



The 2010 ADC Legal Report

**LEGAL ADVOCACY  
& POLICY REVIEW**

## American-Arab Anti-Discrimination Committee (ADC)

ADC is a civil rights and civil liberties organization, committed primarily to defending the rights of people of Arab descent and promoting their unique cultural heritage.

ADC is the largest Arab-American grassroots organization in the United States; it is non-profit, non-sectarian and non-partisan. It was founded in 1980 by former U.S. Senator James Abourezk and has members nationwide.

Copyright © 2011 ADC

# TABLE OF CONTENTS

Overview .....	1
Legal Department .....	2
High Impact Cases .....	9
Policy and Legislative Initiatives .....	10
Engaging with Stakeholders in Dearborn .....	12
Non-Profit Support/Illegal Israeli Settlements.....	13
Research Publications.....	13
Know Your Rights.....	13
30th Anniversary Convention .....	14
2011 Preview .....	15

# OVERVIEW

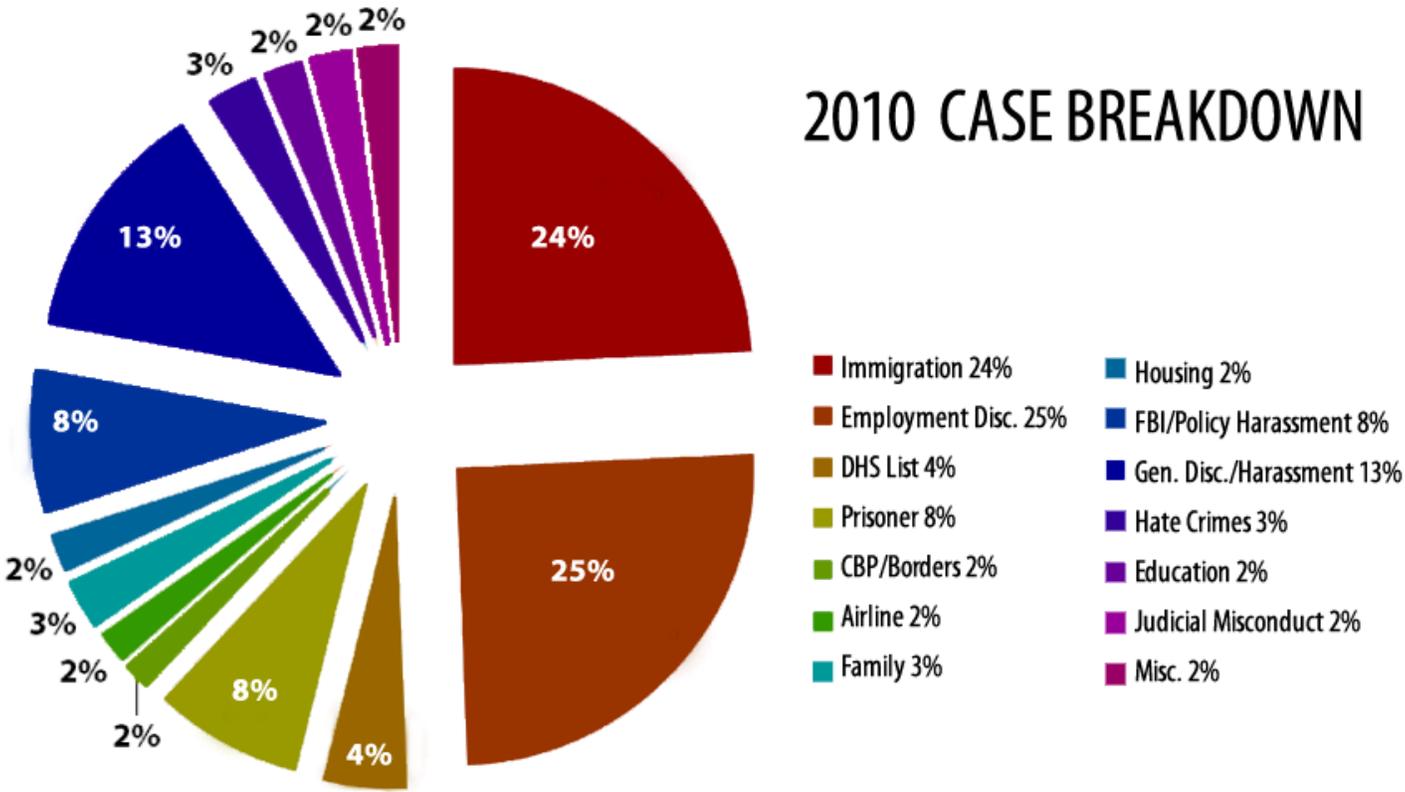
The past year of 2010 was a defining moment for Arab Americans and our Nation. Indeed, the political sways on the ground in America not only affected Arab Americans, but also were in many respects fueled by anti-Arab and anti-Muslim rhetoric. Such rhetoric, used by political hopefuls in the summer months leading to the ninth anniversary of the 9/11 terrorist attacks, became quickly part of the public discourse. It also led to an increase in hate-crimes against Americans of Arab descent and/or of Muslim faith, as well as individuals perceived to be of Arab descent or Muslim. As a result, numerous actions or sentiments of a discriminatory or bigoted nature have also plagued the Arab American community. In the first two weeks of September 2010 alone, ADC witnessed a peak in legal complaints or legal requests for assistance -- almost triple those registered during the same time last year. Those pleas for help were largely due to the toxic political rhetoric that permeated our country in the past year.

