

The United States Department of Commerce  
Minority Business Development Agency (MBDA)

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**Petition for Determination of Group Eligibility for MBDA Assistance**

*The American-Arab Anti-Discrimination Committee (ADC),*

Petitioner.

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## **STATEMENT OF REQUEST**

The American-Arab Anti-Discrimination Committee (ADC) submits this application to the Director of the Minority Business Development Agency (MBDA) of the United States Department of Commerce, requesting formal recognition of the Arab-American community as a minority group that is socially or economically disadvantaged, as set forth under 15 C.F.R. § 1400. The requested designation is extremely important to the petitioners as it would create a presumption of eligibility for all members of the Arab-American minority community, thereby eliminating the need for amassing and producing evidence of social and economic disadvantage by each and every individual Arab-American applicant seeking the benefits of MBDA programs and opportunities.

## **DESCRIPTION OF APPLICANTS**

Pursuant to 15 C.F.R. § 1400.3(b) the description of the applicant is provided. The applicant submitting the application is the American-Arab Anti-Discrimination Committee (ADC). The group represented, and seeking designation as a whole, as a socially and/or economically disadvantaged minority is the Arab-American community. A description of both ADC and the community is provided below.

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

The application is submitted by the American-Arab Anti-Discrimination Committee (ADC), the Nation's largest Arab-American grassroots organization, and its only Arab-American civil rights organization. The organization was founded by former United States Senator James Abourezk. ADC, which is non-profit, non-sectarian and non-partisan, is committed to defending the rights of people of Arab descent and promoting their rich cultural heritage. ADC has

Chapters nationwide and members in every state. The ADC National Headquarters are located in Washington, DC, with a satellite office in Dearborn, Michigan.

ADC is at the forefront in combating discrimination against, and negative stereotyping of, Arab-Americans. In doing so, it acts as an organized framework through which Arab-Americans can channel their efforts toward unified, collective and effective advocacy. ADC also serves as a reliable source for the news media and as educators on Arab-Americans. By promoting cultural events and participating in community activities, ADC has made great strides in correcting anti-Arab stereotypes and humanizing the image of the Arab people. In all these efforts, ADC coordinates closely with other civil rights and human rights organizations on issues of common concern.

Through its Department of Legal Services, ADC offers counseling in cases of discrimination, defamation, and immigration. The services offered by the legal department are pro bono and available to the general public. ADC receives a significant number of cases on a yearly basis pertaining to all matters -- the highest volume of cases addressed by ADC are related to issues involving employment discrimination.

*Sociological, Ethnic & Racial Description of Arab-Americans:*

This petition seeks the recognition that members of the Arab-American community are socially and economically disadvantaged. Similar to other minority groups, such as Asian Pacific Americans,<sup>1</sup> Arab-Americans comprise a group from a discrete region of the world that struggles to succeed in a culture that is largely biased against them. Those with origins in the Arab

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<sup>1</sup> Asian Pacific Americans are persons with origins from Burma, Thailand, Malaysia, Indonesia, Singapore, Brunei, Japan, China (including Hong Kong), Taiwan, Laos, Cambodia (Kampuchea), Vietnam, Korea, The Philippines, U.S. Trust Territory of the Pacific Islands (Republic of Palau), Republic of the Marshall Islands, Federated States of Micronesia, the Commonwealth of the Northern Mariana Islands, Guam, Samoa, Macao, Fiji, Tonga, Kiribati, Tuvalu, or Nauru. 13 C.F.R. § 124.103.

world are often discriminated against because of their ethnic status. Throughout the last century the media in America has perpetuated a general characterization of Arab-Americans with negative associations. Movies have linked the false “Arab as terrorist” stereotype with true physical, linguistic, and cultural characteristics, causing Americans to more likely develop and act on anti-Arab bias. Before 9/11, more hate crimes were committed annually against Arab Americans than were committed against Asian Pacific<sup>2</sup> or Hispanic Americans,<sup>3</sup> two minority groups that are presumed to be socially and economically disadvantaged under the Small Business Administration (SBA) § 8(a) program.

An Arab-American is an American who traces his or her ethnic roots to one of the countries in the Arab World. The Arab World is comprised of all the countries that identify themselves as Arab, and it includes a population of approximately 200 million people. Key common features among these countries are use of the Arabic language and membership in the League of Arab States. The Arab countries, located in Northern Africa and Western Asia, are: Algeria, Bahrain, Djoubti, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Mauritania, Morocco, Oman, Qatar, Somalia, Saudi Arabia, Sudan, Syria, Tunisia, United Arab Emirates, and Yemen. Palestinians are also Arabs and are defined as those persons who trace their ethnic routes to the area known as Palestine under the British mandate.

The Arab World is bound by a cohesive, definable culture manifested by customs and traditions that include language, food, music, and religion. Arabs are religiously diverse, and

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<sup>2</sup> William B. Rubenstein, *The Real Story of U.S. Hate Crime Statistics: An Empirical Analysis*, 78 Tul. L. Rev. 1213, 1237-39 (2004) (measured per capita from 1996 to 2000, hate crimes committed against Arab Americans 30% more common than those committed against Asian Americans).

<sup>3</sup> *Id.* at P. 1239 (hate crimes committed against Arab Americans 80% more common than those committed against Hispanic Americans).

include people of the Muslim, Christian, Druze and Jewish faiths.<sup>4</sup> The majority of Arabs in the United States are of the Christian faith.<sup>5</sup> Arab-Americans in the United States number approximately two and one-half million according to most estimates. Demographic statistics of the Arab-American population are based upon estimates and studies because the U.S. Census Bureau and other government agencies do not compile statistics about Arab-Americans as a group, as they do for other minority groups.<sup>6</sup> Although no one single characteristic and tradition of the group is definitive in and of itself, the traditions and characteristics of Arab-Americans, when taken as a whole, distinguish them from other groups within the United States.

#### *Unique Cultural and Ethnic Characteristics:*

##### Language

The most unique characteristic of Arab-Americans is Arabic, an intricate and sophisticated language that dates back thousands of years. To be considered fluent in Arabic, one should be proficient in one of the various Arabic dialects, used in everyday life, as well as in Modern Standard Arabic, which is used in printed materials and official ceremonies. While other non-Arab ethnic groups that are Muslim utilize Arabic only during religious worship, Arabs use the Arabic language in all aspects of daily life, in addition to religious worship. Even though there are a number of Arabic dialects, Arabs from the various Arab countries communicate with each other using a combination of Modern Standard Arabic and dialects.

##### Skin Color

Skin color has been a central element in the history of America in defining race and ethnicity. Historically, some states have defined persons of color as anyone who was not white—who was

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<sup>4</sup> Arab American Institute, *Demographics: Religion (2002 Zogby International Survey)*, <http://www.aaiusa.org/arabamericans/22/demographics> (last visited December 30, 2011).

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

a “Negro, African, or was of Asian ancestry.” Arab-American skin color, varies from a “light-brown” common to those Arab Americans from the Levantine area, to “darker brown”, common to those Arab Americans from North Africa and the Arabian Peninsula. This skin color is a discrete physical characteristic which sets them apart from European Americans. In addition, dark brown or black hair, and brown eyes are defining features of Arab Americans. Quite often, Arab Americans are mistaken for people of Spanish, Hispanic or Saharan African descent.

### Food

Unique foods and traditions surrounding these foods have been transplanted by Arab-Americans to the United States. It is common that when friends or guests are visiting an Arab American household, they will be served hot, sweet tea in small glasses or thick Arabic coffee spiced with cardamom in small cups. These beverages may often be followed with fruit or unique Arabic pastries such as sesame cookies (*simsim*), date cookies (*ma'moul*), filo pastries filled with nuts (*baklava*) or any other of a variety of sweet delicacies.

Food served at main meals is also distinctive. Arab Americans use lamb to a large extent where it is available. Bulghar (*burghul*) wheat is used in many Arabic dishes including *tabouli*, a parsley-wheat salad, and *kibbah*, a meat and wheat dish spiced with cinnamon and cumin. Rice is also prevalent, and is commonly used for stuffing chicken, squash, and rolled grape leaves seasoned with lemon. Other popular Arabic dishes include: *kabshah* or *mensaf*, a lamb and rice dish, *hummus*, made from chick peas, lemon juice and *tahini* (sesame seed paste); *foul*, made from cooked fava beans; *imjadara*, which is made from lentils and rice or *bulghar*; and *man'aish*, made from an herbal paste spread on bread. Nuts, spices and fruits that are common to Arabic food include: pine nuts, pistachios, cinnamon, cardamom, cumin, and saffron as well as dates, figs and pomegranates.

## Music

The Arab World has a long history and tradition of music, with a variety of instruments, both stringed and percussive. The two most renowned Arab stringed instruments are the *oud* and the *rababa*. The *oud* has ten to twelve strings strung over a half-pear shaped frame with stripes of inlaid wood, and it, more than any other musical instrument, represents the hallmark of Arabic music. The *rababa*, a single stringed instrument made from animal hide and horse hair is most commonly utilized in the countries of the Arabian Peninsula.

There are four major percussion instruments used throughout the Arab World. They include: the *tableh/darboukah*, a clay or metal head drum; the *deff/riq*, a tambourine-type instrument covered on one side with fish or goat skin; *zafat*, finger cymbals made from a brass alloy; and the *mazhar*, a giant tambourine containing five sets of double cymbals.

Finally, the *nay/shebab* is a vertical reed flute and is one of the oldest instruments employed in Arabic music. Other flute-type instruments commonly utilized in Arabic music include the *mizmar* and the *yarghoul*.

## Arab-American Media/Press

Media and mass communications have also played an important role in promoting and preserving Arab culture among Arab-Americans. At the end of the 19<sup>th</sup> century and early 20<sup>th</sup> century, approximately fifty Arab newspapers and magazines such as the *Kokum* (the World) were published. While many of these earlier newspapers have since ceased publication, more recent magazine and journals have sprung up to replace them. Today, Arab-American newspapers, magazines and newsletters are flourishing within the United States. There are approximately eight regional magazines for Arab-Americans with national subscribers and nearly 300 newsletters are published. Some of the more popular ones include: *Beirut Times*, *Al-*

*Mirat*, and *Al-Anba Al-Arab*, all located on the West Coast, *The Arab American News*, published in Detroit, *Al-Bustan*, published in Chicago and *Al-Hoda*, the oldest Arab-American newspaper.

Arab-Americans have also used radio and T.V. media to promote and preserve their ethnicity. Approximately ten Arabic radio programs are broadcast on a daily and weekly basis in the United States. Television broadcasting includes Arabic programs, whose frequency of broadcasting ranges from once a week to several hours per week. All of these forms of media serve to define Arab-Americans and make them a distinct group in the United States.

