” can be attacked. Hand in hand with this perpetual war is a constant intensification of police state measures on the “home front”. President Bush threatened everyone when he said, “Either you are with us, or you are with the terrorists.” The repression against Muslim, Arab and South Asian immigrants is being used to intimidate the growing and diverse array of people opposing the “war without end” and the domestic repression. As well, it is establishing the suppressive mechanism to criminalize any dissent and opposition. As part of this, the authorities want to silence those in this country who can speak truth about the reality of life in the Middle East. They want to silence the Palestinians who have lived through the Israeli Air Force dropping U.S. supplied cluster bombs on their refugee camp. They want to silence the Afghan-American woman whose 19 family members in Afghanistan were murdered when the U.S. bombed their wedding party. They want to silence the Afghan-American woman whose husband, a Jordanian pizza parlor owner who has been a New Yorker for 15 years, was taken during the mass round-ups after 9/11, held for nine terrifying months without charges, and then suddenly deported without warning—away from his family, his life and livelihood here.*

Presidential spokesman Ari Fleischer warned reporters in a White House press briefing that, “People have to watch what they say and watch what they do.” The government proclaims that all of this is necessary to combat terrorism abroad and at home. Where will this end? Is the government constructing a permanent state of war and repression? Federal authorities have named over 60 countries that are potential targets of this war.

We must take Bush, Cheney and Ashcroft at their word. Vice President Cheney, speaking to Republican governors on October 25, 2001, said “Many of the steps we have now been forced to take will become permanent in American life,” and “I think of it as the new normalcy.” And to drive home the point that everyone needs to shut up and fall into line Attorney General John Ashcroft said to the Senate Judiciary Committee, “[T]o those who scare peace-loving people with phantoms of lost liberty, my message is this: your tactics only aid terrorists.”

*All of these government measures have created a poisonous atmosphere where Muslim, Arab and South Asian immigrants are portrayed as potential “terrorists”. The government has tremendously developed its powerful repressive apparatus and brought it to bear against Muslim, Arab and South Asian immigrants. They can, and fully intend to use it against immigrants as a whole and the entire population. A member of the U.S. Civil Rights Commission proposed that*

***a mass roundup and detention of Arabs and Muslims might be necessary. Ashcroft is now proposing detention centers where U.S. citizens can be held indefinitely without charges.***

When we look at U.S. society in light of Pastor Martin Niemoeller’s words about his experience in Nazi Germany, we can say that in the New Millennium, first they are coming for the Muslim, Arab and South Asian immigrants. It is no exaggeration to say that this whole process underway has all the markings of creating a police state, a nation of informants and spies; surveillance by the state where no phone call, email, credit card or bank account is private; racial profiling is official policy; where people are taken out in the middle of the night and disappeared.

C. Clark Kissinger of Refuse&Resist! has stated that there are three lessons from the words of Pastor Martin Niemoeller:

- 1) When it comes, it comes by steps and degrees. They pick off the opposition one at a time.
- 2) To prevent a police state you must first come to the defense of its very first victims.
- 3) In the process of losing our rights there comes a point of no return. This is a time that’s going to put us all to the test. And it’s a time that calls for resistance.

**The people must oppose, resist and derail this whole wave of repression, NOW.**

## Is There a Threat to Security?

Yes! It is the security of the vast majority of people in this country, citizens and non-citizens, those with and those without papers, that is threatened by these police state measures. Listen to the words of Jonathan Turley, a professor of constitutional law at George Washington University. In the August 14, 2002 *Los Angeles Times* he wrote,

“Attorney General John Ashcroft’s announced desire for camps for U.S. citizens he deems to be ‘enemy combatants’ has moved him from merely being a political embarrassment to being a constitutional menace. Ashcroft’s plan...would allow him to order the indefinite incarceration

of U.S. citizens and summarily strip them of their constitutional rights and access to the courts by declaring them enemy combatants ... Whereas Al Qaeda is a threat to the lives of our citizens, Ashcroft has become a clear and present threat to our liberties.”

In August, September and October of 2002, the government carried out a series of highly publicized raids with the arrests of mainly young Islamic men, both U.S. born citizens and immigrants, in Lackawanna, New York; Portland, Oregon; Seattle, Washington; and Detroit, Michigan. The government has raised the specter of “Al Qaeda sleeper cells” waiting for orders to attack the U.S. from within. Yet the government has offered absolutely no evidence that any of those arrested possessed weapons that they planned to use against the U.S., much less that they had any plans to carry out any kinds of attacks.

Not one shred of evidence has been provided to the public that any of these young Muslim men were planning attacks against people in the United States. But this has not stopped the government from trying to whip up a hysteria based on fear and suspicion that young Islamic men are a threat to “security” and in the process convince many to trade civil liberties for safety. This is a devil’s bargain. Does anyone really think that if we give up our civil liberties and support police state measures that somehow we will all be more safe and secure? Were the people in Nazi Germany more safe and secure after the mass roundups of Jews, Communists, Socialists, trade unionists, Romas (“gypsies”), and even Catholics? History has repeatedly proven that the more a people are silenced and denied their rights, the more government officials act with impunity against them. These roundups are not about protecting people in this country. These attacks against young Muslim men are about getting people to go along with all the repression against Muslim, Arab and South Asian immigrants and not oppose any U.S. foreign wars and domestic repression or, at a minimum, to be cowed into silence by these attacks.

## Racial Profiling

The U.S. has a long history of “racial profiling” and persecution, from the Jim Crow segregation suffered by Black people in the South to the roundups and deporta-

## Mission Statement of the Blue Triangle Network

***First they came for the Communists and I didn’t speak up because I wasn’t a Communist.***

***Then they came for the Jews, and I didn’t speak up because I wasn’t a Jew.***

***Then they came for the trade unionists, and I didn’t speak up because I wasn’t a trade unionist.***

***Then they came for the Catholics and I didn’t speak up because I was a Protestant.***

***Then they came for me, but by that time, no one was left to speak up.***

--Pastor Martin Niemoeller, Nazi Germany

Since September 11, 2001, in the name of the war against terrorism, vicious attacks have been launched against the basic human rights of Muslims, Arabs and South Asians in the United States from the highest levels of government. Insisting that national security is at risk, the government has launched a wide scale assault on constitutional rights and civil liberties. In order to defend these violated human and constitutional rights, this network dedicates itself to mobilizing the broadest number of people to challenge and oppose this repression. We do not accept the racial profiling, erosion of civil liberties, roundups, indefinite detentions, secret charges, secret evidence, secret military tribunals and demonizing of Muslims, Arabs, South Asians and others based upon where they were born, the language that they speak, the color of their skin or the religion that they practice. This time they are coming for the Muslim, Arab, and South Asian immigrants who are the first targets in this wave of repression. This network has been organized by a broad cross section of organizations, communities and individuals, both people who have stepped forward to stand with those targeted by this repression and people from the targeted communities themselves. We have a diversity of political perspectives, religious beliefs, and ethnic and racial backgrounds, but we are united in our determination. We are standing up and taking action.

tions of Latino immigrants to the ongoing criminalization and imprisonment of what seems like an entire generation of Latino and Black youth. Over the past two decades, the “war on drugs” and the “war on crime” have been unleashed on the people of the U.S., focusing mainly on Black, Latino and other oppressed nationalities. As part of fighting this “war on drugs”/ “crime”, law enforcement creates a profile of “suspicious behavior”, which at its core includes race, nationality, age and dress code. In plain English, “suspicious behavior” means driving while Black or Brown. Government authorities, abetted by the mass media, have worked to create a climate of fear throughout society. They have used racial profiling, the mass incarceration of Black and Latino people, and highly publicized executions in an attempt to create the image of Black and Latino men as criminals.

The current attacks on Muslim, Arab, and South Asian immigrants has much in common with previous racial profiling of others in the U.S. But the present repression being unleashed against Muslim, Arab, and South Asian immigrants is on the whole different than anything in the past 50 years. It resembles the roundup and detention in concentration camps of 110,000 Japanese American citizens and Japanese immigrants by the U.S. government during World II. The U.S. government had no evidence that Japanese Americans posed any threat to national security or were going to aid the Japanese war effort. On November 7, 1941, one month before Pearl Harbor, President Roosevelt received a confidential report saying that Japanese in the U.S. did not pose a danger. FBI Director J. Edgar Hoover, no friend of civil liberties, concluded that mass evacuations could not be justified for security reasons. Nonetheless, after Pearl Harbor, the government moved to round up 110,000 Japanese and Japanese Americans even though not a single Japanese American or Japanese immigrant was ever charged with a criminal act of disloyalty to the United States. But they too were painted as the “enemy within” as

part of creating pro-war hysteria.

