

PALGRAVE *Studies in Oral History*

DETAINED WITHOUT CAUSE

MUSLIMS' STORIES
OF DETENTION
AND DEPORTATION
IN AMERICA
AFTER 9/11



IRUM SHIEKH



PALGRAVE *Studies in Oral History*

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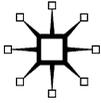
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Detained without Cause

Muslims' Stories of Detention and
Deportation in America after 9/11

Irum Shiekh

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*This book is dedicated to my mother,
Sitara Jabeen Butt, and my family elders.
Their sense of social justice has been a guiding force
for me throughout my life.*

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Series Editors' Foreword

The tension between national security and civil liberties has a long history in the United States, as Irum Shiekh briefly describes in the introduction to this volume. Immigrants often feel the brunt of the national anxieties that fire such tension with the resulting constriction of their constitutional rights. Profiling facilitates the characterizing and scapegoating of foreigners, as well as ethnic and racial groups. African Americans are quite familiar with the phrase, "driving while black," which describes the situation of being stopped or ticketed in disproportional numbers because of race. After the 9/11 terrorist attacks in 2001, the interviews in this book suggest that "detained without cause" may have had a similar but even more devastating effect.

Understandably, Americans showed great concern after the attack on the World Trade Center (WTC). Many grieved for the lives lost. Fear flourished as a foreign entity, Osama bin Laden's and Ayman al-Zawahiri's al-Qaeda, penetrated American security on a massive scale for the first time since the bombing of Pearl Harbor, which began the nation's entrance into World War II in 1941. In the wake of the destruction of the Twin Towers, the government rounded up almost 1,200 "special interest cases"—a euphemism, in many instances, for innocent individuals who resembled in physical appearance and religion the 19 hijackers who crashed planes into the WTC and Pentagon. Many were detained for questioning, some for long periods of time under difficult circumstances in places like Manhattan's Metropolitan Detention Center. A number were deported, not because of any connection to al-Qaeda but because of immigration violations.

Irum Shiekh traveled to far-off lands to speak with some of her subjects who were exiled from America. She did so to humanize their stories. In all, she recorded 40 narratives, and from these she selected the six interviews that follow in these pages. Shiekh also undertook extensive research into the written documents related to each of her subjects. Hers is an oral history with purpose. She desires that readers, especially progressive lawyers, use her material to reopen cases and, at a minimum, clear the names of the people involved. Moreover, she desires the government pay reparations to the former detainees and issue an apology for violating their civil, legal, and human rights. Whether the reader agrees with the author's goals is for the individual to decide. However, one cannot deny the power of her interviews.

With this volume, we offer not only a good example of advocacy oral history but also enhance our series' scope to consider U.S.–Middle East relations, although through the prism of domestic events. The Palgrave Studies in Oral History series includes several other works that concern abridgement of human rights, including Susana Kaiser's *Postmemories of Terror*, Diana Meyers Bahr's *The Unquiet Nisei*, Tamar Morad et al.'s *Iraq's Last Jews*, and Suroopa Mukherjee's *Surviving Bhopal*. The geographic range of these books, as well as the variety of subjects they cover, reveals the scope of the series, which aspires to bring the best of oral history method and substance to its readers, as well as advance theoretical discussion in the field.

Bruce M. Stave
University of Connecticut

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Introduction

I was inspired to research the topic of post-9/11 detentions because the FBI investigated two of my own brothers. Anjum Shiekh, a pilot for United Airlines, was in Buenos Aires, Argentina, on a scheduled business stay on the night of September 11, 2001. The next day, five or six FBI officials investigated him. Even after confirming that Anjum had served in the U.S. military for over 20 years and was a retired U.S. Air Force officer and pilot, the officials were not satisfied. They wanted to search his Florida residence. Because all flights had been cancelled, Anjum could not fly home from Argentina immediately. Officials insisted on searching his apartment in his absence, threatening to break down the doors if necessary.