In spite of these challenges, ADC remained successful in securing positive outcomes for many individuals seeking legal help, and continued forging alliances with diverse coalition groups. ADC strongly believes in coalition building, as it leads to powerful advocacy and brings together diverse groups working on issues of mutual interest in a resource efficient and strategic manner. In 2010, ADC once again served as an Executive Committee Member of the Leadership Conference on Civil and Human Rights, the nation's oldest civil rights organization, where it participated in and worked with the Leadership Conference on many issues, particularly on the issues of hate crimes and racial profiling. ADC is also a member of the Steering Committee at the Rights Working Group, where it works with other civil and human rights organizations in addressing pressing issues facing the community, and in helping establish overall policy and campaign goals.

Finally, ADC's 30th Anniversary National Convention featured U.S. Attorney General Eric H. Holder as a keynote speaker during the Civil Rights Luncheon, in addition to prominent speakers at the Civil Rights Panel. For more details, please see page 14. ADC also continued hosting legal interns during the summer. To read more about the internship program, please see page 14.

# Legal Department

## 2010 CASE BREAKDOWN



ADC’s Legal Department (ADC Legal) offers pro-bono counseling services to members of our community who have been subjected to discrimination in the workplace, racial profiling by law enforcement, and bullying/harassment at schools. ADC Legal also assists individuals with their immigration related concerns on a pro-bono basis. In addition, ADC Legal takes part in selected impact litigation in the areas of immigration, discrimination and civil rights/civil liberties, or racial profiling and hate crimes.

In 2010, ADC Legal saw an increase in the total number of complaints. The total number of cases handled by ADC Legal is the highest since 2003. The highest percentage of cases were employment discrimination matters, followed by immigration matters. ADC was able to successfully resolve nearly 70% of inquiries and complaints, the highest success rate in the post 9/11-era.

### Employment Discrimination

The majority of cases handled by ADC Legal during 2010 dealt with employment discrimination. The recent surge of discrimination is likely attributable to the economic downturn and the backlash experienced by Arab and

Muslim communities following the Park 51 community center controversy in New York City. The nature of the complaints has ranged from individuals being called “terrorists” or “sand niggers” by co-workers to unjustified demotions, unfair withholding of promotions, and unfair dismissals. ADC continues to reiterate to employers that Arab Americans and Muslim Americans have the right to be treated by their employers and co-workers in accordance with their basic civil rights and liberties.

*Samples of the discrimination are as follows:*

- An Arab-American cab driver works for a family owned company. On numerous occasions, he was called “missile head” by one of the owners of the company. One day, that owner approached the cab driver and inquired as to why the driver looked tired. The cab driver stated that his wife is pregnant and that he did not get enough sleep because she was not feeling well. The owner responded “Oh God, three more terrorists [referring to the entire family].”

*“Oh God, three more terrorists.”*

After the birth of his son, the Arab-American cab driver brought cake to the office to share the news. That same owner stated: “[I guess] the three terrorists are alive.” ADC is assisting the victim in bringing legal action against the company.

- An Arab-American scientist was fired, without warning or benefits, after his return from a trip to his native country in the Middle East. At first, termination was alleged to be performance related; however, evidence linking termination to national origin bias later surfaced. ADC collaborated with an employment discrimination attorney and a significant settlement was entered in favor of the scientist.
- An Arab-American salesman at a car dealership was subjected to a hostile work environment, including regular slurs, such as “camel boy” and “Bin Laden’s cousin.” He was further ridiculed during Ramadan for fasting, and (at times) management denied his requests for religious accommodations. ADC worked with an employment discrimination attorney to represent the salesman, and a settlement was entered in his favor.

## Immigration

Immigration concerns facing the Arab American community in 2010, as in years past, involve matters that are wide-ranging and complex. Many community members still suffer immigration harm from the “National Security Entry-Exit Registration System” (NSEERS), while others experience delays and detention issues.

*A sample of cases follows:*

- A native of Palestine, along with his wife, faced deportation from the U.S. for minor immigration violations. The couple has six children, all of whom are U.S. citizens and have grown up in this country. The couple had agreed that they would not take the children with them, believing that keeping them in the U.S. would provide a better opportunity for a brighter future. Many immigration attorneys gave up hope on finding a resolution in the case; however, that did not stop ADC from handling this case. ADC began working

closely with immigration officials, as well as elected officials, in January of 2010, only weeks prior to the initial deportation date. The first victory was obtaining a delay in the deportation, which allowed the family time to strategize. After nearly a year of work, ADC was able to obtain a legal remedy for the couple. In December of 2010, an immigration judge terminated removal proceedings and granted the husband and wife legal status in the U.S., allowing them to stay in America with their children. The couple has publically thanked ADC for keeping their family together.

- Nearly four years ago, ADC was contacted by a Moroccan national who was placed into removal proceedings. The grounds of his removal were questionable and ADC began addressing the issue, working closely with his attorney. With ADC’s assistance, the court ruled that the removal was unsubstantiated and the proceedings were dismissed. In September of 2010, the gentleman took his oath and officially became a US Citizen, immediately calling and thanking ADC after the ceremony, stating,

*“I want to thank you very much for the effort and help provided to me from ADC. I finally got my citizenship! I thank God, ADC and my attorney.”*

- While preparing for her wedding, a U.S. Citizen was faced with the reality that her father may miss this important day because his visa request was first denied, and then delayed by the U.S. Department of State. The father, who lives in the West Bank, applied for a visa to attend his daughter’s wedding; but, his request was denied. So, he applied again and was told in mid-September that the processing may take 60 days--the wedding was in less than two weeks. This led the woman to contact ADC to help her resolve the matter and have her father by her side on her wedding day. ADC worked closely with the woman and her

representatives and addressed the matter directly with the State Department. The visa was finally granted only two days before the wedding. Her father arrived at 7:00 AM the morning of the ceremony, which was just in time for him to stand by his daughter's side on her wedding at noon that day. The family and attorneys are very thankful for the many hours of hard work and effort put forth by ADC Legal.