## War on Terrorism

**All of these repressive measures are being codified in law or declared the new official standard operating procedure from the highest levels of government authority: denial of habeas corpus; military tribunals; death penalty imposed by secret military judges; use of secret or even no evidence to convict or detain indefinitely; government surveillance and infiltration of religious institutions, community groups and political organizations; organized spying of ordinary people on each other; monitoring of e-mail, Internet use and telephone conversations; denial of legal representation; and stripping of all legal and civil rights. Supreme Court Justice Sandra Day O'Connor told a law school audience in Manhattan a couple of weeks after September 11 that, “We’re likely to experience more restrictions on our personal freedom than has ever been the case in our country...It is possible, if not likely, that we will rely more on international rules of war than on our cherished constitutional standards for criminal prosecutions in responding to threats to our national security.”**

### Detained Without Charges

First, the Attorney General extended the amount of time in which a non-citizen immigrant could be held without charges. Then, he made an “adjustment” in the rules. On October 31, 2001, the INS and the Executive Office for Immigration Review issued a new rule under which the INS can simply file an appeal and thereby put on hold an immigration judge’s ruling that an immigrant be freed for lack of evidence. The immigrant can then be held indefinitely without charges. This means someone can be held in secret, even deported, without their family knowing where they are.

## What Does the Blue Triangle Represent?

The German Nazis designated color-coded markings for the “inmates” of their deadly concentration camps: red triangles for political prisoners, pink for homosexuals, green for criminals; as well as the six-pointed yellow star for Jews. The blue triangle was used to identify “emigrants”, foreigners and stateless people. In the 1980’s, La Resistencia, an organization formed to build a national movement to resist all attacks on all immigrants, adopted the blue triangle as a symbol of resistance to the criminalization of immigrants along that U.S./Mexico border. La Resistencia proposed that the movement against the repression of Muslims, Arabs, and South Asians expand the use of the blue triangle for this movement as well. We proudly wear and display the Blue Triangle as a symbol of our solidarity with the Muslim, Arab, and South Asian people being persecuted by the government, and as a symbol of our resistance and opposition to the government’s repression of these people.

### Held Indefinitely as “Material Witnesses” and “Enemy Combatants”

The U.S. government has refused to provide an official accounting of who is being held, or for what they are being held. We do know, however, from the families of detainees, their lawyers, activists, and journalists that the vast majority of people were charged for minor immigration violations. Several others are being held on “material witness” warrants even though a U.S. judge ordered that people could not be held indefinitely just because they are material witnesses.

Also, the U.S. military is currently detaining indefinitely Jose Padilla and Yaser Esam Hamdi as “enemy combatants”. They are both U.S. citizens. No charges have been filed against them, and they are being denied access to lawyers, family and friends. The government has even said that they plan to hold these men without trials until the war ends (which Vice President Cheney says will last indefinitely).

### Secret Hearings

Many of the immigration hearings of the detainees have been conducted in secret. On September 21, 2001, Michael J. Creppy, the chief immigration judge in the U.S., gave instructions to the nation’s INS judges on how to handle more than 600 “special immigration” cases. Creppy’s instructions laid the legal basis for the disappearances. He instructed:

- 1) “Each of the cases is to be heard separately from all other cases on the docket.”
- 2) “The courtroom must be closed for these cases – no visitors, no family, and no press.”
- 3) “This restriction includes confirming or denying whether such a case is on the docket.”

And what makes these “special immigration” cases? The word of the Justice Department. They can claim that revealing what is underway in these trials would “jeopardize national security.” This becomes the basis of the government’s need for secrecy. The government has stated that the courts could not review the desig-

nation of “special immigration” case. Executive branch officials argue that the courts have no role in this because immigration hearings are not really trials but are in fact only administrative hearings that can be closed at will. With these regulations, the government can detain an immigrant and everything about the person and the charges can be kept secret. Even whether or not the case is before the immigration court is to be kept secret. And no one, not even a court, can question this, and much less do anything about it. No charges, no trial, no evidence and no jury. Just secret, indefinite jailing without charges just because the government says so.

On May 29, 2002, U.S. District Judge John Bissell ruled that immigration trials could not be conducted in secret unless the government first proved that there is a specific threat to national security. On June 28, the U.S. Supreme Court put a stay on this ruling for the duration of the government’s appeal, so these hearings continue in secret. This stay was highly unusual because the case is not yet before the Supreme Court. This was an extremely strong indication that the court would side with the government when the case finally came before it. The Third Circuit U.S. Court of Appeals ruled on October 10, 2002, that the immigration trials could be conducted in secret. Authorities are establishing Judge Creppy’s instructions as the law of the land. These have broad and horrific implications. The mass roundups and disappearances that the government implemented after September 11 are now going to be routine if the people do not stop these measures. Upholding of Creppy’s rulings set the basis for more rounds of the same type of dragnets on an even grander scale. If the Justice Departments says so, an immigrant just disappears. Who is next?

### Stripped of Due Process Rights

Through executive decree, judicial rulings and legislative acts, the U.S. has eliminated due process rights for all immigrants, including legal permanent residents. Two hundred years of legal tradition are being thrown out the window. Previously, the



INS detainees, 2001.

# The USA PATRIOT Act – On the Road to a Police State

The “USA PATRIOT” Act – its name stands for “Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism” - was rushed through Congress shortly after the tragic events of 9/11.

President Bush and Attorney General Ashcroft said that 9/11 required the passage of tough new legislation that would enable the government to “fight terrorism”. But this law, which is hundreds of pages thick, was obviously written well before September 11, 2001. Most Congresspeople did not even read it before they voted to approve it, and probably still do not know its provisions.

This law concentrates an extreme amount of power in the hands of the executive branch of the government – the President and his Cabinet, especially the Attorney General. It allows them to detain people based on vague, unspecified “threats to national security”. It greatly strengthens the government’s ability to label people “threats to national security” on the basis of little or no evidence, and then use this alleged “threat” as the pretext to deny these people’s basic rights, and to allow an unprecedented level of spying into every aspect of a their lives.

The USA PATRIOT Act created a federal crime of “domestic terrorism”. This new crime is defined as “acts dangerous to human life that are a violation of criminal laws” if they “appear to be intended to influence the policy of a government...”

Bush administration authorities wanted the language of this law to be vague. The vagueness enables them (as well as future federal officials) to paint with a very broad brush – to have the authority and the potential to criminalize acts of protest that are by their very nature “intended to influence the policy of a government”.

Some of the numerous police state measures in this new law:

- Permit the U.S. Attorney General to incarcerate or deport non-citizens based on mere suspicion. The Attorney General can also deny re-admission to the U.S. of non citizens, including long term legal residents, for engaging in speech protected by the Fourth Amendment. It allows for indefinite detention of non citizens for minor visa violations if they can’t be deported because they are stateless, or for some other reason.
- Expand the government’s ability to use searches which don’t require notification of the person being searched. This applies to ordinary criminal investigations, not just those declared “anti-terrorism” investigations. The law also minimizes judicial supervision of federal telephone and Internet surveillance by law enforcement in both criminal and anti-terrorism investigations.
- Give the FBI – and many other law enforcement agencies with whom it

shares information – broad access to highly personal medical, financial, and other information with minimal judicial oversight.

- Allow law enforcement to investigate US citizens for a criminal matter without establishing probable cause if they designate the investigation is for “intelligence purposes”.
- Minimize judicial supervision of federal telephone and Internet surveillance by law enforcement.
- Put the CIA back in the business of spying on US citizens and residents by giving the CIA Director broad authority to identify individuals as targets for surveillance.
- Give the Attorney General and the Secretary of State the power to designate domestic groups as terrorist organizations and deport any non-citizen who belongs to them.

There are many other equally chilling provisions of this new law. Many of them apply specifically to legal immigrants, but its intrusive and pervasive spying provisions can be used against anyone in this country.

There is plenty of precedent in U.S. history for mass roundups of residents because of their political outlook and/or ethnic origin. After WW I, the government unleashed a series of arrests and deportations known as the Palmer raids. Thousands were arrested and hundreds deported. In the most infamous case, the government “interned” over 100,000 citizens of Japanese ancestry during WWII in concentration camps.