On September 13, after obtaining his reluctant consent, dozens of FBI agents in blue jackets sealed off his one-bedroom apartment and the adjoining streets with yellow “do not enter” tape. Floodlights lit up the night, turning the scene into a circuslike performance that attracted a curious audience. On September 17, WPLG-TV in Miami aired a story about Anjum and published it on their website. The headline read, “FBI Investigates Mysterious United Airlines Pilot: Anjum Pervaiz Shiekh Vanished Two Days Before Attack.” Listing Anjum’s name and address, the article referred to the Urdu novels the FBI agents had found as “potential terrorist paraphernalia” that “included pictures of what appeared to be Arab women waving guns.”¹

Anjum was not arrested, but his ordeal did not end with the search. As a pilot, he had flown his private plane frequently before 9/11. But after 9/11, law enforcement officers² stopped him each time, when someone at the airport noticed his “Muslim looks” or “Muslim accent” and called to “feel safe.” Disgusted by the racial profiling,³ he ended up selling his plane.⁴

My second brother, Shoib Ellahi, a successful businessman in California, was investigated by an FBI agent in April 2002. During the interview, the agent asked him about a business-related fund transfer that he had made in Pakistan. She also solicited his opinion on the September 11 attacks and then scrutinized him as he responded. His telephone lines were tapped for months; he could still be under surveillance.

Neither of my brothers was arrested. I believe that their U.S. citizenship and socioeconomic status prevented their detention. However, the fact that they could be discriminated against and perceived as a threat because of their ethnicity

and religion, despite having spent approximately 30 years in a country that they helped to build, cannot but remind me of the Japanese Americans who, during World War II, were harassed and ultimately sent to internment camps because of their race and national origin.⁵ I have heard similar stories from family friends who were subjected to investigation and detention by the government simply because of their ethnicity and religion. My fieldwork has confirmed this pattern of racial profiling. One interview after another established that after September 11, law enforcement officers targeted Muslim-looking men⁶ under the guise of national security and curtailed the freedom of innocent individuals. At the same time, the government continued to affirm that these detentions and deportations were important legal steps toward ensuring national security.⁷ This duplicity, which resulted in the uprooting of thousands of individuals rendered guilty by their religious and ethnic affiliations, inspired me to document the voices of 9/11 detainees and to examine the detention and deportation process.

Unfortunately, the wartime emergency of 9/11 was not the first time that the U.S. government created scapegoats and detained innocent individuals in the name of national security. Many historians and scholars have documented that politicians have repeatedly used the concept of national security as an excuse to target vulnerable populations and to portray them as enemies for political gains.⁸ In the following section, I provide a quick historical overview of wartime emergencies in the twentieth century in which the civil liberties of immigrants were curtailed in the government's so-called pursuit of national security. The purpose of this discussion is not to be exhaustive but to contextualize 9/11 detentions within U.S. history.

This historical context adds credibility to the voices of the detainees in this book. U.S. historical archives have demonstrated that politicians have often tried to take advantage of wartime emergencies, and it is hard not to conclude that instead of a real threat of terrorism, similar motivations led to the unlawful detentions of thousands of Muslim-looking individuals after 9/11. This historical overview also allows readers to see that although wartime emergencies share many similarities, the way the government carried out its operations against various groups differed from one historical period to another. For example, after the Pearl Harbor attacks, the government rounded up and interned over 100,000 Japanese Americans. In contrast, after 9/11, the government implemented a much narrower sweep and rounded up over 1,000 individuals based on their immigration status and Muslim appearance. The differences in strategy allow the government to suggest that it is not repeating its mistakes and that it really is pursuing criminals and terrorists. Despite these differences, one element clearly stands out: immigrants are vulnerable subjects who are much easier to harass and detain legally. In essence, the tradition of creating domestic enemy aliens is a cornerstone of U.S. domestic policy in wartime.

Wartime Emergencies in the Twentieth Century

The tradition of labeling immigrants as “enemy aliens” and detaining political dissenters in the United States dates back to the 1790s. The French Revolution and the subsequent turmoil in Europe raised fears about foreign political intrigue and influence. The Federalist president John Adams enacted the Alien and Sedition Acts of 1798, which allowed the government to deport aliens considered dangerous to the peace and safety of the United States.⁹ Over a century later, fear of the Russian Revolution infiltrating the United States led Attorney General Mitchell Palmer and his assistant John Edgar Hoover to target radicals and Communists under the Espionage Act (1917) and the Sedition Act (1918).¹⁰ During an episode generally known as the Palmer Raids, approximately 3,000 immigrants from Russia and Eastern Europe were rounded up under the threat of Communism and labeled as “Reds.”¹¹

These raids took place in several cities during 1920–1921 and targeted Union workers and foreigners. The vast majority of detainees were eventually released, but the anarchist Emma Goldman and 247 other people were deported to Russia. According to the historian Howard Zinn, “Pains were taken to give spectacular publicity to the raids, and to make it appear that there was great and imminent public danger. . . . The arrested aliens were in most instances perfectly quiet and harmless working people.”¹² Palmer legitimated these raids by creating a climate of fear; he implied that Communists were planning to overthrow the American government after the Russian Revolution.¹³

