

SYMPOSIUM: AMERICAN MUSLIMS AND CIVIL RIGHTS: TESTIMONIES AND CRITIQUES*

OPENING REMARKS

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This town hall meeting, which highlights some of the important developments in the American Muslim experience after September 11, presents both a challenge and an opportunity to our community. Whether these new developments will provide a serious impetus for constructive change in society at large is a matter for all Americans to reflect upon. The events that have come to pass which we spotlight in this symposium will hopefully contribute to that process.

In this town hall meeting, we present testimonies of average American Muslim citizens who have suffered serious harm, consequences of raids, detentions, and other actions of our federal government in the name of national security. Their experience is not uncommon. Even I, as a law professor at a mainstream American law school and a respected authority in my field, have felt the repercussions of September 11 on my status as an American citizen.

There are many people in the Arab and Muslim communities who more than ever before live in fear. They fear not only the loss of their common daily lives, their right to privacy and due process, their children's years of innocence; they even fear the loss of their lives. Our government and the wider society need to address these fellow citizens' concerns and help bring their lives back into equilibrium, so that we can live in harmony and peace, with the dignity promised to us by our Constitution and history of a government under laws.

Stories of the mistreatment of Muslims in this country are many, and they put a human face on this second tragedy that has afflicted our nation. For example, when we were preparing for this town hall meeting, we tried to invite Mrs. Talat Hamdani, a Muslim woman from New York who had lost her son Muhammad Salman in the World Trade

* Several of these papers were originally given as oral testimonies at a town hall meeting sponsored by Karamah in Richmond, VA on September 25, 2002.

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Center on September 11th. Muhammad Salman was in his early twenties, and he had just graduated from college and was working at a well-known corporation in Manhattan. On that tragic day, he went to work and never came back. Rumors began to fly, and then newspapers started to accuse him of aiding the terrorists.

It was only months later, after the World Trade Center (WTC) site was cleaned up and DNA tests were conducted on the human remains found there, that officials discovered the truth. This young man, who happened to be a paramedic, had witnessed the destruction and decided to head to the WTC site to help the injured. He died doing just that.

After the DNA tests were performed, and the circumstances of Muhammad Salman's death became widely known, newspapers retracted their accusations and proclaimed him a hero. Even the Patriot Act, which commended Arab and Muslim Americans who exhibited heroism in those dark days, referred to Muhammad Salman Hamdani by name. But the damage to his reputation and to those who loved him was already done! Any person with any compassion at all can imagine how much the family suffered from the constant barrage of unwarranted accusations.

Mrs. Talat Hamdani was planning on sharing her story with us tonight. But her trip has been cancelled because Muhammad Salman's grandmother, who helped raise him, has just been taken to the emergency room. Since 9/11, his grandmother has lost a lot of weight under the stress of these events. I am so saddened to say that tonight's town hall meeting reminded her of all the events of last year, and she was so re-traumatized that she required hospital care. In an important sense, she is a symbol of those traumatized members of the Arab and Muslim community who are not with us tonight.

The U.S. government has tried to reopen channels with the Arab and Muslim community. Some high officials in government have expressed the view that some liberty must be lost to ensure security. While this view is abstractly correct, any healthy balance between liberty and security is by its very nature quite a delicate one. Recent actions of our government indicate that this balance has not been successfully achieved. There have been significant unwarranted encroachments on the liberties of American and Arab Muslims, and the entire community is suffering as a result.

We need narrowly tailored laws to achieve our security without losing our cherished liberties. We also need to have these laws executed in a more humane fashion, without disregard of due process or other

constitutional rights. Despite what has happened, we at KARAMAH still believe that dialogue is important between our community and the government. We also believe in the possibility of change, through discussion, mediation and conflict resolution. For this reason, KARAMAH has partnered with the Constitution Project, a bipartisan organization of distinguished lawyers with a solid commitment to American constitutional values. The Constitution Project has turned its attention to critiquing and proposing revisions to laws, promulgated in the wake of September 11, which unduly impact our civil liberties.

In this symposium, readers will get only a snapshot of the events occurring on a daily basis throughout the United States. For example, Muslims have also been detained in Southern California. Immigrant aliens, who were asked to register at certain immigration centers, were detained. The number of the detainees was so large that immigrant rights' organizations demonstrated in protest in the streets. Some people called the registration requirement a trap to get rid of Muslims in America.

Because of these excesses in government action as well as the sometimes hostile rhetoric on the streets, Muslims at home and abroad are very worried. Many have already concluded that our government is not concerned about achieving a proper balance between liberty and security, and that civil liberties violations will continue.

We at KARAMAH believe in pursuing these issues and standing for our community's constitutional rights regardless of the probability of success. We believe in giving decision-makers as much information as they need in order to rectify the situation, and achieve a fair and just balance between civil liberties and national security.

For the last decade of my career, I have traveled frequently to various Muslim countries upon the invitation of the United States Information Service (USIA), other groups, and on my own, to lecture about women's rights, human rights, due process, democracy, and constitutionalism. Now it is virtually impossible for me to talk credibly about these issues anywhere in the Arab and Muslim World because people abroad know what is happening at home. They refuse to discuss human rights violations in their own country when they know that the civil rights of Muslims in this country are being violated.

In other words, because of what we have done at home, we have lost our moral edge abroad. Not only can we no longer justly or effectively point the finger at abuses by other governments abroad, but more importantly, other nations are no longer inspired to emulate our

system of government because they perceive that this government has victimized their sisters and brothers. Our Founding Fathers would have been quite saddened by this turn of events. We hope that others will similarly be chagrined at what is happening in this country, and will be moved to speak out and act to protect the rights of fellow citizens and the dignity of fellow human beings.