But the current situation is different, and without precedent in some important ways. The government is codifying the measures it is taking against Arab, Islamic, and South Asian people into laws that can be used against anyone, in a situation they have declared will “last our lifetimes”. It also has high technology at its command that enables it to attempt a degree of snooping and spying unknown in previous times.

Government authorities like President Bush and Attorney General Ashcroft think they can say the word “terrorism” and all opposition to their police-state measures will vanish or be cowed. We must prove them wrong.

**It is absolutely vital that these measures be defeated. It is absolutely vital that the people targeted by these vicious measures be vigorously and resolutely defended by people from many sectors of society and with a wide range of political activities. Defending the people targeted in the first wave of repression is crucial to preventing the headlong rush towards a police state in which anyone whom Ashcroft or Bush declare a “threat” can be imprisoned indefinitely, disappeared without a trace, and deported to possible torture.**

courts made no distinction between the constitutional rights of citizens and immigrants. Some of the rights that immigrants do not have now are:

***Innocent until proven guilty...Right to legal representation...Right to lawyer-client privilege...Protection against unreasonable searches and seizures...Right to an open trial...Right to defend yourself....***

In a report entitled, “The State of Civil Liberties: One Year Later, Erosion of Civil Liberties in the Post 9/11 Era”, the Center for Constitutional Rights warns,

*“The Bush Administration’s war against terrorism, without boundary or clear end-point, has led to serious abrogation of the rights of the people and the obligations of the federal government. Abuses, of Fourth and Fifth Amendment rights in particular, have been rampant, but more disturbing is the attempt to codify into law practices that erode privacy, free speech, and the*

*separation of powers that is the hallmark of our democracy.*

*“Particularly dismaying are two trends on display in government actions. In its conduct of the terrorism investigation, the government has disregarded its responsibility to maintaining a democratic society. Encroachments on the separation of powers threaten the return of authoritarian rule, inasmuch as that division of authority was set to make sure that no one in government holds a disproportionate amount of power...”*

*“At the same time, government actions also undercut its obligations to maintain the rights that make our society free. New legislation, hard-line regulations in the Justice Department, and the impunity with which the Administration has abused the rights of detainees all pose a threat. The free speech and assembly rights as well as the freedom of the press guaranteed by the First Amendment have variously been compromised by government actions,*

*hampering the flow of ideas, and creating possible penalties for their expression. The rights conferred by the Fourth, Fifth and Sixth Amendments guarantee against arbitrary and malicious persecution of individuals by the state; by weakening those protections, the government has opened the doors to new encroachments on the liberties that all residents of the United States rightfully enjoy.”*

## Trial by Military Tribunals

In November 2001, President Bush issued an order allowing any non-U.S. citizen to be tried by military tribunal for allegedly being a terrorist, aiding or harboring a terrorist. Under a military tribunal, military officers will be the judge and the jury members, and they can even sentence someone to death. These trials can be conducted in secret, and evidence can be withheld from the defendant and the defendant’s lawyer. The defendant will not be able to appeal the decision to any court,

neither U.S. state, nor federal, nor any international court.

## Mass Interrogations and Racial Profiling

In November 2001, the Department of Justice ordered 5,000 men who had entered the U.S. legally within the past few years to submit to “voluntary” interrogations. All these men were from Muslim, Arab or South Asian countries. Some of the questions included their reaction to terrorism and sympathy for terrorists. In March 2002 an additional 3,000 men were added to this list.

Just like the immediate period after September 11 when the government carried out the mass roundups of innocent people based solely on their profile, federal authorities are preparing to possibly do so again.

On November 17, 2002, the *New York Times* reported,

*continued on page 8*



# DISAPPEARED IN THE USA

On October 6, 2002, over 25,000 people gathered at a "Not In Our Name" rally in New York City's Central Park. People came together against the US government's war on the world, the domestic repression, and the government attacks against Muslim, Arab and South Asian immigrants. People wiped away tears as Shokriea Yaghi, an Afghani American, described how her husband, a Jordanian pizza parlor owner who has been a New Yorker for 15 years, was taken during the mass round-ups after 9/11. The government held him for nine terrifying months without charges, and then suddenly deported him without warning in July--away from his family, his life and livelihood here. "I have not seen my husband for 15 months," said Yaghi. "Now we are being told that he cannot return to this country for 10 years. I am here to fight for my husband's rights. I am here to fight for my children's rights." For many of the rally participants, this was the first time that they became aware that countless stories like this are being repeated across the country.

Below are just a few of the thousands of these stories. Upon hearing these stories people are reminded of the disappearances in Latin America when thousands of people were snatched off the street and never heard from again. As Kate Martin of the Center for National Security Studies said, "The secret detention of [hundreds of] people over the past few weeks is frighteningly close to the practice of 'disappearing' people in Latin America."

**Hasnain**, a 20-year-old student from Pakistan attending CUNY, was detained on a minor visa violation after INS agents raided a Greyhound bus he was on, held in a jail far away from home, and brutally beaten by other inmates as the guards egged them on... **Al- Badr Al-Hamzi**, a Saudi man was held for 13 days by FBI agents as a 'material witness', the evidence of this was that he made airline reservations over the internet, had the same last name as one of the alleged hijackers, and received a call from one of Osama bin Laden's brothers (the bin Laden family broke ties with Osama bin Laden years ago)... **Amer Jubran**, a Palestinian activist, was taken from his home by INS and FBI agents two days after organizing a rally and march through downtown Boston in support of the Palestinian people. He was held without being charged with any crime. A permanent resident of the U.S., he kept his immigration paperwork in meticulous order and when he was released his lawyer said that the INS would have had to go through the file with a fine tooth comb to find the minor immigration violation for which he is being held.

**Rose Zhou's** husband was one among 12 friends (out of 13 who went to register) who were arrested in California in December 2002 during the INS ordered registration of immigrants from Iran, Iraq, Syria, Libya, and Sudan. (see Blue Triangle Network Opposes Mass Detentions) "It is very scary, especially when I look at my kids faces and they are looking for their dad," Ms. Zhou said in an interview. "I don't have a relative here. Just him. They are saying they are going to deport him. I don't know why." M.M. Trapci, the only one of Mr. Zhou's friends who wasn't detained said, "We were willing to go register. We don't want to be suspected for anything. We want to be clean and clear. After all the years we live in this country, we feel like Americans. Singling us out like this, it's not right." When he took his 16-year-old son (who has lived in the U.S. since he was 1 year old) to register, Mr. Trapci said, "At first they said they were going to deport him. He started shaking. He doesn't know anything about any other country. Finally, they said because I was getting my green card in a few days they would let him go home with me."



**Rabih Haddad** is from Lebanon and lived with his wife and four children just outside Ann Arbor, Michigan. He is one of the founders and current board members of the Global Relief Foundation. It is one of the largest Islamic charities in the U.S. It has provided millions of dollars for projects ranging from schools in Pakistan and Chechnya to food aid for people in Afghanistan, Ethiopia and Palestine. He was detained in December 2001 and has been held in solitary confinement ever since. Initially he was charged with overstaying his visa and the government is currently trying to deport him. Rabih Haddad wrote to supporters, "Your words swept me in a tornado of hopes, dreams, and inspiration. I pledged to you that I will uphold and practice the values that you stand for. Little did I know that I will be persecuted in your name." And his wife Salma al-Rashid said, "They're trying to break our spirits, trying to wear us down. That's not going to happen..."

**Mr. Faruk Abdel-Muhti** is a Palestinian community activist who is well-known in New York. He was one of the organizers in New York of the February 20th National Day of Solidarity with Arabs, Muslims, and South Asians. In April 2002 INS agents together with NYPD officers came to Faruk's home for the second time and detained him for living illegally in the U.S. The first time the agents visited, Faruk was not at home and they intimidated and threatened his son and his roommate and attempted to illegally search their home. The U.S. government has been threatening to deport Faruk ever since, even though he is of Palestinian origin and according to international law cannot be deported to a place not recognized as a state. Despite this, the U.S. government recently deported several Palestinians to the Gaza Strip via Egypt. Faruk filed a Habeas Corpus petition stating that he cannot be deported to Palestine since no nation of Palestine exists. Not only has Faruk played a major role in the struggles of the people in the U.S., most recently in demanding a stop to the disappearances and detentions, he also continues to play this role within the detention centers. Because of this the authorities are constantly punishing him and retaliating, from threatening to deport him to another country (such as Honduras), to denying him medical treatment, to switching him around from one detention center to the next so he loses touch with his friends, family and supporters.