The practice of creating enemy aliens came to the forefront during World War II. After the Japanese attack on Pearl Harbor on December 7, 1941, President Franklin Delano Roosevelt (FDR) signed Executive Order 9066, which authorized the secretary of war to designate military areas “from which any or all persons may be excluded as deemed necessary or desirable.”¹⁴ By August 1942, over 110,000 Japanese Americans, two-thirds of whom were U.S. citizens, were removed from California, Washington, Oregon, and Arizona and interned in camps located mostly in remote areas of the Midwest and the Southwest. Lieutenant General John L. DeWitt, the commander of one of these areas, declared, “In the war in which we are engaged, racial affiliations are not severed by migration. The Japanese race is an enemy race. . . . A Jap is a Jap.”¹⁵

Internally, the government had not reached a consensus on the threat that Japanese Americans posed. Only two days before FDR signed Executive Order 9066, Attorney General Francis Biddle informed the president that there was “no evidence of any planned sabotage.”¹⁶ Both the attorney general and the secretary of war argued against internment on the grounds that the demand for the program was based on public hysteria and racial prejudice. Nonetheless, to appease public fears, FDR signed the order.¹⁷

Along with the Japanese, German and Italian nationals were also considered “dangerous enemy aliens.” A limited number of persons of German and Italian heritage were imprisoned; however, the mass internment of Japanese Americans was unparalleled in American history.¹⁸ Many scholars argue that race was the key factor in the large-scale detentions of Japanese Americans,¹⁹ which were not limited to Japanese living within U.S. borders. Government officials also captured ethnic Japanese from Latin American countries to be used in exchange for American prisoners of war captured by Japan. Over 2,000 Japanese individuals from 18 Latin American countries were brought to the United States and imprisoned in internment camps along with Japanese Americans.²⁰

A decade after World War II, U.S.-Soviet relations had started to deteriorate, and Communists and socialists were again scapegoated during the witch hunt led by Senator Joseph McCarthy.²¹ Unlike the events of the early 1920s, citizens were also under suspicion in the 1950s, along with immigrants. The fear of a nuclear war turned the “hot” war into a long cold war, in which affiliation with Communism or socialism became a national security issue and a source of suspicion. The Internal Security Act of 1950 made membership in Communist or totalitarianist organizations grounds for exclusion, deportation, or denial of naturalization. Senator McCarthy, as chairman of the Senate Committee of Government Operations, which included the Senate Permanent Subcommittee on Investigations, used the anti-Communist platform to accuse thousands of people of espionage, leading to the arrests and deportations of thousands.²²

During this time frame, the loyalties of over 10,000 American citizens of Chinese descent were also questioned because their ethnicity was considered an alleged risk to national security. Many were “hunted down, arrested and deported.”²³ Three laundrymen, for example, were imprisoned for six months for sending money to their families in China on the allegation that they were trading with the “enemy,” as defined by the Enemy Alien Act of 1917.²⁴

More recently, Muslim Americans have become the new enemy aliens after the 9/11 attacks, in spite of the fact that they have been inhabiting U.S. soil almost since the founding of the nation. A quick overview of the history of Muslims in the United States allows us to discern those historical moments when U.S. political interests converted immigrants into enemies.

History of Muslims in the United States

The history of Muslims in the United States is rich and diverse and includes legacies of slavery, migration, and conversion. Many scholars have identified Muslim names, Arabic scripts, and slave narratives written by Muslims in slave trade records that date back to 1530.²⁵ Although the exact number of Muslims brought from Africa as slaves is not known, scholars’ estimates have ranged from 7 to 10 percent because slaves were brought from predominately Muslim countries such

as Morocco, Senegal, Gambia, Guinea, Mali, and Niger. Scholars²⁶ have discovered lists of slave names, birth and death notices, family and church documents, advertisements for runaways, and other literary texts and notes describing exceptional slaves who read and wrote in Arabic, prayed five times a day, and observed strict diet codes. This initial wave of Muslims, however, did not flourish under the harsh living conditions slavery imposed.

