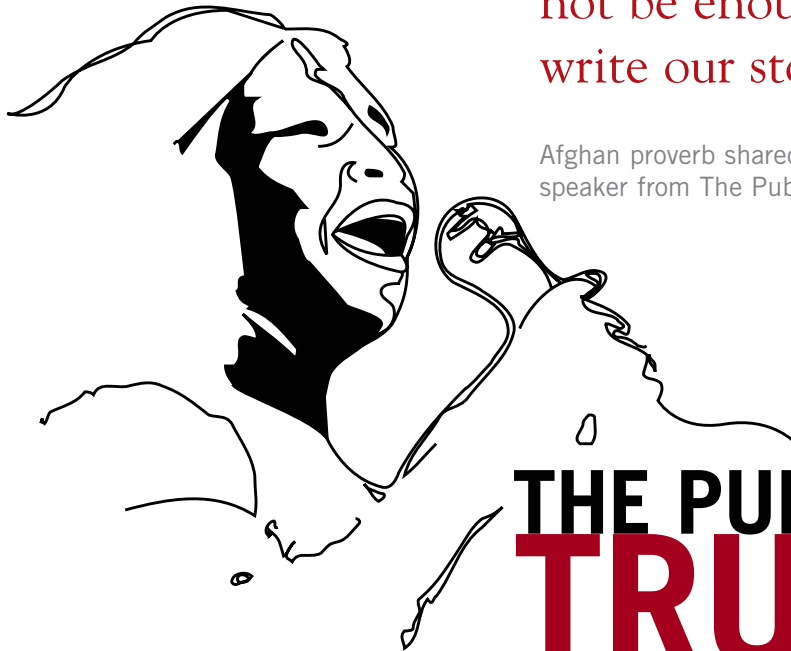


“ If whole oceans
became ink and the
whole world became
paper, the two would
not be enough to
write our stories. ”

Afghan proverb shared by Dr. Hatifie,
speaker from The Public's Truth



THE PUBLIC'S TRUTH

STORIES OF RACIAL PROFILING AND
THE ATTACK ON CIVIL LIBERTIES

Buena Vista United Methodist Church
2311 Buena Vista Avenue
Alameda, California
Saturday, May 10, 2003

What is the Public's Truth?

The Public's Truth is a forum for communities to share real stories of how the "war on terrorism" and national security have adversely affected the lives of immigrants, refugees, and communities of color and to raise awareness of the scope and scale of attack upon civil liberties and human rights. On May 10, 2003, community members and interfaith leaders joined together with the Applied Research Center and the Buena Vista United Methodist Church in Alameda, California to bear witness to personal accounts of Bay Area residents' experiences of new Homeland Security policies and practices, which have created a mounting civil liberties and human rights crisis not only in the Bay Area, but throughout the country.

The Public's Truth on May 10 was the first of a series of gatherings that will be held across the nation to address this racial backlash and to establish a new public record of violations against civil liberties and human rights and link these stories to the stories and experiences of Japanese American internment during World War II.

Given the increased harassment, mass arrests, and deportations of immigrants—from Cambodia, Pakistan, Somalia, and other targeted nations—the idea of asking community members to publicly testify about civil rights violations has become increasingly problematic. Building upon the model of the Hate Free Zone-Campaign of Washington, the Public's Truth forum enables affected individuals to either present their stories in person or anonymously, through a designated community spokesperson, a member of their religious community, a civil rights leader, a union leader, a legal advocate, a community organizer, or an elected official.

This document highlights samples of community testimony from the May 10 hearing and offers suggestions of ways communities can take action. A timeline of how the "War on Terrorism" has impacted communities is included.

Significance of History

Michael Yoshii, pastor of Buena Vista United Methodist Church, spoke of the significance of hosting the Public's Truth amongst his congregation. Buena Vista began as a congregation of Japanese immigrants at the turn of the century. After the bombing of Pearl Harbor, the port of Alameda was a military zone, and the FBI began picking up many residents in sweeps before the evacuation order went into effect in early 1942. Most of Buena Vista's members were interned, primarily at a camp in Topaz, Utah.