The Arab-American ethnic identity has been strengthened and maintained by networking among Arab-American owned businesses, and promotion of those businesses in the Arab-American community. This networking began in 1907 with the publication of the first (known) directory of Arab-American owned businesses in the United States. This directory, currently held in the Arab-American Collection at the Smithsonian Museum on American History, is hundreds of pages long.

Current directories of Arab-American owned businesses include *The Arab-American Yellow Pages* and the *Arabic Business Directory*. In addition, at each convention held by a major Arab-American group, a program designed to promote products and services of Arab-American owned businesses, paid for by the businesses, is typically made available.

### **SUMMARY OF SUBMISSION**

Pursuant to 15 C.F.R. § 1400.3(c) a summary of petitioner's arguments is as follows:

The petitioning group will establish that Arab-Americans suffer from social or economic disadvantage. Further the arguments presented will establish that the social and economic status within the Arab-American community is chronic, longstanding, and substantial. Arguments presented by petitioner are as follows:

- I. Arab-Americans have suffered long-term, chronic discrimination and prejudice in American Society.
- II. Post 9/11: Arab-Americans have suffered and continue to suffer from discrimination and the effects of discrimination and prejudice over which they have no control.
- III. Arab-Americans suffer from discrimination, prejudice and cultural bias in the work place. This employment discrimination has produced obstacles in the business world for Arab-Americans --- both as employees and entrepreneurs. Members of the group have no control over such discrimination. Other entrepreneurs and individuals, outside of the group, do not suffer from such discrimination and bias.
- IV. Arab-Americans are undereducated. Educational deprivations for Arab-Americans are a result of discrimination, prejudice, and cultural bias.
- V. Statistics show that a new wave of refugees from Arab Nations are suffering from discrimination and the effects of discrimination and prejudice over which they have no control, placing them in a social and economic disadvantage.

### **Social and Economic Disadvantage of Arab Americans**

#### **I. Arab-Americans have suffered from long-term, chronic discrimination and prejudice in American Society.**

Discriminatory acts against Arab-Americans have been an historic problem, the dimensions of which are expanding. In the latter part of the 19<sup>th</sup> Century and early 20<sup>th</sup> Century, discriminatory acts were perpetrated against Arab-Americans because their darker skin tones and coloring set them apart from American descendants of Northern Europeans. Other dark-skinned persons suffered from the same race-based discrimination. “Their olive skin, dark eyes, large mustaches and shabby clothes betrayed their non-Nordic origins. They fit the stereotypical image which contemporary biological and pseudoscientific theories had classified as inferior—types that were likely to dilute the racial purity and weaken the moral fiber of the nation.”<sup>7</sup> In the latter part of the 20<sup>th</sup> Century, Arab-Americans have suffered from discrimination not only because they have darker skin, but because their ethnic background is Arab.

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<sup>7</sup> Alixa Naff, *Becoming American: The Early Arab Immigrant Experience*, 247, Theresa White, ed., Southern Illinois, 1993.

## *Victims of Nativism*

The first Arabs to come to the United States in large numbers were Syrians who arrived in the late 19<sup>th</sup> Century and early 20<sup>th</sup> Century. At the time of this immigration, much of what is now Lebanon was part of Syria, so that the descendants of these Syrians are regarded as Lebanese or Syrian-Americans, depending on the location of the village from which their family immigrated.

Arabs were lumped together with other dark-skinned new Americans. Often, they were referred to in the same derogatory terms as other dark-skinned new Americans, and were the subject of racial epithets including “Dago” and “Sheeny.”<sup>8</sup>

In Lockhart, Texas, Arabs were called “Dagos” and were prohibited from eating in public restaurants, from obtaining haircuts in shops open to the public and from attending public schools until the late 1920’s.<sup>9</sup>

In other regions, discrimination was more particular. Dr. H.A. El-Kouri, a Syrian physician in Birmingham, defended the Arabs against derogatory public comments made by Congressman John L. Burnett in 1907. Burnett stated that he had seen some “dirty and diseased” Arabs in Marseilles, France, and on his return to the United States, he proclaimed them to be the “most undesirable of the undesirable peoples of Asia Minor” and he supported their exclusion.<sup>10</sup>

According to the “St. Louis Project,” a study which was conducted on the Maronites who constituted the majority of the Syrian community during the early 1920’s, discrimination and prejudice, primarily motivated by economics, was directed against Syrian-Arabs who were living among a predominantly German and Irish community in St. Louis. The parochial school

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<sup>8</sup> *Id.* at P. 249.

<sup>9</sup> *Id.* at P. 250

<sup>10</sup> *Id.* at P. 250.

children called them “nigger” because the Syrian-Arabs were “poor and some were dark skinned.” After World War II, the prejudice became more ethnically specific. The epithets that Arabs faced included “camel jockey,” “dirty Syrian,” and “Turk.”<sup>11</sup>

### *Discrimination in Early Immigration*

Under the 1870 Naturalization Act (8 U.S.C. Section 359, R.S. 2169), only “free whites and aliens of African descent and African nativity” were eligible to become U.S. citizens. Up until 1910 this law posed no barriers to most Arab-Americans. The Bureau of Immigration considered “Syrians” and “Palestinians” as Caucasians. These groups accounted for the vast majority of Arab-Americans then in the United States.<sup>12</sup>

This situation changed in 1910, when the U.S. Census Bureau classified Syrian and Palestinian Arabs as “Asiatics.” The Bureau of Immigration and Naturalization issued a nationwide directive in ordering the rejection of citizenship petitions by those petitions who were not “free white persons” or of “African nativity.” As a result, the vast majority of Arabs in the United States became ineligible for U.S. citizenship under this directive.

Despite this directive, courts interpreting the Naturalization Act sometimes found Arabs to be “free white persons” and other times did not, compounding the frustration of the Arab-American community. In *Ex Parte Shadid*,<sup>13</sup> the court upheld the Bureau of Immigration and Naturalization’s determination that Shadid was ineligible for citizenship because he was a Syrian-Arab, not a “free white person.”

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<sup>11</sup> *Id.* at Pp. 250, 252.

<sup>12</sup> Any Arabs from North Africa would have been considered “Africans;” the few Arabs in the U.S. from the Persian Gulf states were ineligible for U.S. citizenship because they were not “white.” See *In re Ahmed Hassan*, 48 F. Supp. 843 (E.D. Mich. 1942).

<sup>13</sup> See *Ex Parte Shahid*, 205 Fed. Rep. 812 (E.D. S.C. 1913).

Similarly, the court in *In re Najour*,<sup>14</sup> reached the same conclusion regarding another Syrian-Arab. But the *Najour* case became something of a *cause célèbre* in the Syrian-American community, and on rehearing, the court determined that Syrians were “white persons” within the meaning of the 1870 statute.

In *In re Balsara*,<sup>15</sup> the court considered whether “free white persons” as used in the naturalization statutes includes all branches of the Aryan race or is limited to those races who were present in the U.S. at the time the naturalization statute was enacted in 1870:

...there are equally serious objections to accepting the words “white persons” as including all branches of the great race of family known to ethnologists as the Aryan, Indo-European, or Caucasian. To do so will bring in, not only the Parsees – [a Zorastrian sect in India, descended from Persians], of which the applicant is a member, and which is probably the purest Aryan type, but also Afghans, Hindoos, **Arabs** [Emphasis added] and Berbers [certain North Africans]. Individuals of those races may be desirable citizens, but it may well be doubted whether Congress intended to make citizenship here free for all of them upon merely the meager examination of qualifications and antecedents which the statute provides.

The court ultimately permitted naturalization for Balsara, not on conclusive grounds as to race in general, leaving that determination to be made by Congress.

In spite of the *Najour* decision, however, Arab applicants continued to be rejected at the district court level especially in southern and Midwestern states. Only after these cases were appealed did the Arab applicants win.<sup>16</sup> Local courts were being influenced by the nation’s sentiment for selective and restrictive immigration.

In a subsequent case, *In Re Dow*,<sup>17</sup> the District Court Judge ruled that Syrian-Arabs were not members of the “Caucasian Race.” In response to this decision, the Society of the Syrian

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<sup>14</sup> See *In re Najour*, 174 Fed. Rep. 735 (N.D. Ga 1909).

<sup>15</sup> See *In re Balsara*, 171 Fed. Rep. 294, (1909).

<sup>16</sup> See *In re Madarri*, 176 Fed. Rep. 465 (C.C. Mass., 1910) and *In re Ellis*, 179 F. 1002 (D. Or., 1910).

<sup>17</sup> See *In re Dow*, 213 Fed. Rep. 335 (D.S.C. 1914).

National Defense was organized and vowed to “fight to the death to defend the rights and honor of all who speak Arabic and are born under Asian skies.”<sup>18</sup> This decision, according to a special committee representing the Syrians of Florida, was prejudicing federal examiners who influenced judges, as for example in the case of a well-qualified Jacksonville applicant who was disqualified for citizenship only after the judge learned the applicant was Syrian.<sup>19</sup>

On appeal to the Fourth Circuit in 1915, Judge Woods held that Syrians belong to the Semitic branch of the Caucasian race and therefore were eligible for citizenship.<sup>20</sup> Even after *Dow*, Judge Smith who had originally denied the *Dow* petition, denied another Arab petition in 1923, until it was pointed out that Syria was not within the region of the world from which immigration to the U.S. was prohibited.

Later cases in the 1940s continued to raise the issue of citizenship for Arabs. Arabs originating from the Arabian Peninsula were still excluded from becoming citizens. In *In re Ahmed Hassan*,<sup>21</sup> the court, in considering a Yemeni’s citizenship petition, held that Arabs as a class were not white and therefore not eligible for citizenship:

In view of the evident intent of Congress, as interpreted by the Supreme Court in *Thind* the court should be presented with convincing case before it holds a person of Asiatic stock to be white. Apart from the dark skin of Arabs, it is well known that they are a part of the Mohammedan world and that a wide gulf separates their culture from that of predominantly Christian people of Europe. It cannot be expected that as a class they would readily intermarry with our population and be assimilated into our civilization.

The court went on to further state:

... the test is not how the group in question would be classified by ethnologists who have made a study of racial origins, but rather what groups of people then living in the United States in 1970 with characteristics then existing were intended by Congress to be

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<sup>18</sup> “The Syrian American Problem” (in Arabic), *Al-Hoda*, 20 April 1914, p. 5, in Naff, *Becoming American*, p.256.

<sup>19</sup> See Naff, *Supra* note 1 at pg. 257.

<sup>20</sup> *Dow v. United States*, 226 F. 145 (4<sup>th</sup> Cir. 1915).