The Muslim immigrant experience from the Middle East can be traced back to the 1890s. The first wave came from a region called the greater Syrian area and consisted of primarily farm workers. They were pushed to migrate to America by the economic hardships caused by the opening of the Suez Canal in the mid-nineteenth century, which rerouted world traffic from Syria to Egypt. Generally identified as Syrian, Syrian-Lebanese, and Ottoman subjects, most of these young immigrants were not highly educated and were male laborers intent on making a quick dollar and returning home. Lacking in training, capital, and English-language skills, many became peddlers. In the words of the scholar Michael Suleiman,

With a few words of English learned on the run, a suitcase (Kashshi) full of notions (e.g., needles, thread, lace) provided by a better-established fellow Lebanese or other Arab supplier, probably a relative who helped bring them to the New World, many new arrivals often were on the road hawking their wares only a day or so after they landed in America.²⁷

As the peddling industry dwindled because of industrialization in the 1920s and 1930s, many of these peddlers opened small grocery stores, restaurants, and coffee shops. Ford Motor Company in Dearborn, Michigan, and the shipbuilding industry in Quincy, Massachusetts, were the two major industrial forces that took advantage of the cheap labor provided by these young male immigrants.²⁸ These early immigrants appear to have fitted comfortably into America, for the most part, with their children and grandchildren.²⁹

Many scholars have noted that there is no continuity between the Islam practiced by African Muslims and the Black Muslim movement founded by W. D. Fard as the Nation of Islam in Detroit in the 1930s. After Fard's mysterious disappearance in 1934, the Nation of Islam flourished under the leadership of Elijah Muhammad until the leadership of Malcolm X transformed it into a powerful movement during the 1950s and 1960s. During this time, the FBI placed Malcolm X under heavy surveillance and blamed the Nation of Islam and other African American groups for fostering radicalism. After Malcolm X's assassination in 1965 and Elijah Muhammad's death in 1975, Wallace D. Muhammad³⁰ and Louis Farrakhan assumed leadership of the Nation of Islam.

The end of colonization in the 1940s in the Middle East and the subsequent emergence of nationalism shaped Muslim identities in relation to specific nation-states, and immigrants started to see themselves as Syrian, Lebanese, and

Jordanians instead of the larger Syrian or Ottoman identity. These immigrants tended to be secular in orientation and were committed to Arab nationalism and socialism, which started to emerge in the Arab nations in the 1950s and 1960s. The dismemberment of Palestine and the creation of the state of Israel created hundreds of thousands of Palestinian Arab/Muslim refugees, some of whom eventually found their way to the United States.

The U.S. government relaxed its immigration policies in 1965, in part because the cold war and the Korean and Vietnamese conflicts had created a severe shortage of qualified engineers, doctors, and professionals in the United States. Some of the highly educated populace of the Indian subcontinent and the Middle East, who were looking for opportunities to use their education and skills in a technologically advanced environment, took advantage of this urgency. This transnational pattern of supply and demand brought a new wave of Muslims from South Asia and the Middle East. "They were neither poor nor uneducated; on the contrary, they represent the best, educated elite of the Muslim world who see themselves as helping develop America's leadership in medicine, technology, and education."³¹ Many of these immigrants settled in large urban centers such as New York, Detroit, Los Angeles, San Francisco, Philadelphia, and Chicago and worked as doctors, engineers, computer programmers, and business entrepreneurs. After the Russian invasion of Afghanistan in 1979 and the Shah's overthrow in Iran, additional waves of Muslims came to the United States. Most of the Afghanis and Iranians settled in California and further diversified America's Muslim population in terms of social status, language, and culture.

After the initial wave of migration of highly qualified male professionals, family reunification, visa lottery programs, and familiarity with U.S. immigration laws sparked a second wave of migration—consisting of women and less educated people from working-class backgrounds—and further diversified the Muslim American population. Although U.S. immigration policies became more stringent with the passage of time, by the 1990s the establishment of a large Muslim community in the United States provided a network for individuals to obtain student, visitor, or asylum visas. Many of these individuals with temporary visas came to the United States and disappeared among immigrant communities after their visas expired, leading them to remain undocumented and missing from official census counts. A growing number of these immigrants are working for convenience stores, gas stations, and taxi companies,³² even though they come from educated and middle-class families in the Middle East and South Asia. Generally, the relatively high cost of airfare to the United States and unfamiliarity with English prohibit very low-income and uneducated South Asian and Middle Eastern individuals from migrating to the United States. Today, there are 2–7 million Muslims³³ in the United States consisting of Arabs, South Asians, African Americans, Africans, Central Asians, East Asians, individuals from other nations, and converts.