"Back in 1981," Yoshii said. "I was privileged to testify at the redress hearings—Congressional hearings the Japanese American community organized to begin the movement for redress and reparations for the wartime incarceration of Japanese Americans. Many here today are leaders of the Japanese American community who were responsible for making that happen."

Yoshii told the group the redress hearings ultimately led to Congress passing the Civil Liberties Act of 1988—apologizing to Japanese Americans for the egregious violations of civil liberties during wartime, and attributing those policies to pre-existing racial prejudice, lack of political leadership, and wartime hysteria. "These themes are familiar to us today," Yoshii added.

"When I testified in 1981, one of the things I shared was having grown up among the Japanese American community, we had never heard the stories from our families about what happened. At the hearing in 1981, we had about 500 people there for three days, and story after story of heart-wrenching experiences that took place both pre-war as well as after the time of Pearl Harbor and the evacuation. It was the first time I ever believed that the truth was told with all of us gathered together."

A Step Up in Discrimination

The September 11th tragedy may have seemed like a new chapter to some people, but for many immigrants, refugees, and communities of color, it was merely a step up—increased discrimination, surveillance, racial profiling, and violence. As government officials rallied the country's residents and institutions to wage war, a flood of



Rev. Michael Yoshii

new legislation, policies and procedures washed across the land and filtered into the public conscience. Measures like the USA PATRIOT Act, the Student and Exchange Visitor Information System (SEVIS), Operation Tarmac, the Absconder Apprehension Initiative, the Terrorist Information Prevention System (or TIPS Program), the National Security Entry-Exit Registration System (NSEERS), also known as "Special Registration," and the Total Information Awareness Initiative have been enacted under the guise of national security.

"It is essential to reveal and understand how these measures have very real human costs," said Gina Acebo, director of the Justice is the Unifying Message Project (JUMP) at the Applied Research Center. "While stories revealing the human impact of government actions have occasionally surfaced since 9/11, the scale and the severity of impact on the lives of real people have been hidden from most of us. That's why we're convening The Public's Truth—to give us a sense of what's really happening in our society."

Acebo emphasized the importance of stories in connecting individual and community experiences to history. "The Public's Truth is an opportunity for us to listen, bear witness, and learn from these untold stories," she said. "We're here to acknowledge that the experiences of our presenters are real and they represent what's happening to thousands of people across the country."

Everyday Harassment

Kawsar El-Shinawi, arrived in the U.S. as a graduate student in 1981. She recalls being struck by the extent of racist stereotyping toward Muslims in the American media and society—“as ignorant, stupid, having money but no brain, and as violent and dirty.”

Even before September 11, El-Shinawi and her family had experienced many incidents of harassment. Her daughter, Marwa, was forced to change high schools because school administrators would not intervene when a hostile teacher singled her out in class as a “Nazi” for questioning the racist stereotyping of Muslims.

El-Shinawi, who wears a *hijab*, related another incident when a hotel clerk demanded that she remove her scarf. “I told him that to ask me to take off my scarf was like asking me to take my clothes off. And he said, you take it off or you must leave.”

After 9/11, it’s been much worse. El-Shinawi described an incident at the airport, which she emphasized

was just “one of thousands.” Shortly after September 11, El-Shinawi was dropping off her sister at Oakland Airport when a JetBlue employee blocked her path with an empty wheelchair.

“She seemed hostile, so I moved to the side and she moved again in front of me. I passed around her and heard her say, ‘Stupid.’”

El-Shinawi reported the incident, and later heard that the woman was fired, but she is not satisfied with that outcome.

“I think maybe her only source of information was the TV, and all those channels say the same thing about Muslims. Just firing that woman doesn’t help,” she said.