<sup>21</sup> See *In re Ahmed Hassan*, 48 F. Supp. 843, (E.D. Mich. 1942).

classified as “white persons.” Applying these principles the court finds that the petitioner is an Arab and that Arabs are not white persons within the meaning of the Act.

Even though Yemen and other parts of the Arabian Peninsula were outside the zone from which Asiatic immigration to the U.S. was excluded, the court held that all those outside the excluded zone are not necessarily white persons under the Nationality Act of 1940. Legal barriers to U.S. citizenship for many Arabs remained.

### *Quota Restrictions*

After World War I, the Quota Act of May 19, 1921, limited the annual quota of any nationality to 3% of the foreign-born of such nationality resident in the U.S. as determined by the 1910 census. The Quota Act is widely viewed as an attempt to limit immigration to the United States from Arab countries and all countries outside of Northern Europe. Of the 357,803 immigrants allowed annually under this new restrictive law,<sup>22</sup> only 100 Arabs from present day Syria and Lebanon were allowed to immigrate annually.

When the Quota Act expired, the quota for Arab immigrants did not improve greatly. Under the National Origins Provisions of the Immigration Act of 1924, the quota for each region of the world was determined on the basis of the national origin of the total population in the 1920 census. Northern and Western Europe was allotted 81.9% of the annual quota of 153,714 citizenship petitions, Southern and Eastern Europe 16%, and the remaining 2.1% was made available to persons born in Africa, Asia and the Pacific.<sup>23</sup>

Although the National Origins Plan was adopted primarily as a basis for determining quotas, in its broader sense, it was intended to preserve the racial and ethnic composition of the United States through the selection of immigrants from those countries whose traditions, languages and

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<sup>22</sup> Gualtieri, Sara M.A. (2009). *Between Arab and White: Race and Ethnicity in the Early Syrian America Diaspora*. California Press.

<sup>23</sup> *Id.*

political systems were akin to those in this country.<sup>24</sup> For the Arabs, whose traditions, language and culture were vastly different than the majority groups in the United States, this new law had the discriminatory effect of drastically limiting immigration from Arab countries. The discriminatory intent and effect of this law is unmistakable when this figure is compared to the quota of thousands for immigrants from Northern Europe.

Throughout the 1930s, 40s and 50s, the quota laws remained basically intact for Arab immigrants. In 1949, a Presidential proclamation established minimum quotas of 100 persons for Jordan, Israel, Syria and Lebanon, thereby abolishing the combined quota of 123 for Syria and Lebanon.<sup>25</sup> Other Arab countries were categorized as “Asian countries” and allotted quotas accordingly.

The politics and prejudice directed against such immigrant groups as Arabs were evident from this quota system. The discriminatory nature directed against Arab-Americans, among others was apparent to most. According to President John F. Kennedy, the use of the national origins system:<sup>26</sup>

... is without basis in either logic or reason. It neither satisfies a national need nor accomplishes an international purpose<sup>27</sup>... Furthermore, the national origins system has strong over-tones of an indefensible racial preference. It is strongly weighted toward so-called Anglo-Saxons, a phrase encompassing almost anyone from Northern and Western Europe.<sup>28</sup>

President Johnson, in signing the Immigration Bill of October 3, 1965, that abolished the national origins system, stated that the new law:

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<sup>24</sup> *Id.*

<sup>25</sup> Rowe, Amy. (2008). *A Trace of Arabic in Granite: Lebanese Migration to the Green Mountains, 1890-1940. Vermont History* Vol. 76, No. 2 (Summer/Fall 2008): 91–129. The Vermont Historical Society.

<sup>26</sup> Kennedy, John F., Foxman, Abraham H., Kennedy, Edward M. (2008). *A Nation of Immigrants*. HarperCollins Publishers.

<sup>27</sup> *Id.* at P. 77.

<sup>28</sup> *Id.* at P. 45.

Corrects a cruel and enduring wrong in the conduct of the American nation...  
The fact is that for over four decades the immigration policy of the United States has been twisted and has been distorted by the harsh injustice of the national origins quota system.

Arabs were one of the victims of this harsh injustice that was created and perpetuated by the United States government for over forty years. This system, which said that Arab immigrants, among others, were “unclean” and “unfit” to become United States citizens, greatly contributed to the misperceptions about Arab-Americans and to the chronic racial and ethnic prejudice Arabs have faced in the United States.

#### *Case Examples*

Arab-Americans have been discriminated against in public and private employment, housing, government contracts and government benefits. In the latter part of the 20<sup>th</sup> Century Arab-Americans used the judicial system to fight this prejudice and discrimination.

In *Ibrahim v. N.Y. State Dept. of Health*,<sup>29</sup> an “ethnic Arab” who was hired in 1976 by the State of New York, was repeatedly denied the position of principal fiscal analyst although he had passed the required civil service exam, unlike provisional appointees, he had attained a higher level of education, and had greater accounting-related work experience than any of the provisionals. Ibrahim filed suit for employment discrimination under Title VII on the basis of national origin. The District Court found that there was a failure to hire the most qualified and most experienced person, while the over-time provisionals were either ineligible or had failed the exam, but the State had not violated Title VII by failing to promote Ibrahim. On appeal, the Second Circuit found that the appellee discriminated against Mr. Ibrahim based on national origin, and remanded the case to determine damages.

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<sup>29</sup> *Ibrahim v. N.Y. State Dept. of Health* 904 F.2d. 161 (2nd. Cir. 1990).

In the spring of 1983, three Arab-Americans then employed at Embassy Row, a luxury hotel in Washington, D.C., were discharged from employment after a period of harassment and unfair treatment by the general manager of the hotel. In the case, *Zaytoun v. Embassy Row Hotel, Inc.*,<sup>30</sup> the court held that the Arab-American employees were discriminated against based on their Arab national origin:

While harassment may sometimes or even often consist of overt racial or ethnic epithets, it may also exist in more subtle but equally poisonous forms. In the present case, Buse [the general manager] did not refer to Zaytoun and Khraishah in ethnic terms, but his constant criticism of their work was unfounded and motivated by ethnic bias.

Although punitive damages are rarely awarded in employment discrimination cases, Judge Burgess saw fit to make such an award in this case, given the egregious conduct of the employer.

Arabs have been subjected to more overt forms of harassment and discrimination also. In 1991, the New York Commission on Human Rights awarded \$30,000 in damages for mental anguish, humiliation and outrage, to three Arab-American elevator operators who were subjected to derogatory comments about their Arab ethnicity and religion on a daily basis over a period of several years. The building supervisor repeatedly called the three employees “camel jockeys” and told them that Muslims were dirty people, and were regularly threatened with deportation. New York Deputy Commissioner Rolando Acosta remarked, “The evidence showed that these three men were harassed because of their religion and national origin, a clear violation of the NYC Human Rights Law.”

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<sup>30</sup> *Zaytoun v. Embassy Row Hotel, Inc.* No. 6744-83, (D.C. Super. Ct. June 21, 1985), *appeal dismissed* (Ct. of Apps. Oct. 9, 1986).

**II. Post 9/11: Arab-Americans have suffered and continue to suffer from discrimination and the effects of discrimination and prejudice over which they have no control.**

Although Arab-Americans have comprised a minority group struggling to find its equal place in America for decades, this struggle became all the more difficult after September 11<sup>th</sup>, 2001. Arab-Americans across the country experienced a backlash, in the form of violence, verbal abuse, discrimination, and racial profiling, for what some perceived to be their tacit connection to the tragic events of that day. In the post 9/11 era, Arab-Americans continue to suffer from discrimination and the effects of discrimination and prejudice over which they have no control.

The irrefutable suffering of Arab-Americans during the last decade has been documented in numerous sources generated by government agencies, civil rights organizations, research institutions and others. One recent document issued by the Department of Justice is the Statement of Thomas E. Perez, Assistant Attorney General in the Civil Rights Division before the Subcommittee on the Constitution, Civil Rights, and Human Rights of the Committee on the Judiciary of the United States Senate.<sup>31</sup> In his statement, Mr. Perez asserts that "Arab-American, Muslim-American, Sikh-American and South Asian American individuals have become targets for those who wrongfully wish to fix blame on members of these groups for the despicable acts of terrorists." Mr. Perez's statement focused on two areas where Arab-Americans have arguably suffered most: hate crimes and employment discrimination. He reports that "more than 800 incidents involving violence, threats, vandalism and arson against persons perceived to be Muslim or to be of Arab, Middle Eastern, or South Asian origin" were investigated by the Department of Justice since 9/11.<sup>32</sup> He further reports that these groups continue to experience a

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<sup>31</sup> Statement of Thomas E. Perez, Assistant Attorney General, Civil Rights Division before Subcommittee on the Constitution, Civil Rights, and Human Rights Committee on the Judiciary United States Senate, Entitled, "Protecting the Civil Rights of Muslim Americans," Presented March 29, 2001.

<sup>32</sup> *Id.*

heightened threat of violence against them.<sup>33</sup> Mr. Perez also highlights the increased rate of reports of employment discrimination in the United States of Arab-Americans: "many Muslim and Arab Americans today find themselves targets of discrimination in the workplace."<sup>34</sup> Finally, Mr. Perez addressed the problem faced by Arab-Americans and other associated minorities of bullying in schools.<sup>35</sup> Unfortunately Arab-American students have had to face insults and taunts, such as being called a "terrorist," because of their racial background, ethnic identity, national origin or foreign-sounding accent.

Overall, the backlash against Arab-Americans was devastating to the communities across the United States. Indeed, the FBI reported a 1600 percent increase in reports of discrimination and harassment in the period following the attacks in New York.<sup>36</sup> Another report stated, "September 11th was clearly a politically charged, transformative event for U.S. society in general, including American Arabs and Muslims. Given that the fateful event was orchestrated by individuals of Arab descent, it brought to the forefront of public scrutiny members of Arab and Muslim origins. Before 9/11, and despite experiences of discrimination, their plight was overshadowed by the concerns of other minority groups."<sup>37</sup> After 9/11, Arabs and Muslims were largely depicted as a unified, coherent, and threatening group consisting of "foreigners," "extremists," and "terrorists".<sup>38</sup> The effect on Arab Americans has been so dramatic, that a recent study shows that discrimination and prejudice against Arab-Americans leads to

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<sup>33</sup> *Id.*

<sup>34</sup> *Id.*

<sup>35</sup> *Id.*

<sup>36</sup> *Id.*

<sup>37</sup> Susan M. Akram and Kevin R. Johnson, *Race, Civil Rights and Immigration Law After September 11, 2011: the Targeting of Arab and Muslims*, in the NYU Annual Survey of American Law 58, no. 3 (2002): 295-356 [58 N.Y.U. Ann. Surv. Am. L. 295 (2002)].