- A prominent Palestinian based Hip-Hop group was scheduled to begin an anticipated tour in the U.S. However, a few weeks prior to the start of the tour the group was notified that their visa application was denied. ADC was contacted and took the case on a pro-bono basis. ADC completed all the necessary paperwork and filed all documents almost immediately after being contacted. As a result of ADC's efforts, the visa application was approved only two days prior to the first scheduled show.

### National Security Entry Exit Registration Cases

NSEERS continues to have an impact on Arab-American families. Short of the program being terminated, and its residual effects fully addressed, families will still be torn apart, fathers will be unable to provide for their families as their employment authorization cards are not being renewed, and lastly many of these individuals with strong ties and equities to America will not be able to become part of the system without getting their green cards. NSEERS' continuous existence is also affecting commerce and has made foreign students think twice about applying to schools in the U.S.

*Examples of cases follow:*

- An individual from an Arab country did not register for NSEERS with the then Immigration and Naturalization Service offices in 2003. He was under the impression that NSEERS affected only Arabs who happen to be Muslims, and did not move forward to register since he is of the Christian faith. After getting married to a U.S. citizen, he was in the process of getting his green card when the process was halted for failure to register. He was consequently placed in removal proceedings. He is currently fighting his removal proceedings.

- ADC has been contacted by dual citizens of Canada and others Arab countries who have been stopped at airports for lengthy interviews and NSEERS registration. A 2004 United States Citizenship and Immigration Service memorandum had stated that individuals who happen to be dual citizens belonging to one of the NSEERS countries will be registered for NSEERS purposes. Many of these Canadian callers no longer want to visit America unless it is necessary, and most of these callers are certainly no longer seeking to study in the U.S., since they do not want to be -- in their own words -- "humiliated" at the airports.

### Law Enforcement Misconduct

Misconduct by law enforcement officers does not cover all abusive or discriminatory treatment Arab Americans have experienced when dealing with such agents. Misconduct in this context, refers to misbehavior that violates stated policies, practices and laws; and in which the officers would find themselves culpable and liable to disciplinary procedures and, in some cases, possible prosecution.

In 2010, much attention was given to the use of informant provocateurs by federal agencies within the community. Reports emerged of aggressive tactics used by the Federal Bureau of Investigation (FBI) informants, including allegations of entrapment, and the strong belief that informants were placed at mosques. ADC has been working to ensure that the FBI does not engage in prejudicial activity, and will continue to monitor the situation in 2011.

*Examples of law enforcement misconduct:*

- After a minor car accident, a young man was questioned by police in a hospital bedroom about what had happened. His mother arrived at the hospital and began to complain about the way the officers were treating her son. In retaliation to the mother's complaints, it is alleged that the police officers began beating her son, while yelling discriminatory comments such as "your mother is a Muslim bitch!" ADC is working with a cooperating attorney to represent the family with potential litigation.

- An Arab-American businessman was regularly stopped at the airport after returning from the Middle East. He was accustomed to being stopped at the airport and interrogated for up to three hours each time, in spite of not having committed any wrongdoing. On his last entry, he was interrogated by an FBI agent along with Customs and Border Protection (CBP) agents. He was asked about his religious beliefs and practices. He was also asked if he knew anything about Hezbollah, to which he responded that he did not. The FBI agent informed him that “we are [still] going to need information from you about Hezbollah.” The agent later called the businessman to his office and asked to schedule a meeting at a coffee shop. During the meeting, the agent stated: “Don’t travel before you call me. We will need information about Hezbollah. I will meet you every week or so. Better not tell anyone that you are helping us, because you could get in trouble.” The businessman reached out to ADC after being confused and uncertain about his legal rights. ADC worked closely with a cooperating attorney in the businessman’s hometown. Contact was made with the FBI agent to see whether the businessman had committed any wrongdoing. Since communicating with the agent and demanding the harassment be stopped, the businessman has not been contacted by the FBI and has not had any incidents at the airport.

### Watch List/Port of Entry Profiling

ADC continued to receive reports from Arab American travelers experiencing difficulty traveling at different ports of entry. Common problems included undue delays and secondary searches. In some instances, passengers were even detained and not allowed to travel. Some of these problems encountered by Arab American travelers also came as a direct result of the different governmental “watch lists.”

At the start of 2010, the Department of Homeland Security (DHS) implemented the “14-country” policies, which led to the profiling of passengers, primarily U.S. Citizens traveling to and from the Middle East. The “14 country” directive was rescinded by DHS in April of 2010, in favor of new measures, which looked into “flight patterns” as part of a security assessment of travelers.