“After each incident like this—and there are many—I feel anger, frustration and sadness. I feel like I am nothing. People are scared and they treat me like I am nothing.”



Kawsar El-Shinawi

“ I told him that to ask me to take off my scarf was like asking me to take my clothes off. And he said, you take it off or you must leave. ”

No-fly List

Community activist Rebecca Gordon testified about the day she discovered that—for reasons the government won't explain—she had been placed on the government's "no-fly" list.

"Last August, my friend and I went to the airport to fly back east to visit my father," Gordon recalled. "We got to the check-in counter and handed over our identification, the woman punched in our names into the computer, and she got a funny look on her face."

The airline agent asked them to stand aside while she checked in the other passengers for the flight. While the woman went to get her supervisor, Gordon began to wonder if there was something wrong with the credit card or maybe her frequent flier miles.

The supervisor came back and said, "Well, you both turned up on the FBI no-fly list. I've called the San Francisco police. They'll be here in a few minutes. In the meantime, I have to keep you in sight. You need to walk over here with me, and your luggage. Do you have any idea why the FBI might be interested in you?"

Gordon told the airline supervisor that it might have something to do with the fact that she and her friend publish a small newspaper called *WarTimes* (also known as *Tiempo de Guerras*), which opposes President Bush's "War on Terrorism."

Three uniformed members of the San Francisco Police Department arrived, and proceeded to radio headquarters to see whether Gordon and her friend were on the "master list." If so, they would be detained until the FBI decided what to do with them. When the 'master list' turned up nothing, the authorities let them go after searching their bags several times.

Gordon later found out that the Transportation Safety Administration built the FBI list using information from at least 17 federal agencies. "To this day, no one will tell us why we were on the list, how we got on the list, how we can get off of the list, or what agencies contribute to this list," she said. The American Civil Liberties Union is currently suing the FBI and the Transportation Security Administration to find out why they are on the list,



Rebecca Gordon

“To this day, no one will tell us why we were on the list, how we got on the list, how we can get off of the list...”

who else is on the list, how these lists are constructed, and what the agencies plan to do with them.

“What happened to us is nothing compared with other stories you've heard and are going to hear today,” Gordon said. “We were detained in an airport for an hour. Much worse things have happened to people since September 11, but it is the sign of a clamping down on our freedom. And unless we resist it, it will not end just with stops at the airport.”



Sent Back

Over 200,000 Cambodian refugees are living in the United States. So far, 2,000 have been ordered back for deportation to Cambodia, virtually all of them young people who came to the U.S. as infants and children. The anti-immigration legislation of 1996 instituted the deportation of all immigrants—including permanent residents—convicted of a list of “aggravated felonies” defined by the Department of Justice, which included crimes like shoplifting. Many immigrants awaiting deportation are still languishing in detention, even after they have served their jail time.

Phil Ting, Director of the Asian Law Caucus read the following account of a young Cambodian man caught in the dragnet:

When I was growing up in Long Beach, my family usually went out early in the morning to pick cans to earn some extra money. My dad works as a welder, but money didn't come easy during that time. We also didn't have a car either. So my mom and dad would ride their bicycle and pick cans. During those times my family often came to Long Beach to sell things like vegetables and chickens, which we slaughter in our own back yard. I was always at this city. I didn't even want to be there. I don't know why. I just felt things weren't gonna go right. Then one weekend in junior high, I got jumped into my

“ We're supposed to be refugees. I never thought I would be sent back to Cambodia. ”

gang. I didn't want to. But I got nothing to lose so I joined the gang. From there on things start to come through for me. Now I start hanging around with the gangsters.

When I was 15, I got shot by another kid riding a bike. Our apartment was shot up twice and we don't know who did it. When I was 16, I shot another boy and spent ten years locked up for that. The thing happened so fast, you wouldn't believe it. It haunts me now.