<sup>38</sup> Ilir Disha and James C. Cavendish and Ryan D. King. *Historical Events and Spaces of Hate: Hate Crimes against Arabs and Muslims in Post- 9/11 America*, University of California Press: Social Problems, Vol. 58, No. 1 (February 2011), pp. 21-46. <<http://www.jstor.org/stable/10.1525/sp.2011.58.1.21>>

measurable psychological distress and reduced levels of self-esteem and environmental mastery.<sup>39</sup>

### *Government Programs Targeting Community/Impact on Business*

Shortly after the tragedy of 9/11, the United States Government adopted counter-terrorism measures that had a disparate impact on the Arab-American community. The measures included, but are not limited to, the implementation of the National Security Entry Exit Registration System (NSEERS); stricter travel guidelines; and development of “no-fly” lists by the Department of Homeland Security (DHS).<sup>40</sup>

The NSEERS program was a counterproductive response in the wake of September 11, 2001, and required certain non-immigrants to register at ports of entry and local immigration offices; this process entailed fingerprints, photographs and lengthy questioning. The most controversial aspect of the NSEERS program was a “domestic call-in” component that solicited registrations from more than 80,000 males who were inside the United States on temporary visas from Arab nations.<sup>41</sup> The specific parameters of NSEERS revealed it to be a system that was a clear example of profiling, discriminatory, arbitrary, and an ineffective national security measure.<sup>42</sup>

In an effort to secure air travel, the Transportation Security Administration (TSA), a component of DHS, adopted the use of “no-fly” lists. Shortly after the adoption of this practice

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<sup>39</sup> Bonnie Moradi and Nadia Talal Hasan. “Arab American Persons’ Reported Experiences of Discrimination and Mental Health: The Mediating Role of Personal Control.” *Journal of Counseling Psychology* (2004) Vol. 51, No. 4, 418–428 at 423.

<sup>40</sup> American-Arab Anti-Discrimination Committee (ADC), *2001-2002 Report on Hate Crimes and Discrimination against Arab Americans: The Post September 11 Backlash* (report, American-Arab Anti-Discrimination Committee - Research Institute, Washington, DC 20007).

<sup>41</sup> American-Arab Anti-Discrimination Committee (ADC), *NSEERS: The Consequences of America’s Efforts To Secure Its Borders* (2009)(report, American Arab-Anti-Discrimination Committee - Research Institute, Washington, DC 20007).

<sup>42</sup> Note: After years of lobbying and advocacy the Department of Homeland Security suspended the NSEERS component pertaining to the Arab-American community. Despite these actions, ADC continues to receive cases on a regular basis of individuals adversely impacted by the program.

many Arab-Americans were placed on the list based on their names. Managing the list proved difficult, causing individuals, predominantly Arab-Americans, to be placed on the list as a result of having a similar name to someone who may pose a threat to national security. Many members of the group experienced delays resulting from secondary searches, prolonged questioning by government agents, and even removal from aircraft by airline personnel.

The implementation of tighter security measures and “no-fly” lists deterred many members of the Arab-American community from travelling.<sup>43</sup> This had a direct impact on members of the group who travelled often for business reasons. Further, Arabs coming from abroad experienced the same delays entering the United States, causing many of them to no longer engage in commerce and business in the U.S.<sup>44</sup>

The impact of NSEERS on the Arab-American, South Asian-American and Muslim-American communities endures. As documented in the report issued by ADC and the Center for Immigrant Rights at Penn State University Dickinson School of Law, "NSEERS: The Consequences of America's efforts to Secure Its Borders," (March, 2009) , “[w]ell-intentioned individuals who failed to comply with NSEERS due to a lack of knowledge or fear have been denied “adjustment of status” (green cards), and in some cases have been placed in removal proceedings under the premise that they “willfully” failed to register. This scenario has torn apart families because of the real implications of having a parent or spouse without a legal status.”<sup>45</sup> Nearly 14,000 men who complied with call-in registration were placed in removal proceedings.

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<sup>43</sup> American-Arab Anti-Discrimination Committee (ADC), *2003-2007 Report on Hate Crimes and Discrimination against Arab Americans* (report, American-Arab Anti-Discrimination Committee - Research Institute, Washington, DC 20007).

<sup>44</sup> *Id.*

<sup>45</sup> American-Arab Anti-Discrimination Committee (ADC), *NSEERS: The Consequences of America's Efforts To Secure Its Borders* (2009), P.6 (report, American Arab-Anti-Discrimination Committee - Research Institute, Washington, DC 20007).

If a goal of special registration was to track possible terrorists, deporting those who complied with the program undermines this aim, especially since it may reduce future compliance.”

The social impact of the ongoing discrimination on Arab-Americans is profoundly clear. Also evidently clear is the economic disadvantage resulting from such discriminatory programs which restricted travel of Arab-Americans, and resulted in the decrease of commerce and business involvement by members of the group.

**III. Arab-Americans suffer from discrimination, prejudice and cultural bias in the workplace. This employment discrimination has produced obstacles in the business world for Arab-Americans --- both as employees and entrepreneurs. Members of the group have no control over such discrimination. Other entrepreneurs and individuals, outside of the group, do not suffer from such discrimination and bias.**

This section focuses on employment discrimination against Arab Americans – its social and economic impact on the Arab American community. Arab-Americans suffer from discrimination, prejudice and cultural bias in the workplace. It is the believe of ADC that employment discrimination has produced obstacles in the business world for Arab-Americans --- both as employees and entrepreneurs. Members of the group have no control over such discrimination. Other entrepreneurs and individuals, outside of the group, do not suffer from such discrimination and bias. Therefore ADC reiterates that Arab-Americans are a socially and economically disadvantaged minority who do not have sufficient access to capital formation networks. As this section illustrates, the MBDA should rule that Arab-Americans are eligible for MBDA assistance.

The University of California, Los Angeles requires faculty to be hired in accordance with a diversity pool.<sup>46</sup> This means that the university is allowed – indeed, is obliged – to ensure that it

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<sup>46</sup> Tehranian, John. White Washed: America's Invisible Middle Eastern Minority. New York and London: New York University Press, 2009. Pg. 117.

contributes to the diversity desired on its campus by taking the minority status of an applicant as among the factors to consider during the hiring process.<sup>47</sup> Its faculty recruitment process makes no mention of Arab Americans in the diversity pool requirements. This is because Arab Americans are considered white.<sup>48</sup> Although they are “white” by government standards, scholar John Tehranian argues that “[t]he assumption that Americans of Middle Eastern descent have not suffered systemic racial prejudice in American society is disingenuous.”<sup>49</sup> Furthermore, he states, “Formal recognition of whiteness by state and federal governments belies a history of discrimination against Americans of Middle Eastern descent.”<sup>50</sup> The reality is that as much as Arab-Americans have been subsumed into the “white” racial and ethnic category, their everyday experiences glaringly reveal their minority status in America. This has placed them in the unique position of being conspicuously different and therefore vulnerable to discrimination, but unable to formally address their disparate treatment as a result of their official invisibility. As Tehranian states, “[r]eified as the other, Americans of Middle Eastern descent do not enjoy the benefits of white privilege. Yet, as white under the law, they are denied the fruits of remedial action.”<sup>51</sup> As a result of this unique position, Arab Americans have managed to make some headway in being recognized as a minority. For example, as ADC reports,<sup>52</sup> in the employment discrimination case of *Al-Khazraji v. St. Francis College*<sup>53</sup>, Dr. Majid Al-Khazraji was refused tenure. When the

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<sup>47</sup> *Id.* at P. 117.

<sup>48</sup> *Id.* at P. 37. (“the EEOC classifies Arabs and other individuals from the Middle East . . . as “white.” Similarly, the Cod of Federal Regulations defines someone who is “White, not of Hispanic Origin” as a “person having origins in any of the original people of Europe, North Africa, or the Middle East.” “. . . individuals from the Middle East are not considered minorities at the federal level. State guidelines are typically in accord.”

<sup>49</sup> *Id.* at P. 38.

<sup>50</sup> *Id.* at P. 88.

<sup>51</sup> *Id.* at P. 3.

<sup>52</sup> American-Arab Anti-Discrimination Committee (ADC), *1986-1988 ADC Activity Report*, P.19 (report, American-Arab Anti-Discrimination Committee - Research Institute, Washington, DC 20007).

<sup>53</sup> *Saint Francis College v. al-Khazraji*, 481 U.S. 604 (1987).

Supreme Court agreed to hear the case, ADC filed an amicus curiae brief in support of Al-Khazraji's claim that Arabs should fall under Section 1981 of U.S. Code Title 42, which guarantees freedom of employment from infringement on racial grounds. This section of the law was based on the 1866 Civil Rights Act, which was originally passed to protect Black slaves. ADC's brief supported the contention that the 1866 law and statutes based on it offer protection to Arabs and other Caucasian minorities. In May 1987, the Supreme Court ruled unanimously in favor of Al-Khazraji:

...Congress intended to protect identifiable classes of persons under §1981 who are subject to intentional discrimination solely because of their ancestry or ethnic heritage. If respondent on remand can prove that he was subjected to intentional discrimination based on the fact that he was born an Arab, rather than solely on the place of nation of his origins or his religion, he will have made out a case under §1981.

This finding continues to be significant today, as within the last decade, ADC has witnessed a significantly elevated level of employment discrimination complaints.<sup>54</sup> The sharpest rise in employment discrimination against Arab Americans occurred during the period after September 11, 2001.<sup>55</sup> Though rates of such cases have decreased since, their level of occurrence is still notably higher than the two decades prior to 9/11.<sup>56</sup> Indeed, employment discrimination has consistently been the number one issue among the complaints ADC has received for the last several years.<sup>57</sup>

As evidenced by the myriad of cases the ADC Legal Department handles, the discrimination manifests in various forms. For example, an Arab American employee may be subjected to a

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<sup>54</sup> American-Arab Anti-Discrimination Committee 2003-2007 Report on Hate Crimes and Discrimination against Arab Americans.