### *Case examples involving watch lists or port of entry profiling:*

- An American citizen of Arab descent was stopped at the airport upon re-entry and was questioned for three hours. He was returning from a visit to his ailing mother in his native country. He was asked about the mosques he attends, the individuals he met overseas, and had all of his documents photocopied, including his personal belongings. The traveler was allowed to re-enter the U.S. only after the questioning and copying of his information. He was not provided with any reason as to why this happened. ADC continues to address this case, in addition to those with similar fact patterns, on a policy level with DHS.
- After a vacation trip in Mexico, two Arab Americans were stopped at the border and asked to go through secondary inspection. After 8 hours of being interrogated and having their papers and personal belonging thoroughly examined and searched, the two individuals were allowed to leave without being given a reason as to why they were detained for a long period. One of the individuals held a top secret security clearance, which was necessary for his employment. To add “insult to injury,” the employer subsequently terminated the innocent individual’s employment for “breaching security measures.” ADC is working with the victimized individual in an attempt to restore his security clearance.
- An Arab-American businessman who frequently traveled domestically for work became subject to regular secondary screenings at the airport. In early 2010, the individual was not allowed to print his boarding pass. After arriving at the airport, and receiving his ticket from the counter, he was again subjected to secondary screening and questioned about the purpose of his trip. Subsequently, upon returning to the U.S. from an international trip, he was questioned for an hour. Prior to future travel, he contacted ADC, which assisted him in addressing his ordeal. ADC completed the redress process with TSA, and ultimately resolved the problem. He no longer is subject to any further screenings or questions when traveling.

## School Bullying

In 2010, the issue of school bullying came to the forefront after a string of suicides by victims of bullying shocked the Nation. The root of the problem is not limited to the Arab-American community, and ADC worked closely with a number of coalition partners in addressing bullying-related issues. School bullying is often one of the more underreported incidents by the Arab-American community, most commonly for fear of being retaliated against by the bully.

In an effort to combat school bullying, ADC continues to serve as a reference point for educators and school administrators wishing to learn more about Arab Americans and/or the Arab world. ADC also provides support to parents whose children are victims of bullying.

### *Case examples of school bullying:*

- A third grade Arab-American student was humiliated in front of his classmates after his teacher referred to him as the “next terrorist.” This resulted in the bullying of the student by his classmates. The parents of the child immediately noticed that something was wrong. After explaining to his parents what had happened, they immediately called ADC for assistance. The school administration took immediate action and fired the teacher. ADC will be in the process of working with the school to ensure that anti-bullying policies are in place.
- A concerned Arab-American father has very recently contacted ADC about an incident that occurred with his highschool son, who is part of a sporting team. The son received an invitation letter from his teammates to a private event. The letter stated that “no Arabs are allowed at the event.” Upon further investigation, a teacher seems to have taken part in drafting the invite during school hours on school grounds. ADC will be assisting the father in ensuring that the teacher is reprimanded for such action, and will be calling for diversity trainings to take place.

## Abuse & Harassment -- Physical/Verbal

ADC received a number of complaints involving abuse and/or harassment. The harassment was either verbal in nature or a physical attack. Many incidents of abuse occurred in the months of August and September. The increase in abuse coincided with the anti-Arab, anti-Muslim rhetoric stemming from the Park 51 controversy in New York. Another result was a nationwide increase in mosque vandalism.

In August, a taxi cab driver from New York was stabbed and slashed across the neck by a college student after the driver said he was Muslim. Upon noticing an increase in the number of intakes, ADC immediately issued an advisory with information that community members could use to protect themselves from being a victim of a physical and violent hate crime. ADC also engaged with the Department of Justice (DOJ) to ensure that the federal authorities were protecting the community, and that persons inflicting harassment or abuse would be punished for their actions.

### *Examples of cases involving abuse and harassment:*

- An Arab American wanted to build a deck at his home. His permit request was denied, and was met with resistance from his neighbors. On different occasions, an alcoholic neighbor kept threatening to kill this Arab American. The neighbor stated that

*“I fought in Vietnam and I do not know how many people I’ve killed there; I don’t mind killing [people like you] again.”*

- An Arab American was in the parking lot of a grocery store with his wife, where he was verbally attacked by another shopper. The Arab American individual had parked in the handicapped spot because his wife had broken her leg and she was authorized to use the spot. Another shopper started cursing at the couple, threatened to harm them, and told them to *“go back to your country.”*

Unfortunately, there was no video tape of the incident and the couple does not know who this individual is. Under that state's law for hate crimes, an individual must be identified before he can be investigated for committing hate crimes.

- A Director of an Islamic Center contacted ADC after repeated break-in attempts at his mosque. On three separate occasions, someone attempted to break into the mosque by breaking a window, and by attempting to break the lock on the door. Fearing for the safety of the attendees, the Board of Directors sought the advice of ADC. After consultations, ADC assisted the representatives from the mosque by providing instructions on how to adequately increase security presence, and facilitated dialogue between the leaders of the mosque and local law enforcement. After following the advice provided by ADC, there were no further break-in attempts. Local authorities are continuing to investigate the break-in attempts.

## Housing Discrimination

Housing discrimination is an issue affecting a large segment of the minority population. ADC has received a number of complaints in 2010 most of which involved disputes between landlord and tenant. There have been incidents of individuals being denied housing because of their Arab or Muslim American identity -- such cases are addressed by the DOJ.