When it was time for me to go up for my hearing, I couldn't really understand what was going on. Whatever they say, I don't even know. The only thing I seem to know is I'm not gonna go home for a very long time or probably never. That weekend, my mom and uncle came to see me and I felt really terrible for my mom. Because of the situation I had put her into this time. There's no way I can turn back time. I just have to do what I have to do. But I can't cry and I still don't know why.

After I got arrested my mom got sick with cancer. When she was about to go, I wrote to the INS district director to get an “accompanied visit” to the hospital. They said no. She died of cancer while I was in jail.

Recently, me and my sister both got deportation letters. Our cousin is still in INS detention. I have a relative who hung himself in detention at Terminal Island in San Pedro. We're supposed to be refugees. I never thought I would be sent back to Cambodia. My crime was a really serious one, but does that mean, after doing my time, that I should be deported?

It's hard facing deportation. I love Long Beach. I really have no American dream. But I'd rather die here than over there. My mom's grave is here. My family is here. I got nobody over there.

No Mother's Day

Theresa Allyn never imagined that a family vacation would result in her mother's deportation, and the breakup of her family. When Theresa graduated from college in 1999, her mother Nena Allyn applied for a passport so the two could travel together to Europe. The elder Allyn, who was born in the Philippines, discovered to her surprise that the INS had an outstanding deportation order for her from 1975. Nena Allyn had raised her family in the US, working as a teacher and mentor. Unbeknownst to her, Allyn's first husband had revoked her petition for citizenship when they annulled their marriage. She continued her paperwork when she remarried another American citizen with presumably no problem. Meanwhile, the INS had been sending requests for voluntary departure and deportation orders to a defunct address for years.

Theresa, 26, began sending letters to politicians, news stations, and INS officers, but these efforts were ignored. On January 6, 2003, Nena Allyn was deported to the Philippines after living in the US for 30 years. The following is a Mother's Day letter that Theresa Allyn shared with the audience at the Public's Truth:

“ A government that is supposed to be protecting us has terrorized the very heart of everything that I hold dear. ”

Dear Mom,

Tomorrow is Mother's Day. It will be the first one out of my entire 26 years that we will not be together to share the day. When I reflect on how this has happened, I am shocked, angry, sad and very worried.

It has been four years since we were notified that something was wrong with your INS file even after being married to Dad, a US citizen, for nearly 30 years. It was an Administrative oversight that none of us ever dreamed would cause a threat to our family.

It has been six months since we went to the INS for your new green card approval where they instead dropped an unforgiving bomb on our family when they threatened to deport you after nearly 30 years of building your life here.

It has been five months since that horror became reality and you were forced to quit your teaching job and leave your only family in the entire world to face a place that is now strange to you. Never mind the frantic appeals we made to reverse the order. Never mind your many years of service to our community as a teacher and mentor. I am incensed at how



Theresa Allyn

such a loving woman, with every right to be here, was made to feel like a criminal.

What surprises and sickens me now is why more people were not so feeling. When I made a plea to a host of government officials for help to avoid this unjust disaster—I can hardly believe that we received a chorus of “I can’t help you” and “Your message will be forwarded” as a response. I repeatedly ask myself why this was largely ignored by so many people. Why it is acceptable for our government to tear a family apart?

It has been four months since Dad had to sell our home to pay for what seems like fruitless legal counsel. It has been four months since we had to give away our sweet little dog because the only place left to keep the remnants of our lives together is a storage unit made of cold cement walls.

It has been three months since Dad left from San Francisco International Airport to follow you to Manila. It has been three months that the two of you have been living in a hotel surrounded by strangers. I am so worried about Dad’s chronic lung problems and how he cannot breathe. I am worried about your health and the overwhelming fear you live with. I am worried about my own health because I find it sometimes impossible to face the insanity of this injustice.

It has been a lifetime since our lives have felt remotely normal. The three of us, you me and Dad, are overrun with sadness and fear. At a whim, a bureaucracy has torn our family apart. I do not feel safe anymore; I know you don’t either. A government that is supposed to be protecting us has terrorized the very heart of everything that I hold dear. How I felt happy and free before this tragedy seems like a distant memory.