<sup>55</sup> *Id.*

<sup>56</sup> *Id.*

<sup>57</sup> American-Arab Anti-Discrimination Committee (ADC), 2010 Legal Department: Legal and Policy Review P. 1 (report, American-Arab Anti-Discrimination Committee - Research Institute, Washington, DC 2007).

pattern of derogatory behavior, such as repeatedly being called a “terrorist,” “towel head,” or “camel jockey,” or he/she may experience a particularly inflammatory incident, such as being threatened, assaulted, or otherwise - that he/she is, by definition of the anti-discrimination law, exposed to a hostile environment at work.<sup>58</sup> An Arab-American may also suffer employment discrimination through demotion, the unfair denial of a promotion, or wrongful termination.<sup>59</sup> Discrimination may further ensue in the form of *retaliation* by the employer against the Arab-American employee, which essentially constitutes punishing the employee for reporting any previous abuse.<sup>60</sup> ADC yearly reports, dating back to the 1980s, provide a substantial sample of complaints outlining fact patterns of alleged employment discrimination.<sup>61</sup>

*The Equal Employment Opportunity Commission: Records and Actions*

As the central government entity that deals with employment discrimination, the EEOC plays a key role in recording incidents of various types and aspects of employment discrimination cases. Furthermore, the actions of the Commission provide insight into the perception of the government of the severity and importance of certain employment discrimination phenomena. Days after the devastating events of 9/11, with backlash employment discrimination charges on the rise, the EEOC took action in attempting to combat the surge of discrimination against persons in the workforce who were Arab, Afghani, Muslim, Middle Eastern or South Asian, or were perceived to be of that background.<sup>62</sup> The EEOC issued guidance and information for employees about their rights and for employers about their responsibilities. According to the

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<sup>58</sup> Civil Rights Act of 1964, 42 U.S.C. § 2000e.

<sup>59</sup> *Id.*

<sup>60</sup> *Id.*

<sup>61</sup> Note: Reports have been submitted with the petition for further reference.

<sup>62</sup> Cassandra M. Gandara. Post 9/11 Backlash Discrimination in the Workplace-Employers Beware of Potential Double Recovery. Houston Business and Tax Journal, (2006) : 169-200.

EEOC, during the decade following 9/11, “1,035 charges were filed under Title VII alleging post-9/11 backlash employment discrimination.”<sup>63</sup> The allegations mainly claimed discrimination based on national origin or religion.<sup>64</sup> National origin discrimination claims were consistently higher for each year since 9/11 than the yearly number of these claims before 9/11.<sup>65</sup>

These records are consistent with ADC findings of reported discrimination. It is significant to note, however, that the recorded numbers likely reflect only a fraction of the reality. As an article in the Houston Business and Tax Journal from 2006 notes, “[t]hese numbers, although an obvious increase from years preceding 9/11 attacks, represent only a portion of actual discriminatory actions plaguing American workplaces. Many discriminatory actions may go unreported due to a victim’s fear of negative repercussions from the employer or the government.”<sup>66</sup>

#### *Effect of Discrimination on Earnings Post- 9/11*

Whereas the ADC and the EEOC gleaned information regarding employment discrimination against Arab Americans on a case-by-case basis, other resources have been used to gain a more comprehensive look at the impact on Arab American employment. One study used microdata from the U.S. Census from the year 2000 and the year 2002 to explore the way in which earnings of Arab American men were influenced by 9/11.<sup>67</sup> The study made a number of findings that indicate Arab American men were disadvantaged in terms of their earnings after 9/11.

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<sup>63</sup> FACT SHEET: Backlash Employment Discrimination Charges related to the events of 9/11/2001, against individuals who are, or are perceived to be, Muslim, Arab, Afghani, Middle Eastern or South Asian.

<sup>64</sup> *Id.* at P. 189.

<sup>65</sup> *Id.* at P. 189.

<sup>66</sup> *Id.* at 173.

<sup>67</sup> Alberto Davila and Marie Mora. Changes in Earnings of Arab men in the US. Journal of Population Economics, 2005, vol. 18, issue 4, pages 587-601.

Specifically, the study revealed that “Arab men from the Middle East and those from Afghanistan, Iran and Pakistan experienced a significant earnings decline relative to US-born non-Hispanic whites between 2000 and 2002.”<sup>68</sup> This was found to be the case with Arab Americans across a wide spectrum of income levels.<sup>69</sup> According to the authors of the study, the reason behind the drop in earnings can be interpreted through one of two ways: One, the discrepancy suggests “employer, employee, or customer discrimination.”

Alternatively, it can be seen as evidence that “employers might have expected an increase in the frequency of government-sponsored workplace inspections (and employee detentions or deportations) following 9-11 if they hired workers with potential terrorist ties.” Indeed, through legislation passed soon after 9/11, employers were to investigate their employees, or else risk serious repercussions: “The USA Patriot Act, a piece of legislation quickly passed in response to the 9/11 attacks, pressures all employers to investigate their employees. Otherwise, employers could face severe penalties if found to be sheltering a terrorist or benefiting from terrorist activity. Thus, harassment in the workplace has become an act of patriotism for employees guilty of linking individuals perceived to be of Arab or Muslim descent to the 9/11 terrorists.”<sup>70</sup>

Both interpretations suggest the lower earnings stem from negative associations made about Arab-Americans, which the authors of the study argue, “indicates the presence of a significant perverse shift in the labor market between 2000 and 2002 against immigrant men targeted by negative media coverage following 9-11.”<sup>71</sup> Also noted is a more significant drop in earnings

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<sup>68</sup> *Id.* at P. 588.

<sup>69</sup> *Id.* at P. 598.

<sup>70</sup> *Id.* at P. 174.

<sup>71</sup> *Id.* at P. 593.

among Arab Americans as compared to non-Hispanic whites in areas more densely populated with Arab Americans, as compared to the drop in earnings of Arab Americans in other areas.<sup>72</sup>

In addition to decreased earnings over the two-year period, the study also showed that despite showing a higher skill level as compared to non-Hispanic whites, Arab Americans suffered a relatively greater decrease in employment levels from 2000 to 2002.<sup>73</sup> A general drop of employment with both groups as a result of the country's economic downturn was accounted for in noting the discrepancy.<sup>74</sup>

#### *Effects of Discrimination on Career Advancement*

ADC contends that one of the effects of employment discrimination on the group is that often Arab-American professionals will encounter a "glass ceiling" in their careers. As a direct result of the discrimination, Arab-Americans are limited in how far they can advance their career.

In 2003, a suit was filed in the Federal District Court for the District of Columbia against the Federal Bureau of Investigations (FBI) by FBI Agent Bassem Youssef, who is an Arab-American. The suit was filed after Youssef was denied promotion within the FBI, claiming he was denied because of his ancestry. Youssef claimed that a "glass ceiling existed at the FBI that blocked the advancement of Arab-Americans."<sup>75</sup> The complaint read that "no other non-Arab FBI employee with similar background and experience was willfully blocked from working 9/11-related matters," and that the FBI had never promoted an American citizen born in an Arabic country in the Middle East to a senior position.<sup>76</sup>

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<sup>72</sup> *Id.* at P. 595.

<sup>73</sup> *Id.* at P. 592.

<sup>74</sup> *Id.* at P. 592.

<sup>75</sup> Complaint, *Youssef v. FBI, U.S. Dep't of Justice, Ashcroft, and Mueller*, No. 1:03-cv-01551-CK (D.D.C., July 18, 2003).

<sup>76</sup> *Id.* at P. 76, 85.

Youssef had been held back from senior positions even though he was the FBI's only polygraph examiner qualified to conduct examinations in Arabic and had the intimate understanding of Arab culture, politics, and diplomacy, knowledge that was rare among FBI agents.<sup>77</sup> Youssef received "exceptional" performance evaluations when he worked as the FBI's first representative, or legal attaché, in Saudi Arabia and had been credited by Louis J. Freeh, the former director of the FBI, as helping to foster a working relationship between the Bureau and the Mabahith, the secretive Saudi security services, in the investigation of the 1996 bombings at the Khobar Towers apartments in Dhahran that killed nineteen U.S. servicemen.<sup>78</sup> Despite his qualifications, upon returning to the U.S. from Saudi Arabia, Youssef was excluded from work on counterterrorism investigations. He was instead assigned as the supervisor of a unit translating hundreds of thousands of documents seized from Osama bin Laden's training camps and elsewhere in Afghanistan --- a job that undervalued his knowledge and experience as a Middle East counterterrorism expert.<sup>79</sup> At one point, Youssef was even assigned to work alongside employees who had once reported to his subordinates.<sup>80</sup>

The experience of Youssef provides an example of a dilemma commonly faced by many Arab-Americans. Even with educational achievements and vast experiences, members of the group are limited in their ability to progress in private and government entities, which is a direct result of discrimination, prejudice and cultural bias. It is this harsh reality which leads to a high percentage of Arab-Americans becoming self-employed entrepreneurs.

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<sup>77</sup> David Johnston, FBI is Accused of Bias by Arab-American Agent, NY Times, July 20, 2003.

<sup>78</sup> Complaint, supra note 38, Pg. 26-27.

<sup>79</sup> *Id.* at P. 87-88.

<sup>80</sup> *Id.* at P. 89.

### *Direct Impact on Entrepreneurs*

In addition to employment discrimination in general, bias against Arab Americans can be seen directly in business ventures of Arab Americans, even before 9/11. In an article in the Washington Report on Middle East Affairs, published 20 years ago, Omar Kader, a Palestinian American businessman recounts his personal experience:

“In 1986 I experienced an incident of blatant prejudice that resulted in the loss of a contract and a substantial amount of money. The group involved felt secure in discriminating against me and even bragged to others that bias against Arab Americans is not the same as that against members of other American ethnic groups officially designated as minorities. At the time it happened, I assumed it was an aberration. I have since learned that discrimination against Arab Americans in the business world, although subterranean, is widespread.”<sup>81</sup>

Highlighting a number of examples to illustrate his observation, Kader explains that eventually the discrimination he experienced led him to apply to the Small Business Administration for 8(a) status. He was eventually granted this status. However, Kader notes, this did not make him immune to discriminatory perceptions, giving the example of the government small business expert meant to be serving as his business adviser suggesting he change his name “to improve chances of getting more contracts.”<sup>82</sup>

A large percentage of Arab-American workers are small business owners, which is convincing evidence of the discrimination against Arab-Americans. There have been many explanations as to why Arab-Americans tend to be entrepreneurs. As one observer noted, “Many left their home countries not due to poverty...but because of political upheavals. Consequently, some came with monetary, educational, and entrepreneurial resources that they could begin to use once settled in a community in the United States.”<sup>83</sup> Although some Arab-Americans make

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<sup>81</sup> See Arab-American Businessman, *Supra* note 40.

<sup>82</sup> *Id.*

<sup>83</sup> Amir Marvasti and Karyn D. McKinny, *Middle Eastern Lives In America* 18, Lanham, Maryland, Rowman & Littlefield Publishers, 2004.

the choice to become small business owners, others do so as a result of discrimination in the broader workplace.