The following is part of a statement written and signed onto by at least **81 detainees at Passaic County jail**. These detainees are from more than 40 countries and although many have been detained since September 11, 2001, several who signed this statement had been detained for immigration violations before that date. *"We hereby make this appeal to all human rights organizations, religious, political and social groups to join us in our struggle as we fight this injustice by the I.N.S... We the I.N.S. Detainees at the Passaic County jail feel that we are being detained in violation of the Bill of Rights of the United States of America...We feel that our situation is similar to that of the Japanese Americans who were placed in detention in 1942. Our detention also evokes memories of the McCarthy era in the 1950s."*



On Sept. 22, 2001, **Shakir Baloch**, a Canadian citizen of Pakistani origin, was arrested in New York by the I.N.S. and F.B.I., and despite official inquiries from Ottawa, his detention was not disclosed for more than three months. He admitted having illegally entered the U.S. after being denied entry on a previous occasion. He asked to be deported back to Canada. He was ordered deported, refused bail and placed in isolation in a high security for half a year before being sent back to Canada. In an interview in a Toronto coffee shop he said that his ordeal has left him unemployed and unable to work. He is depressed and cannot concentrate long enough to read. Sometimes, he said, he just shakes uncontrollably. "I was living an ordinary life, with the problems you face in a normal everyday life," he said. "But now I've lost my privacy. Now I'm in the world as a suspect."

**Hady Hassan Omar** was arrested on Sept. 12, 2001. He was married to an American citizen but had not received permanent resident status yet. He became a prime suspect because he had purchased plane tickets from the same Kinko's that Mohammed Atta apparently used. He was one of hundreds of Muslim immigrants held in solitary confinement for months without charges while the F.B.I. investigated their backgrounds. For 73 days he waited while his wife and lawyer filed papers. Finally, one morning, the judge at Hady's immigration hearing ruled that he could be released on bail. However, the INS prosecutor overturned this ruling. Hady says that after that, "It was like part of me just died," and he thought about killing himself. Finally, the government decided to let him go.

In New Jersey, **Anser Mehmood's** wife spent six weeks searching for her husband. He was arrested in late September, not formally charged with a visa violation until March 2002 and held in an isolation cell with 24-hour lighting for seven months. He had no contact with his family for three months after he was picked up. Deprived of their only source of income, his wife and four children have been forced to sell every last household appliance and are now heading Mehmood's case.

The wife of **an Egyptian national** arrested in early September did not see her husband until December 19, 2001. She passed on a letter he wrote to Amnesty International. "I have now been in solitary confinement for three and a half months . . . Why am I imprisoned? What are they accusing me of?"



Like hundreds of Muslim and Arab immigrants picked up over the past year, **Sayed Tayyab Bokhari** was arrested on visa violations and interrogated about suspected ties to Osama bin Laden and al-Qaida. It didn't seem to matter how many times he denied knowing anything. "As a Muslim, you must support the Islamic jihad against the West," he recalled one agent pressing him. "You are scared now if you are Muslim, trust me, very much scared," Bokhari said two weeks ago after his release from jail on a \$12,000 bond while he awaits a hearing on whether he can remain in this country. "Anyone looks at me now, my heart starts pumping." Though Bokhari was cleared of any ties to terrorism, he was imprisoned for eight months on charges of having a fraudulent South African passport. He spent nearly three months in a 5-by-8-foot cell called "The Hole," at the maximum-security Metropolitan Detention Center in Brooklyn, where fluorescent lights shined 24 hours a day and cameras followed his every move. "The people of the U.S., they are very much innocent," Bokhari said. "But we are scared from the government and the police."

**Akram Jamil**, a Yemeni man living in Park Slope, Brooklyn, said he suffers from panic attacks since federal agents broke into his apartment with drawn guns shortly before 6 a.m., June 26, in an apparently misguided search for someone else. When they realized their error - after handcuffing him and his wife and beginning to ransack the apartment - Jamil said, the men left quickly without an apology and proceeded to the door of one of his neighbors. "I'm living in constant fear now," said the 23-year-old custodian for the New York City school district, speaking through a translator. "If I hear a loud noise whether I'm on the subway or at my job, my heart pounds. And I'm a man, so you can imagine how my wife is faring."

From a report in Amnesty International: **A Palestinian-Jordanian man** was deported to Jordan after being held for two months in solitary

confinement in a Texas jail. He had reportedly agreed to Voluntary Deporture, as he was afraid he would be held indefinitely in the U.S. and would be unable to support his wife and his children who were born in the U.S. He was reportedly accompanied to Jordan by two INS officials and was taken into custody by the Jordan authorities on arrival. His wife, who had gone to Jordan before him, waited in vain for him at the airport. Amnesty learned that he was detained for 12 days before being released there.

**Faisal Ulvie** is a Pakistani Tai Kwon Do expert who traveled to the U.S. six years ago and decided to stay in the country and apply for political asylum. Later he married an U.S. citizen, Nadine Young and helped raise her two children. Then, they had a child of their own. He was sleeping at home when INS agents broke into his apartment and arrested him. He was on a plane with several other Pakistanis waiting to be deported to Pakistan when Immigration Judge Patricia Rohan reportedly approved a request by Ulvie's attorney and agreed to give the detainee a hearing and to block his deportation. She called on her cell phone to have Mr. Ulvie taken off the place before it took off! Mr. Ulvie is currently still detained but is due to be released on bail soon before his next immigration hearing.

### Blue Triangle Network Formed at National Summit

Numerous groups from around the country sent representatives to the “National Summit to Stop the Repression Against Muslim, Arab and South Asian Immigrants” which took place on May 18th and 19th, 2002. The Summit was hosted by the kind staff of ACCESS (Arab Community Center for Economic and Social Services) in Dearborn, Michigan and was held at ACCESS's facilities in Dearborn.

Over the course of the two-day meeting, nearly 60 people took part. A number of organizations were represented, including: American Arab Anti-Discrimination Committee, American Civil Liberties Union, American Muslim Council, Arab American Institute, Arab Community Center for Economic and Social Services, Asians for Jericho/Mumia, Committee Against the U.\$ Empire, Committee for the Political Resurrection of Detroit, Houston Coalition for Justice Not War, La Resistencia, La Resistencia Youth & Student Network, Muslim American Society-Political Action Committee, National Lawyers Guild [Chicago and Detroit Chapters], October 22nd Coalition to Stop Police Brutality, Repression and the Criminalization of a Generation Youth & Student Network, Refuse and Resist!, Refuse and Resist! Youth and Student Network, Revolutionary Communist Party, Revolutionary Communist Youth Brigade, Solidarity USA, South Asians against Police Brutality & Racism, the Street Wall Journal, Tri-City Peace Action and the Triangle Foundation. People came from Honolulu, San Diego, San Francisco, Fresno (CA), Hayward (CA), Los Angeles, Houston, Chicago, St. Louis, New York, Falls Church (VA), in addition to Ann Arbor, Dearborn, and Detroit in Michigan.

On Saturday morning a panel of invited guests spoke. The panel included lawyers who have been fighting since 9/11 for the rights of “The Disappeared” and a Japanese-American survivor of a World War II American concentration camp. The lawyers gave powerful testimony about how the federal government is trampling on the Constitution to prosecute minority immigrants today, while the concentration camp survivor told of past, and potentially near-future, injustices perpetrated in the name of “national security.” Later on Saturday and on Sunday organizational decisions were made, including the adoption of the name “Blue Triangle Network”, the Mission Statement, and the blue triangle as a symbol of solidarity with Muslim, Arab and South Asian immigrants and opposition to the repressive attacks against them. In addition, working groups were created to accomplish various tasks, including the creation of a web page, publication of a comprehensive fact sheet, and the planning of cultural and political events.



## DROP ALL CHARGES AGAINST LYNNE STEWART!

First they came for the Muslims, Arabs and South Asians ... then they came for their lawyers.

Lynne Stewart is a prominent attorney in New York City. For years she has been known as a radical attorney who has dedicated herself selflessly and courageously to defending people vilified by the government and in the media.

On April 9, 2002, Stewart was one of four people indicted by the federal government for supposedly supporting and providing material resources to Sheik Omar Abdel-Rahman. Abdel-Rahman is a federal prisoner in prison in Minnesota who is serving "life plus 65 years" for conspiracy to commit terrorism.