### *Housing discrimination cases addressed by ADC:*

- A young woman was enjoying a quiet and relaxing afternoon with her friends at her housing community's center. To their surprise, a mob of angry men began harassing the group of women. The women were verbally assaulted, and harassed about being Arab and Muslim. Some of the women in the group were dressed in traditional Islamic wear. The young woman contacted ADC and law enforcement to ensure that such offensive and unjust treatment is not repeated.
- An Arab-American man lived in an apartment complex for over a decade with no problems or incidents. After a change in staff, a new property manager was hired, and

the harassment began. The man was verbally assaulted and told things such as "go back to your country." Ultimately the man was evicted from his apartment after he was falsely accused of vandalism. ADC has assisted him with considering potential remedies for a just solution and for holding the manager accountable for the discriminatory treatment.

## Family Law

For the first time ever, ADC is offering pro-bono assistance in the area of family law when applicable. The most common family law issue addressed by ADC involves custody disputes in which race, national origin or ethnicity of one of the parents becomes an issue. ADC also assists families who are separated and seek to be united.

### *Examples of family law cases addressed by ADC:*

- ADC Legal helped facilitate the reunion of a 15 year old U.S. Citizen and his mother. Separated from his mother, the boy was dropped off by his father at the US Embassy in Islamabad, Pakistan, with no passport or means to travel. ADC facilitated communications between the U.S. Department of State and the child's family to ensure the child's safe return.
- A mother who had planned to take her three children on a holiday trip to her native Arab country, to visit friends and family, was pulled into court by her ex-husband who challenged the visit. Despite abiding with all the requests of the Judge, the mother spent the entire summer in court, and the children never did get an opportunity to make the trip. ADC was extremely troubled by the fact that the woman's national origin became an issue. One of the objections to the travel was based on the father's fear that if the children traveled to the Arab country they would be "forced to stay there." ADC took the initial steps to address the problems and is working with the mother as she prepares to make a second request in 2011.

- An Arab-American father and his ex-wife have been in a custody battle over their 11 year old son. The judge initially awarded custody to the father, and visitation rights to the mother, despite the fact the mother is not a U.S. citizen and does not live in the U.S. The young boy faced harassment and neglect during his trip to Europe to visit his mother. On more than one occasion, the U.S. Department of State had to intervene and protect the child. Despite these facts, the judge would not take away the mother's visitation rights. The father's ethnicity came into play a number of times during the proceedings, prompting him to contact ADC. Cooperating attorneys are working diligently with ADC and the father addressing the matter.

## Prisoner/Detainee Matters

Arab and Arab American detainees and prisoners, held in prisons and immigration detention centers, continue to face discrimination and abuse. Common complaints allege the denial of religious accommodations, which ADC addresses directly with the Bureau of Prisons within DOJ. A common issue affecting immigration detainees is the proximity of the detention facility to the detainee's family. Detainees are often transferred to different States, thus making it extremely difficult for the family to visit; and, more importantly, it separates the detainee from his or her attorney.

ADC was successful in obtaining the release of individuals detained for non-criminal immigration violations, and worked closely with DHS to ensure that families are not separated. ADC raised concerns with DHS over the use of tethers by Immigration and Customs Enforcement (ICE) officers on individuals who have been granted bond and/or an Order of Supervision.

## Still Waiting for Justice- 25 Years Since Alex Odeh's Murder

Alex Odeh was an ADC Regional Director in California. He was murdered on October 11, 1985.

On September 16, 2010, ADC sent a letter to U.S. Attorney General Eric H. Holder asking for his intervention in solving this domestic terrorism case. ADC received a response on October 15th from James McJunkin, Assistant Director of the Counterterrorism Division of the FBI. Mr. McJunkin stated that "this case continues to receive attention from dedicated FBI resources" to bring "those responsible for this tragic act of terrorism to justice."

ADC will continue to raise Alex's murder with the FBI and other U.S. governmental authorities until the perpetrators of Alex's murder are brought to justice.

## High Impact Cases

### American Civil Liberties Union (ACLU) Habib Case

The ADC-Massachusetts Chapter had invited Professor Adam Habib, a respected political analyst and Deputy Vice Chancellor of Research, Innovation and Advancement at the University of Johannesburg, to take part in a panel in Boston in 2007. Professor Habib was also invited to speak by different groups in Boston. His visa was denied seemingly because of his views on the Iraq War and U.S. terrorism-related policies. The ACLU, on behalf of ADC and other groups, filed a lawsuit in 2007 challenging his exclusion. The lawsuit was successful and led Secretary of State Hillary Clinton to sign orders that effectively ended his exclusion, overruling a policy that was adopted by the Bush Administration.

### Eid vs. Alaska Airlines

ADC joined as amicus curiae in a lawsuit involving Egyptian nationals who were forced to leave the plane, for no reason other than their being Arab and the racial animosity of a flight attendant. The lawsuit, currently pending on a Petition for a rehearing en banc before the U.S. Court of Appeals for the Ninth Circuit, challenges the fact that the law governing redress was not applied on the same terms to the Egyptian nationals as to other individuals. ADC has a strong interest in ensuring that those victimized by discriminatory acts on the basis of their actual or perceived Arab ethnicity or Muslim religion have equal access to redress their grievances and receive a fair hearing from the courts.

### Arizona Senate Bill 1070

Last spring, the state of Arizona passed Senate Bill 1070, which requires police officers, during a routine stop or arrest, to investigate the immigration status of individuals suspected of being undocumented. Given that this law actually encourages racial and ethnic profiling, ADC joined as an amicus in a lawsuit challenging the Bill. District Court Judge Susan R. Bolton issued a preliminary injunction that enjoined the main objectionable provisions of the statute from going into effect. Similar bills are being introduced in states with significant immigrant populations, including Arab Americans. ADC will continue to monitor developments.