Despite being a well-educated demographic, not half as many Americans of Arab descent are employed in service jobs (12%) in relation to Americans overall (27%).<sup>84</sup> Often, Arab-Americans receive no prime city contracts, despite representing a significant amount of the available professional service firms. This was the case in San Francisco from 1992 to 1995, when Arab-Americans received no construction contracts despite representing 5% of the available service firms.<sup>85</sup> During the same period in San Francisco Asian-Americans, who represented 16% of the available professional service firms, received 12% of the contracts. Latino-Americans, who represent 6% of the professional service firms, received a little less than 1% of the professional service dollars.<sup>86</sup> Arab-Americans received no professional service contracts.<sup>87</sup> This data reveals that a high percentage of Arab-Americans are business owners as a result of other employment opportunities being limited by anti-Arab discrimination.

The discrimination and prejudice often constrains the small business owners in the Arab-American community from succeeding. Often the small business owners will live and operate largely in self-contained Arab communities, in which the customers are also Arab. Two-thirds of Arab-Americans reside in ten states and one-third of the total live in California.<sup>88</sup> The most concentrated of these areas is Southeast Michigan, primarily Dearborn, Michigan, where Arabs make up 30% of the population and nearly 50% of the students enrolled in public schools.<sup>89</sup>

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<sup>84</sup> *United States Bureau of the Census.*

<sup>85</sup> City of San Francisco, *Minority/Women/Local Business Utilization Ordinance – IV*, Feb. 16, 1999.

<sup>86</sup> *Id.*

<sup>87</sup> *Id.*

<sup>88</sup> *United States Census Bureau, 2010 Census.*

<sup>89</sup> *Id.*

Discrimination has also affected Arab-Americans from securing investors and capital for their businesses. Traditional banking institutions and other lenders discriminated against Arab-Americans, leading group members to establish social service organizations to assist those in need. Newly formed groups assist immigrants in finding employment or opening their own business. Some communities have opened their own banks, providing full financial services to community members. Such lending institutions “can be invaluable for new arrivals” because they “allow them to avoid mainstream banks, in which they may face anti-Arab discrimination.”<sup>90</sup>

**IV. Arab-Americans are undereducated. Educational deprivations for Arab-Americans are a result of discrimination, prejudice, and cultural bias.**

The Arab-American community suffers from educational disadvantages as a result of discrimination and prejudice. Though statistics do show that the group does represent a relatively well-educated demographic, discrimination places Arab-American students at a disadvantage to other students in mainstream schools and universities. Furthermore, the discrimination facing the group prevents Arab-Americans from forming successful private or religious schools of their own. As a result, Arab-Americans do not reach their academic potential and remain undereducated relative to other immigrant communities and demographics that do not suffer from discrimination. As such, Arab-Americans are a minority that does not have access to the same advantages in education as other Americans.

*Educational Achievement Prevented as a Result of Bias in Schools*

Similar to other minority groups in the United States, Arab-Americans place high value on educational achievement. For generations Arab-Americans have stressed education for their children as a means of social and economic mobility. Often, the parents will have arrived in the

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<sup>90</sup> See, Marvasti and McKinney, *Supra* note 45, at 18-19.

U.S. with little or no education at all. Through hard work, the children of the immigrants obtain an education. Many times you will hear the same quote as was told by an Arab-American in Ohio, "My parents came to this country as illegal immigrants. They were both illiterate, but they worked hard and put all eight children through college."<sup>91</sup> Arab-Americans generally have a higher-than-average level of education. 84% of Arab-American have at least a high school degree, compared with 80% of the total population, while 41% have a bachelor's degree or higher, compared to 24% of Americans at-large.<sup>92</sup> 17% of Arab-Americans have a post-graduate degree, which is nearly twice the American average (9%).<sup>93</sup>

In spite of the community's emphasis on education, the educational progress of Arab-Americans has been stifled by discrimination, manifesting itself as anti-Muslim as well as anti-Arab prejudice, in schools and universities. The majority of Arab-Americans are Christian,<sup>94</sup> but many Americans still assume all Arab-Americans are Muslims and apply their Islamophobia to all Arab-Americans, Muslim and non-Muslim alike. One scholar has noted that "[m]any progressive and modern approaches to education can be insulting and disrespectful of the culture of Islam."<sup>95</sup> Many Americans--- including teachers, professors, and other educators--- do not see Arab-Americans as "people like us."<sup>96</sup> Humanities textbooks, for example, often carry implicit anti-Islamic messages and even promote the "popular belief" that Islam is synonymous with

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<sup>91</sup> Yvonne Yazbeck Haddad, *Not Quite American: The shaping of Arab and Muslim Identity in the United States* 11, Waco, Texas, Baylor University Press, 2004.

<sup>92</sup> U.S. Bureau of the Census, 2000 Census: We the People of Arab Ancestry in the United States, available at <http://www.census.gov/prod/2005pubs/censr-21.pdf> (last visited December 30, 2011).

<sup>93</sup> *Id.*

<sup>94</sup> As of 2000, 35% of Arab-Americans were Catholic, 24% were Muslim, 20% were Orthodox, 11% were Protestant, and 13% were part of other religions or non-affiliated. Arab American Demographics, *supra* note 4.

<sup>95</sup> Barry van Driel, Ed., *Confronting in Educational Practice* xi, London, Trentham Books, 2004.

<sup>96</sup> Arab American Institute, *supra* note 4.

backwardness and that Islam and civilization are “opposite constructs.”<sup>97</sup> Few Muslim advisors have been hired by schools and universities to provide support services for Muslim students.<sup>98</sup> Muslim dietary requirements are not respected, prayer facilities are generally not available, and teachers are often not considerate of Friday prayer times and the month of fasting.<sup>99</sup> Educational materials do not present Arab-Americans with positive images of their community. With these obstacles to learning, Arab-Americans are implicitly discouraged, even prevented, from achieving in the classroom.

*Formation of Arab-American private schools prevented as a result of discrimination*

Through the years, many academic institutions have proven unfriendly to Arab-Americans. The effects of this discrimination have prevented Arab-Americans from forming a network of successful private or religious schools of their own. Counterterrorism measures implemented by law enforcement after 9/11 targeted Arab-Americans, and this has negatively impacted the formation of Arab-American schools. Shortly after 9/11, federal authorities began investigating Arab-Americans for participation in suspected terrorism-related activities and for involvement with schools and mosques. Once these investigations were made public the institutions affected began to experience reluctance among community members to give their time and financial support.<sup>100</sup> Arab-American schools and other community organizations have had a difficult time raising money because many Arab-Americans are simply afraid to associate themselves with

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<sup>97</sup> See, Amberg Haque, *Islamophobia in North America: Confronting the Menace* 16, in van Driel, *supra* note 5.

<sup>98</sup> See, Amberg Haque, *Islamophobia in North America: Confronting the Menace* 16, in van Driel, *supra* note 5.

<sup>99</sup> See, Amberg Haque, *Islamophobia in North America: Confronting the Menace* 16, in van Driel, *supra* note 5.

<sup>100</sup> *Id.*

purely Muslim or Arab organizations.<sup>101</sup> As the principal of an Islamic school explained, “One of the major pillars of Islam is to give charity, and people are afraid to give now because they believe that law enforcement is trying to link people to each other.”<sup>102</sup>

Arab-Americans began to experience fear resulting from anti-terrorism policies. This fear has hindered the group’s ability to develop its own reliable school system as a safehaven from the anti-Arab prejudice that pervades many other schools and universities. Left with no option, Arab-Americans have instead had to continually rely on academic institutions in which anti-Arab discrimination continues to prevent Arab-Americans from achieving their educational potential.

*Conclusion: Arab-Americans remain undereducated because of discrimination*

Arab-Americans represent a relatively well-educated community, however as a result of discrimination and prejudice they remain undereducated. This prejudice manifests itself in the materials and practices of educational institutions as well as in government anti-terrorism policies that target Arab-Americans. As a result community’s efforts to raise money for its own private schools are directly impeded. Arab-Americans face specific disadvantages in education and are hindered in their ability to develop a system to mitigate these disadvantages.

**VI. Statistics show that a new wave of refugees from Arab Nations are suffering from discrimination and the effects of discrimination and prejudice over which they have no control, placing them in a social and economic disadvantage.**

Similarly positioned as other minority communities, the Arab-American community is a poor one. Statistics show that the proportion of Arab-American families living below the poverty line

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<sup>101</sup> Nicole J. Henderson et al., Law Enforcement & Arab American Community Relations After September 11, 2001: Engagement in a Time of Uncertainty, New York, Vera Institute of Justice, 2006, available at <http://www.vera.org/policerelations>.

<sup>102</sup> *Id.*

is higher for Arab-Americans than for the rest of the population.<sup>103</sup> Nearly 17% of Arab-Americans were in poverty in 1999, compared with 12% of the total population, and only 55% owned their homes, compared to 66% in the general population.<sup>104</sup> A majority of Arab-Americans reside in 10 cities. The chart below highlights the 10 cities with the highest Arab-American population, as well as the percentage of Arab-American families in those cities living below the poverty level.

Poverty Rates (City, State) 2005-2009 Estimates:

City, State	Arab Population	Percentage of Families Below the Poverty Level
New York, NY	83,548 <sup>105</sup>	15.7% <sup>106</sup>
Dearborn, MI	34,365 <sup>107</sup>	16.9% <sup>108</sup>
Los Angeles, CA	71,589 <sup>109</sup>	12.5% <sup>110</sup>

<sup>103</sup> Amir Marvasti and Karyn D. McKinney, *Middle Eastern Lives In America* 18, Lanham, Maryland, Rowman & Littlefield Publishers, 2004.

<sup>104</sup> 2000 Census

<sup>105</sup> *2009 Data Profiles: Social*, CENSUS.GOV, [http://factfinder.census.gov/servlet/ADPTable?\\_bm=y&-geo\\_id=16000US3651000&-qr\\_name=ACS\\_2009\\_5YR\\_G00\\_DP5YR2&-ds\\_name=ACS\\_2009\\_5YR\\_G00\\_&-lang=en&-sse=on](http://factfinder.census.gov/servlet/ADPTable?_bm=y&-geo_id=16000US3651000&-qr_name=ACS_2009_5YR_G00_DP5YR2&-ds_name=ACS_2009_5YR_G00_&-lang=en&-sse=on) (last visited December 30, 2011).

<sup>106</sup> *2009 Data Profiles: Economic*, CENSUS.GOV, [http://factfinder.census.gov/servlet/ADPTable?\\_bm=y&-geo\\_id=16000US3651000&-qr\\_name=ACS\\_2009\\_5YR\\_G00\\_DP5YR3&-ds\\_name=&-lang=en&-redoLog=false](http://factfinder.census.gov/servlet/ADPTable?_bm=y&-geo_id=16000US3651000&-qr_name=ACS_2009_5YR_G00_DP5YR3&-ds_name=&-lang=en&-redoLog=false) (last visited December 30, 2011).