Stewart, Abdel-Rahman's attorney, is charged with having "unlawful conversations" with him during prison visits and telephone calls. In 1998, the Justice Department secured a warrant to monitor conversations and execute wiretaps on Stewart, Abdel-Rahman, and others. Stewart, who doesn't know Arabic, is accused of making "extraneous comments" during a May 2000 meeting with her client. The government claims she was trying to conceal a conversation Abdel-Rahman was having.

This preposterous charge was announced by John Ashcroft himself, who flew to New York to preside over the raiding of Stewart's office and the confiscation of her computers, files, books, evidence, papers, and Rolodex, including documents on cases of her current clients. Ashcroft's presence indicates how seriously the government takes this case, and how determined they are to push ahead with the prosecution of Lynne Stewart. Stewart now faces 40 years in prison.

The government also intends to send a message to other lawyers outraged by the government's wholesale persecution and vilification of Arabic, Islamic, and South Asian people, and its trampling on long established rights, such as attorney client privilege. The message is clear: to silence dissent, repress resistance, and seek to punish those who dare stand up for the targets of the government's persecution.

Lynne Stewart has set a courageous example for lawyers in these troubled times. Her vindictive prosecution by the federal government must be met with widespread and determined opposition.

*"The Bush administration has begun to monitor Iraqis in the United States in an effort to identify potential domestic terrorist threats posed by sympathizers of the Baghdad regime, senior government officials said."*

*"The previously undisclosed intelligence program involves tracking thousands of Iraqi citizens and Iraqi-Americans with dual citizenship who are attending American universities or working at private corporations, and who might pose a risk in the event of a United States-led war against Iraq, officials said."*

*"Some of the targets of the operation are being electronically monitored under the authority of national security warrants. Others are being selected for recruitment as informers, the officials said..."*

*"This is the largest and most aggressive program like this we've ever had," said one senior government official, who spoke on condition of anonymity."*

### Selective Deportation

The Justice Department has decided to hunt down and selectively enforce deportation orders against people from specific Muslim, Arab and South Asian countries.

Federal officials are going after them first as part of rounding up approximately 314,000 immigrants who overstayed their visas and have outstanding deportation orders. Many of these "overstays" are a result of INS bureaucratic bungling. How many? Who knows?! For reasons of "national security" we do not.

Hundreds of people have been deported and hundreds more languish in jail, many without access to legal representation, family or friends. As a result many people are accepting voluntary deportation for minor violations that would not ordinarily be deportable offenses. Often as the breadwinners in these families are deported, entire families are uprooted and displaced, including children who are U.S. citizens who have lived in this country their entire lives.

### Domestic Spying

The Justice Department has launched Operation TIPS (short for "Terrorism Information and Prevention System"). Their goal is to develop a national network of police informants—millions of them—to be the eyes and ears of the government all through society. The government is working actively to recruit people whose

jobs have them out and around during the day—truckers, train conductors, utility employees, telephone workers, letter carriers, and ship captains. Bush himself said in a Knoxville speech on April 8: "If people see anything suspicious, utility workers, you ought to report it. This is a way to organize that which already happens in our communities on a daily basis and a way to make the homeland more secure and more prepared."

FBI agents now also have the authority to observe private gatherings, without first obtaining a warrant.

Student and Exchange Visitor Information System, or SEVIS, is one new government tool for escalation of surveillance and repression of international students. Under the system, the government forces schools to monitor students from the day they arrive in the United States, tracking any changes to their names, addresses or status in school, and inform the government immediately through the Internet-based system. This includes information on what classes students take, what grades they get, what jobs they have, what extra-curricular activities they take up, with the constant threat of deportation or detention for things like protesting or even taking less than a full-time credit load.

On November 18, 2002, in a major ruling, the *New York Times* (11/19/02) reported,

"A special federal appeals court ruled today that the Justice Department has broad new powers under the antiterrorism bill enacted last year to use wiretaps obtained for intelligence operations to prosecute terrorists.

"The immediate effect of the ruling by the three-member panel is that criminal prosecutors may now take an active role in deciding how to use wiretaps authorized by a special intelligence court and should have greater access to information obtained from them. For more than 20 years, prosecutors have been prohibited from making decisions on which intelligence wiretaps to apply for because the standards of proof are widely believed to be lower than for regular criminal wiretaps...

"Today's unanimous ruling was a significant victory for Attorney General John Ashcroft, who announced immediately that he would use it to greatly expand the use of the special intelligence court by prosecutors to obtain wiretaps of people suspected of involvement with terrorists...

"Both the appeals court and the court whose opinion it overturned today were created solely to administer a 1978 law allowing the government to conduct intelligence wiretaps inside the United States."

This decision will greatly expand the government's ability to obtain authorization for wiretaps and surveillance from the Foreign Intelligence Surveillance Act (FISA) Court. This is a court which meets

in secret and whose proceedings are totally unknown to the subjects of its deliberations! Only the Justice Department can appeal its decisions because it is the only one that knows the decisions made aside from the court. The FISA Court essentially rubber stamps requests from the Justice Department for "authorization to wiretap an individual who is identified in court papers only as a resident of the United States who is working as an agent of a foreign power." This will allow the government to wiretap and spy on anyone the government claims "is working as an agent of a foreign power." Because, until now, these wiretaps have been supposedly for counterintelligence purposes, i.e. for spying on people who are allegedly spying on the U.S. and not for gathering evidence for criminal prosecutions, the constitutional standards that apply in criminal courts and which must be met to obtain the wiretaps, did not apply. This ruling gives the government the green light to bypass the criminal courts in which they would not be able to get these wiretaps and go to the secret FISA Court, obtain the wiretap, and now use any evidence obtained in a criminal prosecution, which was previously not permitted. This opens up whole new ways for the government to label someone a foreign agent, spy on them, prosecute them, and in the process throw long established legal rights out the window.

We are not paranoid to say, "Big Brother is watching." The Homeland Security Act passed on November 18, 2002, established a new "Office of Total Information Awareness," funded with \$200 million. Retired Admiral John Poindexter will be in charge of it. He was a central figure in the 1980s covert war in Central America. As national security adviser to President Reagan, he was the immediate boss of Col. Oliver North — who undertook a vast secret fundraising campaign to create a private mercenary army of contras to invade Nicaragua without the knowledge or approval of Congress. In 1990, Poindexter was convicted in U.S. federal courts of conspiracy, obstruction of justice, and destruction of evidence. These convictions were overturned. President Bush (Sr.) then pardoned him.

November 21, 2002 Fox News reported,

"A massive database that the government will use to monitor every purchase made by every American citizen is a necessary tool in the war on terror, the Pentagon said Wednesday. Edward Aldridge, undersecretary of Acquisitions and Technology, told reporters that ...the database, which he called another 'tool' in the war on terror, would look for telltale signs of suspicious consumer behavior. Examples he cited were: sudden and large cash withdrawals, one-way air or rail travel, rental car transactions and purchases of firearms, chemicals or agents that could be used to produce biological or chemical weapons. It would

also combine consumer information with visa records, passports, arrest records or reports of suspicious activity given to law enforcement or intelligence services.”

This computer system can centrally gather and analyze every scrap of electronic record keeping in the country. The new technology would theoretically be able to take all the electronic details of life for every single person in the U.S. and analyze it for patterns of behavior that the government considers suspicious. The goal, reportedly, is to provide federal authorities with “instant analysis” of who fits specific profiles and what they are doing at any moment. In order to do this, the government will be collecting and analyzing data on every single person in the country, not just on those it considers “suspects.” In fact, everyone becomes a “terrorist suspect.” Every detail of our lives will come under government surveillance and scrutiny. The government claims this is necessary to fight the terrorist threat. The reality is that the government will have unprecedented capability to spy on and intimidate anyone who opposes and dissents from government policy.

### Parallel Legal System – Ominous Police State Development

*The Washington Post* (12/1/02) reported that the Bush administration is establishing a separate legal system for anyone the government declares a terrorism suspect and “enemy combatant.” Under this system, citizens and non-citizens would be stripped of long established constitutional protections. This system is utilizing measures that are already being used since 9/11: secret courts in which there is no right to see the evidence or face one’s accusers and from which there is no appeal, indefinite military detention for those des-

ignated “enemy combatants,” “material witness” warrants to hold people indefinitely without charges, military tribunals for non-citizens, secret deportation hearings, counter-intelligence wiretaps of anyone the government says is an agent of a foreign power, secret searches of anyone’s home or business, and more. According to the *Washington Post*,

“The Bush administration is developing a parallel legal system in which terrorism suspects — U.S. citizens and non-citizens alike — may be investigated, jailed, interrogated, tried and punished without legal protections guaranteed by the ordinary system, lawyers inside and outside the government say...