# Policy & Legislative Initiatives

ADC Legal plays a significant role in upholding and restoring civil rights and civil liberties. ADC Legal spearheads initiatives in addressing post-9/11 policies, which have adversely impacted our community -- these include counterterrorism policies and practices that use racial or national origin profiling, among other tactics of serious concern.

## **TSA's Now-Defunct 14-Country Policy**

The TSA's "14-country" policy wrongfully profiled passengers, primarily U.S. Citizens travelling to and from the Middle East. Individuals visiting any of the 14 countries designated by TSA were subject to secondary searches. Not only was the policy a classic example of profiling, but it also diverted scarce governmental resources from potentially real threats. During its implementation, ADC was at the forefront of organizations arguing against this now-defunct policy, and notably met with DHS Secretary Janet Napolitano regarding significant issues surrounding policy.

## **NSEERS**

ADC continues to take the lead in advocating for the end of the National Security Entry Exit Registration System (NSEERS). Earlier last year, the Office of Inspector General at DHS was scheduled to start auditing the program, but has since postponed the audit. ADC will continue to press DHS to end NSEERS, and to have the audit move forward. This DHS-backed program has in essence failed to meet its initial goals, created a financial burden on taxpayer's money, and damaged relationships with communities at home and allies overseas. In spite of all these failures, the program remains in place.

## **Department of Justice Racial Profiling Guidance**

During the ADC Convention, U.S. Attorney General Eric Holder renewed his commitment to reviewing the 2003 Racial Profiling Guidance and created a working group to that effect. ADC, along with coalition partners, has since met with the working group, and raised concerns about the guidance's non-inclusion of a prohibition against national origin and religious profiling.

## **Federal Bullying Prevention Summit**

ADC joined civil rights, religious, educational, professional and civic organizations in submitting recommendations to the U.S. Department of Education in advance of the August 2010 Federal Bullying Prevention Summit. These recommendations centered on the need to develop, fund, and promote proactive strategies to confront bullying and harassment in schools and in the community.

## **Restrictions On Charitable Giving Practices**

ADC has collaborated in efforts with a number of organizations in calling on the Administration to reform the current legal regime. That regime oversees charitable giving and encompasses broad national security laws governing charitable giving and policies, which have in essence created counterproductive hurdles to legitimate and vital work. ADC and other organizations have provided practical and sensible solutions to the many existing problems -- which include the lack of legal protection for charities acting in good-faith, the absence of due process rights for listing and delisting individuals and entities as affiliated with terrorist organizations, the indefinite freezing of assets, and the ongoing harassment of legitimate donors by local law enforcement officials.

## **Religious Freedom for California Public Servant**

ADC joined the efforts of civil rights and civil liberties organizations across the country in expressing disappointment to the California Attorney General Edmund Brown the decision to challenge the right of California Sikhs to exercise their constitutionally protected religious freedom in the workplace. The decision is deeply offensive to the civil rights community and it sent "dismissive signals to diverse people of faith who suffer workplace discrimination because of their religion."

## **Investigation of Anti-War and International Solidarity Activists**

ADC expressed great concern and denounced the use of sweeping raids and grand juries in the investigation of anti-war and international solidarity activists in Chicago and Minnesota. ADC expressed concern that the perception by many community members is that these individuals were targeted because they exercised their First Amendment

protected activities. ADC, along with a number of coalition partners, called on the US Attorney's office in Chicago, Illinois, to halt the use of grand jury proceedings and to stop the illegal investigation of protected and legitimate political activities.

### **End Racial Profiling Act**

ADC worked with coalition partners and members of Congress on the introduction of the End Racial Profiling Act (ERPA). ERPA prohibits racial profiling and makes prohibition enforceable by declaratory or injunctive relief. ERPA also makes collecting data on routine and spontaneous investigatory activities a pre-condition to federal funding.

### **Protection of Stateless Persons in the United States & Support for the Refugee Protection Act Of 2010**

ADC, in a joint-effort with faith-based, human rights, legal services and refugee assistance groups called on DHS to enact administrative reform to protect stateless individuals in the U.S. until the Refugee Protection Act is enacted. The Act would offer practical solutions that would reduce inefficiencies, avoid redundancies, and improve the ability of the United States to provide protection to refugees and asylum seekers in a timely, effective and humane manner.

### **Arbitration Fairness Act, H.R. 1020**

ADC joined civil rights organizations in supporting the Arbitration Fairness Act to restore access to the civil justice system, and preserve civil rights protections. The purpose of the bill is to get rid of forced arbitration, which denies millions of Americans, including Arab Americans, their civil rights protections. The arbitrator is dependent on receiving repeat business from the employer. Consequently, there is a danger that the arbitrator would disproportionately decide cases in favor of the employer irrespective of the facts and the applicable law. Also, forced arbitration hinders the development of civil rights laws because the arbitrator may ignore the law when deciding cases, and he or she is not required to issue written decisions that help to establish precedent.

### **DREAM Act**

ADC supported the passage of the Development, Relief and Education for Alien Minorities (DREAM) Act. The Act, which would have allowed young children who were brought

to America an opportunity for a bright future, without the fear of immigration consequences, failed to get the necessary votes in the U.S. Senate to pass. Passage of the act would have benefited the country in many areas, including the economy. The Congressional Budget Office (CBO) had stated that the DREAM Act "would reduce deficits by about \$2.2 billion over the 2011-2020 period."