<sup>107</sup> *2009 Data Profiles: Social*, CENSUS.GOV, [http://factfinder.census.gov/servlet/ADPTable?\\_bm=y&-geo\\_id=16000US2621000&-qr\\_name=ACS\\_2009\\_5YR\\_G00\\_DP5YR2&-ds\\_name=ACS\\_2009\\_5YR\\_G00\\_&-lang=en&-redoLog=false&-sse=on](http://factfinder.census.gov/servlet/ADPTable?_bm=y&-geo_id=16000US2621000&-qr_name=ACS_2009_5YR_G00_DP5YR2&-ds_name=ACS_2009_5YR_G00_&-lang=en&-redoLog=false&-sse=on) (last visited December 30, 2011).

<sup>108</sup> *2009 Data Profiles: Economic*, CENSUS.GOV, [http://factfinder.census.gov/servlet/ADPTable?\\_bm=y&-geo\\_id=16000US2621000&-qr\\_name=ACS\\_2009\\_5YR\\_G00\\_DP5YR3&-ds\\_name=&-lang=en&-redoLog=false](http://factfinder.census.gov/servlet/ADPTable?_bm=y&-geo_id=16000US2621000&-qr_name=ACS_2009_5YR_G00_DP5YR3&-ds_name=&-lang=en&-redoLog=false) (last visited December 30, 2011).

<sup>109</sup> *2009 Data Profiles: Social*, CENSUS.GOV, [http://factfinder.census.gov/servlet/ADPTable?\\_bm=y&-geo\\_id=05000US06037&-qr\\_name=ACS\\_2009\\_5YR\\_G00\\_DP5YR2&-ds\\_name=ACS\\_2009\\_5YR\\_G00\\_&-lang=en&-redoLog=false&-sse=on](http://factfinder.census.gov/servlet/ADPTable?_bm=y&-geo_id=05000US06037&-qr_name=ACS_2009_5YR_G00_DP5YR2&-ds_name=ACS_2009_5YR_G00_&-lang=en&-redoLog=false&-sse=on) (last visited December 30, 2011).

(county)		
Chicago, IL	16,705 <sup>111</sup>	17.2% <sup>112</sup>
Houston, TX	13,941 <sup>113</sup>	17.3% <sup>114</sup>
Detroit, MI	19,041 <sup>115</sup>	28.3% <sup>116</sup>
San Diego, CA	9,888 <sup>117</sup>	8.8% <sup>118</sup>
Jersey City, NJ	7,349 <sup>119</sup>	15.3% <sup>120</sup>

<sup>110</sup> 2009 Data Profiles: Economic, CENSUS.GOV, [http://factfinder.census.gov/servlet/ADPTable?\\_bm=y&-geo\\_id=05000US06037&-qr\\_name=ACS\\_2009\\_5YR\\_G00\\_DP5YR3&-ds\\_name=&-lang=en&-redoLog=false](http://factfinder.census.gov/servlet/ADPTable?_bm=y&-geo_id=05000US06037&-qr_name=ACS_2009_5YR_G00_DP5YR3&-ds_name=&-lang=en&-redoLog=false) (last visited December 30, 2011).

<sup>111</sup> 2009 Data Profiles: Social, CENSUS.GOV, [http://factfinder.census.gov/servlet/ADPTable?\\_bm=y&-geo\\_id=16000US1714000&-qr\\_name=ACS\\_2009\\_5YR\\_G00\\_DP5YR2&-ds\\_name=ACS\\_2009\\_5YR\\_G00\\_&-lang=en&-redoLog=false&-sse=on](http://factfinder.census.gov/servlet/ADPTable?_bm=y&-geo_id=16000US1714000&-qr_name=ACS_2009_5YR_G00_DP5YR2&-ds_name=ACS_2009_5YR_G00_&-lang=en&-redoLog=false&-sse=on), (last visited December 30, 2011).

<sup>112</sup> 2009 Data Profiles: Economic, CENSUS.GOV, [http://factfinder.census.gov/servlet/ADPTable?\\_bm=y&-geo\\_id=16000US1714000&-qr\\_name=ACS\\_2009\\_5YR\\_G00\\_DP5YR3&-ds\\_name=&-lang=en&-redoLog=false](http://factfinder.census.gov/servlet/ADPTable?_bm=y&-geo_id=16000US1714000&-qr_name=ACS_2009_5YR_G00_DP5YR3&-ds_name=&-lang=en&-redoLog=false), (last visited December 30, 2011).

<sup>113</sup> 2009 Data Profiles: Social, CENSUS.GOV, [http://factfinder.census.gov/servlet/ADPTable?\\_bm=y&-geo\\_id=16000US4835000&-qr\\_name=ACS\\_2009\\_5YR\\_G00\\_DP5YR2&-ds\\_name=ACS\\_2009\\_5YR\\_G00\\_&-lang=en&-redoLog=false&-sse=on](http://factfinder.census.gov/servlet/ADPTable?_bm=y&-geo_id=16000US4835000&-qr_name=ACS_2009_5YR_G00_DP5YR2&-ds_name=ACS_2009_5YR_G00_&-lang=en&-redoLog=false&-sse=on), (last visited December 30, 2011).

<sup>114</sup> 2009 Data Profiles: Economic, CENSUS.GOV, [http://factfinder.census.gov/servlet/ADPTable?\\_bm=y&-geo\\_id=16000US4835000&-qr\\_name=ACS\\_2009\\_5YR\\_G00\\_DP5YR3&-ds\\_name=&-lang=en&-redoLog=false](http://factfinder.census.gov/servlet/ADPTable?_bm=y&-geo_id=16000US4835000&-qr_name=ACS_2009_5YR_G00_DP5YR3&-ds_name=&-lang=en&-redoLog=false), (last visited December 30, 2011).

<sup>115</sup> 2009 Data Profiles: Social, CENSUS.GOV, [http://factfinder.census.gov/servlet/ADPTable?\\_bm=y&-geo\\_id=16000US2622000&-qr\\_name=ACS\\_2009\\_5YR\\_G00\\_DP5YR2&-ds\\_name=ACS\\_2009\\_5YR\\_G00\\_&-lang=en&-redoLog=false&-sse=on](http://factfinder.census.gov/servlet/ADPTable?_bm=y&-geo_id=16000US2622000&-qr_name=ACS_2009_5YR_G00_DP5YR2&-ds_name=ACS_2009_5YR_G00_&-lang=en&-redoLog=false&-sse=on) (last visited December 30, 2011).

<sup>116</sup> 2009 Data Profiles: Economic, CENSUS.GOV, [http://factfinder.census.gov/servlet/ADPTable?\\_bm=y&-geo\\_id=16000US2622000&-qr\\_name=ACS\\_2009\\_5YR\\_G00\\_DP5YR3&-ds\\_name=&-lang=en&-redoLog=false](http://factfinder.census.gov/servlet/ADPTable?_bm=y&-geo_id=16000US2622000&-qr_name=ACS_2009_5YR_G00_DP5YR3&-ds_name=&-lang=en&-redoLog=false), (last visited December 30, 2011).

<sup>117</sup> 2009 Data Profiles: Social, CENSUS.GOV, [http://factfinder.census.gov/servlet/ADPTable?\\_bm=y&-geo\\_id=16000US0666000&-qr\\_name=ACS\\_2009\\_5YR\\_G00\\_DP5YR2&-ds\\_name=ACS\\_2009\\_5YR\\_G00\\_&-lang=en&-redoLog=false&-sse=on](http://factfinder.census.gov/servlet/ADPTable?_bm=y&-geo_id=16000US0666000&-qr_name=ACS_2009_5YR_G00_DP5YR2&-ds_name=ACS_2009_5YR_G00_&-lang=en&-redoLog=false&-sse=on) (last visited December 30, 2011).

<sup>118</sup> 2009 Data Profiles: Economic, CENSUS.GOV, [http://factfinder.census.gov/servlet/ADPTable?\\_bm=y&-geo\\_id=16000US0666000&-qr\\_name=ACS\\_2009\\_5YR\\_G00\\_DP5YR3&-ds\\_name=&-lang=en&-redoLog=false](http://factfinder.census.gov/servlet/ADPTable?_bm=y&-geo_id=16000US0666000&-qr_name=ACS_2009_5YR_G00_DP5YR3&-ds_name=&-lang=en&-redoLog=false) (last visited December 30, 2011).

<sup>119</sup> 2009 Data Profiles: Social, CENSUS.GOV, [http://factfinder.census.gov/servlet/ADPTable?\\_bm=y&-geo\\_id=16000US3436000&-qr\\_name=ACS\\_2009\\_5YR\\_G00\\_DP5YR2&-ds\\_name=ACS\\_2009\\_5YR\\_G00\\_&-lang=en&-redoLog=false&-sse=on](http://factfinder.census.gov/servlet/ADPTable?_bm=y&-geo_id=16000US3436000&-qr_name=ACS_2009_5YR_G00_DP5YR2&-ds_name=ACS_2009_5YR_G00_&-lang=en&-redoLog=false&-sse=on) (last visited December 30, 2011).

<sup>120</sup> 2009 Data Profiles: Economic, CENSUS.GOV, [http://factfinder.census.gov/servlet/ADPTable?\\_bm=y&-geo\\_id=16000US3436000&-qr\\_name=ACS\\_2009\\_5YR\\_G00\\_DP5YR3&-ds\\_name=&-lang=en&-redoLog=false](http://factfinder.census.gov/servlet/ADPTable?_bm=y&-geo_id=16000US3436000&-qr_name=ACS_2009_5YR_G00_DP5YR3&-ds_name=&-lang=en&-redoLog=false) (last visited December 30, 2011).

Boston, MA	6,999 <sup>121</sup>	15.0% <sup>122</sup>
Jacksonville, FL	6,607 <sup>123</sup>	10.2% <sup>124</sup>

Comparable immigrant families net a higher family income based on the fact that more family members work, this does not seem to be the case for Arab-American families, where the father is typically the sole bread-winner.<sup>125</sup>

### *Iraqi Refugees*

New waves of Iraqi refugees are being placed in the city of El Cajon, California. The Iraqi refugees who are resettled to El Cajon are experiencing problems communicating because of lack of proper English as a Second Language (ESL) classes and suitable employment that would sustain standard living expenses. Many refugees resettled in America have strong educational backgrounds, however given the discrimination facing the Arab-American community; these group members are unable to find suitable employment.