“For example, under authority it already has or is asserting in court cases, the administration, with approval of the special Foreign Intelligence Surveillance Court, could order a clandestine search of a U.S. citizen’s home and, based on the information gathered, secretly declare the citizen an enemy combatant, to be held indefinitely at a U.S. military base. Courts would have very limited authority to second-guess the detention, to the extent that they were aware of it...

“Probably the most hotly disputed element of the administration’s approach is its contention that the president alone can designate individuals, including U.S. citizens, as enemy combatants, who can be detained with no access to lawyers or family members unless and until the president determines, in effect, that hostilities between the United States and that individual have ended.”

Based on measures it has already taken, the government is in a position to label anyone who opposes government policy as a “suspected terrorist” or “enemy combatant”, detain them in secret for however

long the government wants. There is no legal challenge to this label and no recourse in the courts. This is an extremely dangerous dictatorial power. Do we have any reason to believe that this will not be used indiscriminately against immigrants after what has happened since 9/11? Do we have any reason to believe that this will not be used against anyone who opposes U.S. wars overseas, lawyers who defend immigrants detained since 9/11, anyone who demonstrates against war and repression, or anyone who in any way opposes government policy that the government wants out of the way? To repeat, Bush has clearly told us, “Either you are with us, or you are with the terrorists.”

### New Phase of Repression

The likelihood of new rounds of mass roundups is very great given both what the government has established and what government officials have said. At the same

time, the government has now moved from indiscriminate arrests and detentions to a more targeted repression with systematic roundups and prosecutions of mainly young Islamic men and the prosecution of one of the leading Islamic charities. The prosecution of this charity follows the freezing of its funds and those of several other Islamic charities in the months immediately after September 11. The government is targeting anyone who is young, Muslim, travels abroad and expresses sympathy for those Muslims who have suffered at the hands of the U.S. war in south Asia. The government ordered that beginning November 15, 2002, temporary male visitors and students ages 16 to 45 from Iran, Iraq, Syria, Libya and Sudan, five countries the United States calls sponsors of terrorism, must start reporting to government offices to be fingerprinted and photographed. This is known as the National Security Entry-Exit Registration System.

### U.S. Government Attacks on Citizens: Abdullah Al Mujahir (Jose Padilla) aka “The Dirty Bomber”

The government’s military detention of Abdullah Al Mujahir (Jose Padilla), a U.S. citizen and labeling him an “enemy combatant,” belies President Bush’s earlier assurance that U.S. citizens would not be subject to military jurisdiction. He could be held indefinitely in military detention, and if tried, would be denied a regular open jury trial.

Padilla was transferred to military custody because the Justice Department was facing a court-imposed deadline that would have required it to charge or release the alleged bomber, whom the government says is a member of Al Qaeda. The government has not said why it did not seek a criminal indictment.

The ACLU (American Civil Liberties Union) urged the government to explain to the American people:

- Whether the Administration intends to hold Padilla indefinitely without any opportunity to defend himself;
- Whether Padilla’s public defender is still his lawyer, and if not, what counsel has been appointed and what kind of access to that counsel has been provided; and
- Whether Padilla has access to the courts to challenge his designation as an enemy combatant.<sup>1</sup>

Parallels can be drawn from Al Mujahir’s case to the case of Yaser Edam Hamdi who is also an U.S. citizen who has been put in military lockup as an “enemy combatant.”

- Hamdi has been held in military custody for months after he was captured last fall as the “second American Taliban” in Afghanistan.
- The Hamdi case is before the federal appeals court because his father and a public defender in Virginia have filed motions on behalf of the 21-year-old Louisiana-born man seeking access to him at the Norfolk Naval Brig.
- A federal district judge has twice ruled that Hamdi’s lawyers should be given private, unmonitored access to him.
- The Justice Department immediately appealed that May 29, 2002, order and then immediately appealed a similar order entered by Judge Doumar on June 11.
- The federal government contends that the courts have no business second-guessing these sorts of decisions by the Executive Branch. “A court’s proper role in this context,” government attorneys wrote, “is not to assume for itself the quintessentially military — and Executive — task of determining who is as (sic) an enemy combatant and should be detained as such, but rather at most to confirm, applying appropriate deference to the military under the separation of powers, that the military has validly determined that an individual is an enemy combatant.”<sup>2</sup>

<sup>1</sup> “ACLU Questions Military Detention of U.S. Citizen, Saying President Reneged on Promise,” Monday, June 10, 2002 available at <http://www.aclu.org/news/2002/n061002a.html>

<sup>2</sup> Cohen, Andrew, “A Padilla Preview?” June 14, 2002, available at <http://www.cbsnews.com/stories/2002/06/14/news/opinion/courtwatch/main512250.shtm>



Participants in the Feb. 20, 2002 National Day of Solidarity with Muslim, Arab and South Asian Immigrants, New York City.





Immigrants taken off a bus in New Jersey shortly after Sept. 11, 2001.

According to the *New York Times* (10/6/02),

“The Federal Bureau of Investigation is trying to make an open book of the lives of hundreds of mostly young, mostly Muslim men in the United States in the belief that Al Qaeda-trained terrorists remain in this country, awaiting instructions to attack.

“Senior law enforcement officials say the surveillance campaign is being carried out by every major F.B.I. office in the country and involves 24-hour monitoring of the suspects’ telephone calls, e-mail messages and Internet use, as well as scrutiny of their credit-card charges, their travel and their visits to neighborhood gathering places, including mosques.

“The campaign, which has also involved efforts to recruit the suspects’ friends and family members as government informers, has raised alarm from civil liberties groups and some Arab-American and Muslim leaders.”

The government raised the specter of “Al

Qaeda sleeper cells” waiting for orders to attack the U.S. from within when it carried out a series of highly publicized raids during the summer and fall of 2002. They arrested mainly young Islamic men in Lackawanna, New York; Portland, Oregon; Seattle, Washington; and Detroit, Michigan. (See earlier description)

On October 4, the FBI arrested four U.S. born African American Muslims in Portland and Detroit. The government charged them with conspiring to provide material support and services to Al Qaeda and the Taliban, conspiring to “levy war against the United States.” The proof? Some of them traveled overseas in an attempt, allegedly, to go to Afghanistan to aid the Taliban and Al Qaeda forces in their fight against the U.S. The government makes no claim that they were ever in Afghanistan. A lawyer for one of them says they went to Pakistan to help other Muslims. So what did they actually do? An FBI official admitted, “They had not gotten to a point where they were identify-

ing targets or anything like that.” The FBI had launched an investigation and put them under surveillance a year earlier. Why? A rural sheriff near Portland saw men with turbans taking target practice at a gravel pit.

The government accused the five U.S. citizens of Yemeni descent that were arrested in Lackawanna (see description of the raids at the beginning of this article) of traveling to Afghanistan before 9/11 to attend an Al Qaeda training camp. This was the pretext for the raid on the Yemeni community of Lackawanna. A sixth had been arrested in Bahrain. The government is charging them with providing material support and resources and terrorists.

In all of these cases, the government has offered absolutely no evidence that any of those arrested possessed weapons that they planned to use against the U.S., much less that they had any plans to carry out any kinds of attacks.

On October 9, 2002, the U.S. government indicted Enaam Arnaout, a naturalized U.S. citizen, who is the head of the Benevolence International Foundation. He faces 90 years in prison on conspiracy and racketeering charges for supposedly funneling money collected by the Islamic charity to Al Qaeda. Describing the prosecution, a congressional official stated, “This is a sign that we’re now reaching a point where we’ve picked all the low-lying fruit and now we’re getting to the more difficult money funneling systems that are tougher to crack.” Arnaout has been in jail since April of 2002 on perjury charges. He had dared to file a lawsuit against the government to get back the charity’s assets that had been seized in the fall of 2001. In the lawsuit, Arnaout denied ties to Osama bin Laden and the government claimed he was lying. In September, a judge dismissed the charges and ordered him freed. The government filed the charges again, refusing to release him. And now, they have filed these new charges of conspiracy and racketeering. Since 9/11 the government has frozen the

assets of this and a number of other Islamic charities that have been providing food, clothing and medical supplies that make the difference between life and death to people in some of the most war torn areas of the world such as Afghanistan, Bosnia, and Chechnya.