You are a half a world away from me now. It seems once again that our fate lies at the mercy of a State Department officer. I ask myself will they at least be nice to you? Will you be heard? Will they allow you to come home? These questions constantly run through my mind yet I feel powerless to answer them.

Tomorrow is Mother’s Day. It tears me apart that we can’t be together. I will go visit the Rose Garden that you love so much and pray that they will let you and Dad come home to me soon.

Love, Theresa

Take Action

The range of stories shared at The Public's Truth included experiences of racial profiling and harassment at school, the work place, and in the neighborhood. There were stories from political activists who were scrutinized and surveilled by the government. And the hearing began with a community leader recalling the historical significance of the political climate of the Japanese Internment during World War II and its parallel to the discriminatory climate post 9/11. While fear and concern were widespread in communities, many participants were outspoken in condemning the policies and practices that unjustly target immigrants, refugees, and communities of color.

The stories helped to motivate witnesses to acknowledge these injustices must be stopped. It will *only* stop when we come together and take a stand. The Public's Truth offered the assembled audience three ways communities can take action.

- 1 Join the American Civil Liberties Union's fight to stop the Department of Justice's "Domestic Security Enhancement Act of 2003" often referred to as "Patriot Act II".**

Send a letter to Senator Diane Feinstein urging her to halt the introduction of Patriot Act II that gives the Department of Justice the power to strip away U.S. citizenship, approve police spying, and give the government secret access to credit reports and health information without court order or consent.

- 2 Sign The Public's Truth postcard to Attorney General John Ashcroft that states your opposition to the Patriot Act and all national security measures that attack immigrants, refugees and threaten the civil liberties and human rights of all.**

- 3 Help get the Truth out to different audiences by hosting The Public's Truth in your local area through your place of worship, school, labor union, club, or community organization.**

If you would like to sponsor a The Public's Truth in your local area, please contact Gina Acebo at the Applied Research Center 510-653-3415.

The War on Immigrants: It's *Not* Just the Patriot Act



Since 9/11, Bush and Ashcroft have relied on the discretionary authority given to the Executive Branch from existing legislation to initiate a number of punitive enforcement actions against immigrants and people of color.

9/20/01 Detention Without Charge

Department of Justice issues interim regulation allowing detention without charge for 48 hours (or an additional “reasonable period of time”) in the event of emergency.

9/21/01 Secret Proceedings

Department of Justice instructs immigration judges to keep September 11-related bond and deportation hearings closed, allowing no visitors, family, or press and releasing no records or information about cases, including whether they are on the docket or scheduled for hearings.

10/31/01 Indefinite Detention

Ashcroft issues an edict allowing INS to detain immigrants even after an immigration judge has ordered their release for lack of evidence. The measure, in effect, results in indefinite detention.

11/9/01 Questioning of 5,000 Men

Ashcroft orders the questioning of 5,000 men ages 18-33 who came from countries connected to al Qaeda. Although “voluntary,” investigators were instructed to check immigration status and hold those with immigration violations.

11/16/01 No Names Released

DOJ declares that identities and locations of 9/11 detainees will not be disclosed. By this time, it's believed there are at least 1,200, mostly Arab and Muslim men.

11/19/01 Airport Screeners Targeted

FAA requires U.S. citizenship for airport security screeners. Out of 28,000 screeners nationwide, 10,000 are thought to be immigrants.

11/29/01 Snitch Visas

Ashcroft authorizes the use of S visas for those who provide information relating to terrorism.

12/01 Operation Tarmac

Operation Tarmac, a multi-agency sweep of airports nationwide, begins—resulting in more than 1,000 arrests and deportations of undocumented airport workers. In southern California, about 100 people were arrested, with 85 charged with document fraud. The government has since reduced most of the charges against workers to misdemeanors.