### **Ensuring That Your Voice and Concerns are Heard at the Highest Level of U.S. Government**

Throughout 2010, ADC met with the highest level U.S. Federal Government agency officials and articulated the concerns of and issues facing the community, and provided concrete and substantive recommendations on a number of existing policies adversely impacting the community. ADC met with DHS Secretary Janet Napolitano over the 14-country policy, which was eventually rescinded. Moreover, following the increase of hate crimes targeting Arab and Muslims Americans in the aftermath of the ninth anniversary of 9/11, ADC met with Attorney General Eric H. Holder requesting that the Department of Justice prosecute these hate crimes vigorously.

### **Interagency Meetings**

ADC attended the U.S. Interagency Governmental meetings hosted by the Civil Rights Division of the DOJ on a quarterly basis. At these meetings, ADC raised policy concerns facing the community, articulated how some policies impact the community on the ground, and suggested steps to remedy policies adversely affecting the community. Some of the issues raised include: Temporary Protected Status request of Palestinian refugees and nationals; increase in judicial misconduct and racial bias; and the revised TSA directives about travel patterns.

### **Meeting with U.S. Attorneys**

ADC met U.S. Attorneys from most of the States, representing many districts throughout the country. The meetings were spearheaded by the Attorney General's Advisory Subcommittee on Civil Rights. The objective and focus of the meetings were to establish mechanisms that will allow for continued dialogue between community members and the DOJ on a local level.

## Engaging with Stakeholders in Dearborn

### Judges Night

ADC-Michigan hosted its 9th Annual Judges Night, and presented the “Guardian of Justice Award” to the Honorable Mark J. Plawewski, 20th District Chief Judge, and the Honorable Annette J. Berry, the Wayne County Circuit Court Judge. ADC focuses on strengthening the relationship between the Arab American community and the members of our judicial system at all levels. Such interaction not only enhances awareness regarding issues of concern pertaining to the Arab American community, but also helps promote and recognize those judges who exhibit distinguished leadership and those who are committed to justice in America. This event is an annual event where ADC staff will host and honor particular judges.

### Building Respect In Diverse Groups to Enhance Sensitivity (BRIDGES)

Shortly after the national tragedy of 9/11, ADC-Michigan Director Imad Hamad engaged in constant and substantive dialogue with former U.S. Attorney for the Eastern District of Michigan, Mr. Jeffrey Collins, and former FBI Detroit Agent-in-Charge, Mr. JoŖ Bell. Due to the challenges faced in the aftermath of 9/11, the community leadership and law enforcement started having frequent meetings to deal with issues of concern. Metro Detroit has the largest concentration of Arab Americans; the ADC-Michigan office is located in the city of Dearborn. After a few months, it was agreed by all stakeholders that such meetings must be institutionalized to ensure that the dialogue between community members and government officials continues.

In 2003, the name BRIDGES was given to the forum, co-chaired by Mr. Imad Hamad and Mr. Jeffrey Collins. Today BRIDGES is comprised of BRIDGES members from federal law enforcement agencies in Michigan, the local US attorney, and community leaders. In 2010, amidst a growing trend of Anti-Arab and Anti-Muslim rhetoric facing the community, BRIDGES continued to meet regularly. Over the course of the past year, various topics have been discussed – including border profiling, immigration detention and removal matters, unwarranted searches and seizures, and discriminatory prosecutions. The forum also continued to build trust between local communities and law enforcement by engaging each other in constructive dialogue.

### Martin Luther King, Jr. Scholarship Reception

ADC-Michigan hosts an annual Martin Luther King, Jr. (MLK), Scholarship Reception to commemorate the life and legacy of Dr. King. The effort, aimed at bringing together the Arab and African American communities, has grown into one of the more notable and prominent celebrations of Dr. King’s life. Through the MLK Scholarship Program, ADC not only honors our nation’s greatest civil rights leader, but also carries his message to the communities of Metro Detroit. Highschool seniors are asked to write an essay about what the message of Dr. King means to them. A committee is assembled, including educators from local schools, to judge the students’ essays and scholarships are then awarded at a banquet reception. The Detroit Urban League, and the Judge Damon J. Keith Center for Civil Rights, joined ADC as co-hosts in 2011 for the 12th Annual MLK Scholarship Reception (held on February 11th) commemorating both Dr. King and Black History Month.

# Challenging the Non-Profit Status of Organizations Materially Supporting Illegal Israeli Settlements

ADC has been challenging the 501(c)(3) status of U.S.-based non-profit organizations that financially support illegal settlements in the Occupied Palestinian Territories (OPTs), which is contrary to stated U.S. policy.

## What is 501(c)(3) status?

An organization with 501(c)(3) status is exempted from paying federal income tax on most types of incomes. The contributions they receive are tax-deductible for the contributor, thus creating an incentive to donate money. They may also pay less for other taxes, such as property, sales and franchise taxes. Organizations violate their 501(c)(3) status when they use their income to support illegal or terrorist activities abroad or when they engage in deceptive fundraising.

## How do these organizations that ADC is challenging support illegal settlements?

These organizations use their tax-deductible funds to create, expand, develop and populate illegal settlements in the OPTs. These organizations work with Israeli partners that directly serve the settlements. For example, some organizations support temporary residential centers to help immigrants adjust to life in the settlements. Other organizations provide funding for social services in specific settlements. The U.S. has officially stated that the settlements constructed in the OPTs are illegal and therefore hinder the peace process efforts.