In this new phase of repression, the U.S. government is targeting entire communities. According to the *Detroit Free Press* (11/12/02),

“Convinced that Al Qaeda terrorists are hiding in southeast Michigan, federal investigators have focused much of the government’s secret war on terrorism in metro Detroit neighborhoods.

“The result is a massive, extraordinary network — with undercover agents infiltrating Arab and Muslim communities, street informants feeding information to investigators, and cooperative, but wary, community leaders acting as cultural guides into the local Arab world.

“The breadth of the probe is astounding. Every aspect of Arab immigrant life is being watched, from IRS scrutiny of international Muslim charities and businesses, to FBI surveillance of local meeting places, according to court records and interviews with federal officials, Muslim leaders and defense lawyers...

“Detroit’s FBI office has more than doubled in size since last year and has purchased new surveillance technology and vehicles. Agents have repeatedly won court approval to tap phones, read e-mail and seize records from individuals or businesses in the metro area when agents could show reason to suspect a terrorist connection...

“‘We have done things under the Patriot Act that we weren’t able to do before,’ said Mark Kroczyński, special agent in charge of the IRS criminal investigation division in Detroit.”

As part of targeting entire communities, the federal government is instituting in Michigan repressive measures it has developed at the Mexico-U.S. border. The same issue of the *Detroit Free Press* reported,

“Federal agents will begin randomly stopping traffic today, looking for illegal immigrants, terrorists and drug or weapon smugglers.

“Cars will be stopped at unannounced, rotating checkpoints within Michigan, including metro Detroit. U.S. Border Patrol agents at the checkpoints will ask passengers their citizenship and will have leeway to ask a host of follow-up questions...

“According to an obscure but long-standing federal law, the government can conduct searches and surveillance within 25 miles of any international border.”

Who will law enforcement officials most likely stop? Who will most likely be asked

## Operation Tarmac: Spreading Suspicion of all Immigrants

Since 9/11 the FBI, INS and local police have staged high profile sweeps of at least 16 airports across the country, arresting hundreds of immigrant workers, in many cases charging them with multiple felonies. These sweeps are always followed by well-publicized press conferences by federal officials claiming they are acting to rid airports of people who “pose a grave threat to airport and national security”. Those who are described as a “grave threat” are usually food servers, cashiers, janitors, valets, baggage handlers and other low wage workers.

Typical are the 143 workers arrested at Houston’s George Bush airport. Most were women food service workers, and many were no longer employed at the airport but were lured to the airport by their former employer so they could be arrested! In addition, the arrests were timed to coincide with the anniversary of 9/11. At Logan airport in Boston those arrested included 19 former employees including a 22-year-old Tanzanian immigrant who had worked at the airport for four weeks, two years prior to his arrest. While many arrested workers are undocumented, others are legal residents charged with having worked at the airport with false documents prior to becoming legalized. An employer at the Las Vegas airport described some of the workers at his company who were rounded up as “wives and mothers (who) didn’t deserve to be handcuffed and shackled like they were”.

Not one person swept up by Operation Tarmac has ever been charged, let alone convicted, of any offense even remotely related to “terrorism”. Operation Tarmac, like much of what the government calls its “war on terrorism” is a carefully organized campaign to create suspicion and fear of immigrants and give the government greater latitude to round up and detain anyone it labels a “risk to national security”.

their citizenship? Who will most likely be compelled to answer follow-up questions? How long before these measures are instituted in many more areas? Does this not look like a police state?

## Resistance

Thousands have risen to the challenge in various ways to oppose the repression unleashed against Muslim, Arab and South Asian immigrants. People of diverse backgrounds and beliefs, Christians, Muslims, Jews, citizens, immigrants, and different nationalities, have joined together to act.

Immigrant rights activists organized demonstrations and vigils at the Passaic County Jail in Paterson, New Jersey; the Hudson County Jail in Jersey City, New Jersey; York County Prison in York, Pennsylvania; and the Metropolitan Detention Center in New York City, all where the government jailed hundreds of

those detained after September 11. People in 30 cities participated in rallies, demonstrations, vigils, and cultural events as part of the February 20, 2002, National Day of Solidarity with Muslim, Arab and South Asian Immigrants. For a week in August 2002, 20 young people from throughout the country participated in the National Youth Mobilization Against the Repression of Muslims, Arabs, and South Asians in Detroit. In October 2002, a public outcry in Houston, Texas, stopped the deportation of the Palestinian nine member Kesbeh family. The public outcry forced the government to release Mr. Kesbeh and his son after they had spent six months in detention.

Local governments in Alachua County, Florida; Amherst, Massachusetts; Ann Arbor, Michigan; Berkeley, California; Boulder, Colorado; Burlington, Vermont; Cambridge, Massachusetts; Carrboro, North Carolina; Denver, Colorado; Detroit, Michigan; Eugene, Oregon; Flagstaff, Arizona; Leverett, Massachusetts; Madison, Wisconsin; New Haven,

Connecticut; Northampton, Massachusetts; Oakland, California; Santa Cruz, California; Santa Fe, New Mexico; Sebastopol, California; Takoma Park, Maryland passed resolutions in support of protecting civil liberties.

In Lewiston, Maine in October 2002, 300 people marched to welcome Somali immigrants to the town after the mayor wrote a letter to Somali community leaders asking them to stop more Somalis from moving to the city. On October 15, 2002, chants of "Justice! Justice!" rang out at LAX (the Los Angeles airport). Over 300 protesters, mostly Latino, demonstrated against Operation Tarmac in which the government has arrested over 1,000 immigrant airport workers nationwide.

Since September 11, thousands have worn the blue triangle with the names of those who have been detained and disappeared in a show of solidarity with them and to say this must stop.

Members of the Japanese American community were among the first and most

consistent voices in opposition to the targeting of Arab, Muslim and South Asian communities. In the months since 9/11 Japanese Americans have organized solidarity events, publicly denounced the racial profiling and round up of Arabs, Muslims and South Asians, hosted Muslims and Arabs at public events and religious gatherings, and pointed out the parallels between the hellish injustices they suffered during World War II and the current dangers.

The Center for Constitutional Rights, the American Civil Liberties Union (ACLU), and other civil rights, civil liberties and human rights organizations filed a joint Freedom of Information Act request against the Department of Justice. The request seeks basic information about the detainees—who was being held, where, and when. The ACLU and others filed a lawsuit challenging the right of the government to hold secret immigration hearings. Attorney Randall Hamud successfully challenged the right of the government to indefinitely detain a Jordanian student liv-

## THE GREAT CRIME AGAINST JAPANESE AMERICANS - NEVER AGAIN!

The U.S. government had prepared for war before the attack on Pearl Harbor, on December 7, 1941. Shortly after December 7, the media and government unleashed a torrent of anti-Japanese American propaganda falsely portraying them as loyal subjects of the emperor and subversives and saboteurs who posed a danger to the safety of the rest of the population. Within weeks, the government began rounding up Japanese American community leaders and preparing lists of names and addresses of virtually the entire Japanese American population.

By February 1942 more than 3,000 Japanese Americans—Buddhist priests, Japanese language teachers and members of civic organizations, veterans groups, etc.—had been rounded up. Some were elderly Issei, Japanese born immigrants who had maintained cultural or business ties with their homeland. They were sent to prison camps in Bismarck, North Dakota and Santa Fe, New Mexico where they were held isolated, in some cases without their families knowing where they were.

Life for Japanese Americans, citizen and non-citizen alike, rapidly became unbearable. An 8 p.m. to 6 a.m. curfew was imposed on the entire community while travel further than 5 miles from their homes was prohibited. Anyone looking Japanese American could be stopped on the street and questioned. They were subject to abuse and threats by people influenced by the racist radio and newspaper commentaries. Some were refused service in stores and others were fired from their jobs. There were violent attacks on Japanese American owned businesses.