12/5/01 Absconders Initiative

INS announces that it will send the names of 314,000 immigrants with outstanding orders of deportation to the FBI for inclusion in the National Crime Information Center database. Law enforcement agencies begin to pursue what will become known as the “Alien Absconders Apprehension Initiative” eventually resulting in 758 arrests, according to the INS. In January 2002, the DOJ adds 6,000 more names to the Absconder's List.

2/8/02 Targeting Undocumented

DOJ memo instructs federal anti-terrorism officials to apprehend and interrogate thousands of undocumented immigrants with deportation orders. The memo reportedly instructs federal agents to find a way to detain some of them for possible criminal charges.

2/25/02 Militarizing the Border

DOJ enters into agreement with the Department of Defense to provide 700 National Guard troops to assist the Border Patrol at the southern and northern borders.

4/3/02 Police with INS Power

Department of Justice's Office of Legal Counsel issues an opinion that local law enforcement agencies have authority to enforce immigration laws. In July, Florida

becomes the first state to sign an agreement with the DOJ to allow state law enforcement officials to enforce immigration laws.

6/26/02 Enemy Combatants

Bush declares two U.S. citizens, Jose Padilla and Yassar Hamdi, “enemy combatants” who can be held until the end of the war on terrorism, without access to an attorney or to challenge their detention in federal court.

7/11/02 September 11 Detainees Deported

Almost a year later, DOJ announces that most of the detainees picked up as part of its investigations of September 11 have been released and many of them deported.

7/26/02 Notify INS of Address Change

Ashcroft implements enforcement of a 50-year-old requirement that foreigners alert the government within 10 days of changing addresses. Failing to register a change of address could result in deportation.

9/9/02 Colleges Turn Over Student Info

DOJ asks more than 200 colleges to provide information on their Middle Eastern students.

9/11/02 “Special Registration” Begins

New registration requirements are put in effect for non-citizens from Iraq, Iran, Syria, Libya, and Sudan.

12/18/02 INS Registrants Jailed

Hundreds of Iranian and other Middle Eastern nationals arrested and held in Southern California when they came forward to comply with registration requirements. Immigrant groups estimate more than 500 people are jailed in Los Angeles, Orange County, and San Diego.

1/10/03 More Nationalities Targeted

Registration deadline for men from North Korea, United Arab Emirates, Morocco, Afghanistan, and nine other countries.

1/24/03 Department of Homeland Security Created and INS Ceases to Exist

The mission of this new department is “to develop and coordinate the implementation of a comprehensive national strategy to secure the United States from terrorist threats or attacks.” The next month, the INS is disbanded and the service and enforcement functions incorporated into this new department – creating new bureaucratic headaches for those with immigration issues.

2/28/03 Interviews with 50,000 Iraqi Nationals

Ashcroft orders the FBI to conduct “voluntary” interviews of immigrants and citizens of Iraqi descent living in the United States, in order to find potential “sleeper cells.” Although voluntary, the FBI detains those with suspected immigration violations.

3/17/03 Operation Liberty Shield

Citing the increased risk from the war on Iraq, Homeland Security Secretary Tom Ridge announces that asylum applicants fleeing persecution “from nations where al-Qaeda, al-Qaeda sympathizers, and other terrorist groups are known to have operated” will be detained without any individualized hearing or due process.

4/24/03 Ashcroft Announces Detention of Haitians on the Basis of “National Security”

Ashcroft overrules an immigration judge ruling in Florida, and sets the precedent for increased detention by announcing that Haitian immigrants can be held in detention because they “divert valuable Coast Guard and [the Department of Defense] resources from counter-terrorism and homeland security responsibilities.”

Sources: American Immigration Lawyers’ Association, Coalition of Humane Immigrant Rights of Los Angeles, La Raza Centro Legal, Department of Homeland Security Website, Newspaper Articles.



Applied
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BRIDGING THE GAP BETWEEN ANALYSIS AND ACTION

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