## What are some of the organizations that violate their 501(c)(3) status?

- The Hebron Fund spent a portion of their over \$1 million in funds to support the construction of illegal settlements in the West Bank.
- Both the One Israel Fund and the Christian Friends of Israeli Communities use some of their funds to support training and equipment for members of the Israeli military based in the settlements.

## What is ADC Doing?

- ADC is working to develop a campaign to challenge the status of these organizations.
- ADC has filed complaints with the IRS against specific organizations.
- ADC is engaging in a public campaign to spread awareness about these organizations.

## Research Publications

ADC Legal has worked and collaborated with partners on reports involving pressing policy issues, including the National Security Entry-Exit Registration Program, and Hate Crimes.

## Know Your Rights Information

In the last decade, our community has increasingly been subjected to hate crimes and other discriminatory incidents. ADC Legal provides “Know your Rights!” information and guidance on the rights of individuals of Muslim, Arab, and South Asian descent in situations where they have been, or may be, exposed to discrimination on the basis of their religious, ethnic, racial or national identity.

# ADC's 30<sup>th</sup> Anniversary National Convention

## Attorney General Eric J. Holder, Jr., Addresses ADC

U. S. Attorney General Eric Holder gave the keynote address at the Annual Civil Rights Luncheon. Attorney General Holder spoke about how the U.S. government can better serve the Arab-American community through promoting religious freedom and opposing racial profiling. He noted specific policies and actions adopted by the Department of Justice, including the implementation of the Matthew Shepard Hate Crimes Prevention Act. Attorney General Holder also emphasized the Administration's dedication to outreach and fostering mutual trust, in an effort to eliminate feelings of alienation in the Arab-American community.

## Civil Rights Panel: Civil Rights -- Unfinished Business?

This panel's discussion addressed how to protect our national security while safeguarding civil rights, both essential American interests often seen as mutually exclusive. Panelists included the Assistant Attorney General for the Civil Rights Division of the U.S. Department of Justice, The Honorable Thomas "Tom" Perez; Department of Homeland Security Civil Rights and Civil Liberties Officer, Ms. Margo Schlanger; and private Legal Counsels, Attorneys Ms. Linda Moreno and Mr. Charlie Swift. ADC Legal Director, Mr. Abed Ayoub, moderated the panel. The panel discussed the notion that strong national security can lead to an erosion of civil rights. The panel also acknowledged the need for carefully developed national security policies, and close monitoring of the implementation of those policies, in order to ensure that the standards of civil rights and civil liberties are not undermined.

## Diversity Education Outreach Program

The ADC Research Institute (ADCRI) launched a Diversity Education Outreach Program (DEOP), to provide trainings that promote cross-cultural understanding of Arab Americans of all faiths, and Muslims in particular, due to heightened anti-Muslim xenophobic rhetoric in the U.S.

The goal of DEOP is to provide an accurate, objective and fair portrayal of Arab Americans and their culture. This goal can be achieved by creating an open forum to explore vital topics and promote dialogue, allowing participants to express their negative perceptions and enter into a process of change through such interaction. The trainings will be interactive and include exercises and materials for participants.

## 2010 Summer Legal Internships

Each summer, ADC offers the opportunity for a select group of law students to gain substantive experience in defending civil rights and liberties through the ADC Legal Internship Program. Last year, a number of law students joined the Legal Department from around the country. Between them, they worked on nearly fifty cases and researched topics covering an array of civil rights issues in the Arab-American community. They also attended U.S. Government interagency meetings, hearings on Capitol Hill, think-tank briefings and discussions, a White House briefing by the Office of Public Engagement, and non-governmental organization coalition group meetings. These and many other experiences that were part of the Internship Program gave our interns unique insight into the workings of a civil rights organization, and allowed them to delve into the legal issues affecting the Arab-American community.

## 2011 Preview

The Arab-American community will be faced with a series of new challenges in 2011. It has been a decade since the terrorist attacks of 9/11, an incident that forever changed America's perception of Arab Americans and redefined their experiences. Therefore, while many of the residual legal, sociopolitical, and existential challenges will continue to impact Arab Americans through the new decade, we cannot overlook other novel and anticipated challenges. ADC is planning ahead, and looks to advancing the dialogue about civil rights and civil liberties, as well as actively participating in commemorative events for the 10th Anniversary of 9/11.

One challenge, ironically, may be an opportunity. The Arab American narrative is becoming more nuanced and eclectic, colored by new waves of immigrants from North Africa, Iraq, Somalia, Sudan, and Yemen, in addition to established feeder nations such as Egypt, Jordan, Lebanon, Palestine, and Syria. Thus, of paramount priority are the objectives of deconstructing the notion that Arab Americans are a monolith and accurately portraying the multi-dimensions of our story. In achieving these objectives, we hope to educate the general populace at large.

In addition, creating inroads for the next generation of Arab American leaders ranks atop our community's greatest priorities. While discrimination and stigmatization are still imposing opposition to progress, the responsibility lies with nonprofit organizations like ADC to facilitate the pathways for our next generation of leaders in politics, law, medicine, industry, academia, the arts, and other chosen professions or "walks-of-life." ADC is dedicated to building a more promising future for our community by re-energizing our grassroots and integrating our presence and voice into every hall of American power – from Congress to college campuses.



ADC • 1732 Wisconsin Avenue, N.W. Washington, DC 20007 • (202) 244-2990 • [www.adc.org](http://www.adc.org)