On February 19, 1942, President Roosevelt issued his infamous Executive Order 9066 authorizing the military to "evacuate" — roundup and imprison — all Japanese Americans living in the western coastal states. In April of 1942, 120,000 Japanese Americans, most of them U.S. citizens, were ordered to leave their homes and report to assembly centers. From there they were taken to temporary camps, often hastily converted racetracks where families were placed in horse stalls and makeshift barracks. By the summer of 1942 nearly the entire Japanese American population, farmers, fishermen, small business owners, gardeners, farm workers, teachers, religious leaders, students, men, women and children were living behind barbed wire and guard towers in 11 camps scattered around the western U.S. Most of them remained in these camps until the end of the war.

The pretext for imprisoning the Japanese American community, that it posed a danger to the safety of the people, was a total fabrication. Even a report issued by the then FBI director, J. Edgar Hoover, admitted that the Japanese American community represented no threat whatever to the U.S. During the entire period not a single incident of "sabotage" or pro Japan violence was ever attributed to anyone from the Japanese American community. Nor was

a member of the community ever accused of such an act. The attack on Japanese Americans did serve to create an atmosphere of wartime hysteria and home front subservience to the needs of the wartime state.



60 years ago progressive forces in the community largely stood aside as Japanese Americans were vilified and attacked in the interest of wartime mobilization. There were individual acts of solidarity and kindness to Japanese Americans but there was no organized campaign of resistance to challenge the government's repression. Today, as so much of what is happening to the Muslim, Arab and South Asian communities recalls the terrible events of the 1940's, broad and determined resistance needs to be very much the order of the day.



ing in San Diego as a “material witness” and he was released.

All of this is a good beginning, but much more is necessary to stop this wave of repression against Muslim, Arab and South Asian immigrants.

Think of the effect if students built a movement and forced the colleges and universities to stop spying on foreign students for the government; if churches, synagogues, temples, and mosques declared themselves sanctuaries for the persecuted; if houses of worship all over the country organized a week of religious services dedicated to stopping this wave of repression; if millions wore the blue triangle with the names of the disappeared and detained; if thousands demonstrated and sat in at the detention centers demanding the release of the persecuted; if utility employees, UPS workers, truckers, train conductors, telephone workers, letter carriers, and others publicly pledged to not be snitches for Operation TIPS; if people im-

mediately demonstrated every time someone new was detained and put themselves between immigration officials and those they seek to deport.

This is the atmosphere of defiance, resistance and solidarity that the people need if they are to be able to stop the repression against Muslim, Arab and South Asian immigrants. Heed the words and actions of high level government officials who have told us that this repression “is the new normalcy.” Learn from the words of Pastor Martin Niemoeller. What would you have done then? What will you do now?

## WHAT YOU CAN DO

- Create an atmosphere of opposition, defiance and resistance that goes up against this whole repressive onslaught with the determination to stop it.
- Produce, distribute, wear, and popularize the blue triangle with the names of

Muslim, Arab and South Asians who have disappeared at the hands of the government. The blue triangle can become a powerful symbol of solidarity with the detainees and opposition to the wave of repression.

- Organize teach-ins on university and high school campuses.
- Take up the case of Rabih Haddad and the cases of other detainees.
- Organize to stop your college and university from cooperating in any way with Federal agencies seeking to locate, identify and harass foreign students studying in the U.S.
- Write “letters to the editor” of your local newspaper.
- Organize public meetings and educational events for people to hear Muslim, Arab and South Asian immigrants speak who have been the targets of this repression.
- Churches, synagogues, temples, and

mosques, provide sanctuary for the persecuted. Hold ecumenical services and seminars.

- Organize rallies and demonstrations to demand that all detainees be freed.
- Write letters and make phone calls to local, regional and national government officials demanding that they stop these attacks. Call 1-800-839-5276 to contact the White House and Members of Congress. The operator will connect you.
- Poets, writers, musicians and artists use your skills to promote unity with immigrants and oppose the attacks. Organize concerts, poetry readings and art shows.
- Hold town meetings.
- Initiate and support lawsuits challenging the USA PATRIOT Act, defending victims of repression, and beating back repressive laws.
- Distribute this fact sheet. This is a basic tool with which to educate and organize people into this movement.

## STOP THE INS REGISTRATION AND DETENTION OF MIDDLE EASTERN MEN

*John Ashcroft, U.S. Attorney General, has begun a dangerous new program called the “Special Call-In Registration Procedures for Certain Non-Immigrants.” According to the Department of Justice, the government is doing this because “In the light of the attacks against the United States on September 11, 2001 and subsequent events, and based on information available to the Attorney General, the Attorney General has determined that certain nonimmigrant aliens require closer monitoring when national security or law enforcement interests are raised.”*

*In Phase I, all males who are older than 16 and are citizens of Iran, Iraq, Libya, Sudan or Syria were required to register by December 16, 2002. Phase II extends this registration to males from Afghanistan, Algeria, Bahrain, Eritrea, Lebanon, Morocco, North Korea, Oman, Qatar, Somalia, Tunisia, United Arab Emirates, and Yemen.*

*This new registration is reminiscent of the mass registrations of Jews in Germany and of the Japanese in the U.S., prior to rounding people up to be placed in concentration camps. And in fact, when people came in to register during Phase I, hundreds were detained in Los Angeles. Reports of detainees are also surfacing from other cities as well.*

*Protest demonstrations against the new detentions were held in Los Angeles, San Francisco, New York City, Houston and other cities.*

*The Blue Triangle Network issued the following statement on December 24. (An electronic version is available at [www.bluetriangle.org](http://www.bluetriangle.org) - reprint and circulate it.):*

### Blue Triangle Network Opposes Mass Detentions

We at the Blue Triangle Network strongly oppose the recent mass detention of Middle Eastern immigrants in California. We are deeply troubled by these discriminatory practices.

During the week of December 16, an estimated 500 to 1,000 Iranian and other Middle Eastern men were detained while they were obeying the new Immigration and Naturalization Service (INS) rule requiring them to register. The rule required men from Iran, Syria, Iraq, Libya and Sudan to report to the local INS office by December 16th, 2002 to have their picture taken and to be fingerprinted. This rule applied to all men 16 years or older residing in the United States on a temporary basis.

An estimated one in four who registered in Southern California were detained on minor visa violations, often because of mistakes made by the INS in processing their residency applications. Many detainees reported that they were mistreated while in custody. This included humiliating body searches; confinement in cold cells without blankets or shoes; and in some cases guards drenching them with cold water. As the jails filled, some were taken to detention centers out of state, far from families and attorneys.

In response, thousands demonstrated on December 18 in Los Angeles. The Los Angeles Times, reported, “At the rally, which police officials estimated drew about 3,000 protesters at its peak, signs bore such sentiments as ‘What Next? Concentration Camps?’” We applaud the brave demonstrators who were in the vast majority immigrants themselves. They dared to protest at a time when immigrants from the Middle East are subjected to roundups and indefinite detention without charges. Their demonstration exposed the mass detentions to the whole world. Many others have compared this to the roundup and jailing of 120,00 Japanese Americans in concentration camps during World War II.

This incident highlights the methodical manner in which this administration is going about in rounding up South Asians, Arabs, and Muslims. These mass detentions serve only to create suspicion, fear, intimidation and the destruction of civil liberties. We call on people everywhere to raise their voice in protest and take action to stop this wave of repression.

## Join and Support the Blue Triangle Network

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_

STATE \_\_\_\_\_ Zip \_\_\_\_\_

TELEPHONE \_\_\_\_\_

E-MAIL ADDRESS \_\_\_\_\_

**MAIL TO: BLUE TRIANGLE NETWORK**

**P.O. BOX 7451, DEARBORN, MI 48121-7451**

**[www.bluetriangle.org](http://www.bluetriangle.org) | E-MAIL: [NationalOffice@bluetriangle.org](mailto:NationalOffice@bluetriangle.org) | PHONE: 313-942-7187**

## Order Copies of this Fact Sheet to Distribute

\_\_\_\_\_ single copies at \$1.25 each, includes postage

\_\_\_\_\_ 10 copies: \$5.00 includes postage

\_\_\_\_\_ 500 copies: \$125 includes UPS ground shipping

\_\_\_\_\_ 1,000 copies: \$195 includes UPS ground shipping

**Make checks to “Blue Triangle Network.” Make tax deductible donations to “UU Community Place,” marked “for Blue Triangle Network.”**

## Contribute Funds to spread this movement:

\_\_\_\_\_ \$25 \_\_\_\_\_ \$50 \_\_\_\_\_ \$100 \_\_\_\_\_ \$500 \_\_\_\_\_ Other