An example of an Iraqi refugee directly impacted by anti-Arab sentiment is a young man who has a Master's degree.<sup>126</sup> Upon arriving in America he had to settle for employment as a

<sup>121</sup> 2009 Data Profiles: Social, CENSUS.GOV, [http://factfinder.census.gov/servlet/ADPTable?\\_bm=y&-geo\\_id=16000US2507000&-qr\\_name=ACS\\_2009\\_5YR\\_G00\\_DP5YR2&-ds\\_name=ACS\\_2009\\_5YR\\_G00\\_&-lang=en&-redoLog=false&-sse=on](http://factfinder.census.gov/servlet/ADPTable?_bm=y&-geo_id=16000US2507000&-qr_name=ACS_2009_5YR_G00_DP5YR2&-ds_name=ACS_2009_5YR_G00_&-lang=en&-redoLog=false&-sse=on) (last visited December 30, 2011)

<sup>122</sup> 2009 Data Profiles: Economic, CENSUS.GOV, [http://factfinder.census.gov/servlet/ADPTable?\\_bm=y&-geo\\_id=16000US2507000&-qr\\_name=ACS\\_2009\\_5YR\\_G00\\_DP5YR3&-ds\\_name=&-lang=en&-redoLog=false](http://factfinder.census.gov/servlet/ADPTable?_bm=y&-geo_id=16000US2507000&-qr_name=ACS_2009_5YR_G00_DP5YR3&-ds_name=&-lang=en&-redoLog=false) (last visited December 30, 2011).

<sup>123</sup> 2009 Data Profiles: Social, CENSUS.GOV, [http://factfinder.census.gov/servlet/ADPTable?\\_bm=y&-geo\\_id=16000US1235000&-qr\\_name=ACS\\_2009\\_5YR\\_G00\\_DP5YR2&-ds\\_name=ACS\\_2009\\_5YR\\_G00\\_&-lang=en&-redoLog=false&-sse=on](http://factfinder.census.gov/servlet/ADPTable?_bm=y&-geo_id=16000US1235000&-qr_name=ACS_2009_5YR_G00_DP5YR2&-ds_name=ACS_2009_5YR_G00_&-lang=en&-redoLog=false&-sse=on) (last visited December 30, 2011).

<sup>124</sup> 2009 Data Profiles: Economic, CENSUS.GOV, [http://factfinder.census.gov/servlet/ADPTable?\\_bm=y&-geo\\_id=16000US1235000&-qr\\_name=ACS\\_2009\\_5YR\\_G00\\_DP5YR3&-ds\\_name=&-lang=en&-redoLog=false](http://factfinder.census.gov/servlet/ADPTable?_bm=y&-geo_id=16000US1235000&-qr_name=ACS_2009_5YR_G00_DP5YR3&-ds_name=&-lang=en&-redoLog=false) (last visited December 30, 2011).

<sup>125</sup> *Id.*

<sup>126</sup> Madeleine Brand, *Iraqi Refugees Settle in California*, NPR.COM (Aug. 13, 2009), <http://www.npr.org/templates/story/story.php?storyId=111855823>. (last visited December 30, 2011)

sandwich maker at a Subway Restaurant. Other family members have not been lucky enough to find employment. The young man's father has been unable to find any employment in a city where the unemployment rate is holding at 17%. It is doubtful that the family will be able to generate enough income to make a minimal rent payment. Regardless of the lack of jobs, refugees who are resettled in El Cajon are grateful to be there because the warm weather and palm trees remind them of home and the refugees do not fear the risks of murder, rape, and assassination. Many however fear the future.<sup>127</sup>

City, State	Population of Arabs	Percentage of Population	Percentage of Families Below the Poverty Level
El Cajon, CA <sup>128</sup>	3,192	3.5%	14.3%

An estimated 80% of the refugees are unemployed in the city of El Cajon. They are willing to endure joblessness and homelessness rather than return to Iraq where many refugees are sure to be killed.<sup>129</sup>

The number of Iraqi refugees has continued to steadily increase, as is noted here:

Summary of Iraqi Refugee Admissions

Fiscal year 2011<sup>130</sup>

v. 18,838

vi. Working age (16-64)- 65.9%

<sup>127</sup> *Id.*

<sup>128</sup> 2009 Data Profiles: Social, CENSUS.GOV, [http://factfinder.census.gov/servlet/ACSSAFFacts?\\_event=&geo\\_id=16000US0621712&\\_geoContext=01000US04000US0616000US0621712&\\_street=&\\_county=El+Cajon&\\_cityTown=El+Cajon&\\_state=04000US06&\\_zip=&\\_lang=en&\\_sse=on&\\_ActiveGeoDiv=&\\_useEV=&\\_pctxt=fph&\\_pgsl=160&\\_submenuId=factsheet\\_1&\\_ds\\_name=null&\\_ci\\_nbr=null&\\_qr\\_name=null&\\_reg=null%3Anull&\\_keyword=&\\_industry](http://factfinder.census.gov/servlet/ACSSAFFacts?_event=&geo_id=16000US0621712&_geoContext=01000US04000US0616000US0621712&_street=&_county=El+Cajon&_cityTown=El+Cajon&_state=04000US06&_zip=&_lang=en&_sse=on&_ActiveGeoDiv=&_useEV=&_pctxt=fph&_pgsl=160&_submenuId=factsheet_1&_ds_name=null&_ci_nbr=null&_qr_name=null&_reg=null%3Anull&_keyword=&_industry) (last visited December 30, 2011).

<sup>129</sup> A Corcoran, *Iraqi Refugees Suffer in El Cajon, CA*, REFUGEE RESETTLEMENT WATCH (April 2, 2010), <http://refugeeresettlementwatch.wordpress.com/2010/04/02/iraqi-refugees-suffer-in-el-cajon-ca> (last visited December 30, 2011).

<sup>130</sup> *Proposed Refugee Admissions for Fiscal Year 2011*, STATE.GOV, <http://www.state.gov/documents/organization/148671.pdf>, 57 (last visited December 30, 2011).

Fiscal year 2010<sup>131</sup>

- 18,016

Fiscal year 2009<sup>132</sup>

- 18,838

Fiscal year 2008<sup>133</sup>

- 13,823

Fiscal year 2007<sup>134</sup>

- 1608

The high influx of Iraqi refugees escaping persecution coupled with the lack of jobs and the highest rate of unemployment the United States has ever experienced ever since the Great Depression has disillusioned many refugees. Many are beginning to see that they are unable to live without essential tools which resettlement companies, local and state governments, and the Federal government has failed to provide. Tools such as adequate language classes and job placement for new arrivals would not only lift the burden from the government by allowing refugees to apply for re-certification in their highly specialized fields or find positions for which they are qualified. The lack of these fundamental tools will not only force more arriving refugees to request government assistance, the rate of unemployment among the refugees is not sustainable and many are forced to decide between being killed by paramilitary groups or watch their children live in a two-bedroom house with three other families wondering where the next meal would come from.

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<sup>131</sup> *2010 Refugee Admission Statistics*, STATE.GOV (Nov. 26, 2010), <http://www.state.gov/g/prm/rls/152074.htm> (last visited December 30, 2011).

<sup>132</sup> *Summary of Refugee Admissions Fiscal Year 2009*, STATE.GOV (Sept. 30, 2009), <http://www.state.gov/documents/organization/140491.pdf>, 3 (last visited December 30, 2011).

<sup>133</sup> *Summary of Refugee Admissions Fiscal Year 2008*, STATE.GOV, <http://www.state.gov/documents/organization/120384.pdf>, 3 (last visited December 30, 2011).

<sup>134</sup> *Summary of Refugee Admissions Fiscal Year 2007*, STATE.GOV, <http://www.state.gov/documents/organization/120385.pdf>, 3 (last visited December 30, 2011).

## *Sudanese Refugees*

With the civil unrest in Sudan, thousands of refugees from the Arab nation were placed across the United States. Many of these individuals came through the United Nations Refugee Resettlement Program. A number of Sudanese from the North of Sudan, including Darfur, claimed political asylum during the past 15 – 20 years. The Sudanese community within the U.S. has steadily increased in number and with uncertainty resulting from the recent Referendum dividing Sudan into two independent nations, many in Sudan are coming to America for a new beginning.

Sudanese refugees are resettled in areas where there is a low rate of unemployment yet they are surrounded by clear indications of poverty. Portland, Maine and Omaha and Lincoln Nebraska are home to the largest population of Sudanese refugees and Nebraska has seen a surge of gang activity, violence, and murders. These acts are not limited to lower income areas, but have spread throughout the community where many of the refugees have fled their persecutors to begin a new life without the fear of being killed by a band of armed men.<sup>135</sup>

A study led by Dr. Mary S. Willis of the University of Nebraska Lincoln has found that 56% of the refugees surveyed earned a pre-tax annual income of \$25,000 or less. 60% of the refugees earned an annual income of \$35,000. Finally, Dr. Willis found that 38% of the refugees either did not know their annual income or refused to list it.<sup>136</sup>

The Willis study also revealed that 18% of group members are renting a home found by a Sudanese friend. Most of the refugees are living in homes or apartments acquired by the Lincoln

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<sup>135</sup> Kathleen Massara, The Gangs of Omaha: Sudanese Who Fled Their War-Torn Country Face Growing Violence in Their Ranks, ALTERNET.COM (Dec. 7, 2010), [http://www.alternet.org/immigration/149106/the\\_gangs\\_of\\_omaha%3A\\_sudanese\\_who\\_fled\\_their\\_war-torn\\_country\\_face\\_growing\\_violence\\_in\\_their\\_ranks?page=entire](http://www.alternet.org/immigration/149106/the_gangs_of_omaha%3A_sudanese_who_fled_their_war-torn_country_face_growing_violence_in_their_ranks?page=entire) (last visited December 30, 2011)

<sup>136</sup> Mary Willis, Health and Health-Related Factors of Sudanese Refugees in Lancaster County, Nebraska (May 2004), 16, <http://www.nlc.state.ne.us/epubs/H8200/B005-2004.pdf>.

Housing Authority. Refugees living in homes through the assistance of local churches in Lincoln is at 8% of and 13% are living in homes that have been located by non-Sudanese friends. Resettlement companies who are funded by the federal government have only helped 16% of the refugees find living accommodations.<sup>137</sup>

The children of refugee parents have also been adversely affected by discrimination against Arab-Americans. Approximately 25% of the families have indicated that their children have felt “angry or sad” and this has affected the children’s performance in the Nebraska public school system. The average refugee household has between one and ten children and most families have indicated the need for adequate childcare either at night or during the day.<sup>138</sup> At a very young age, refugee children are at a social and economic disadvantage.

The Sudanese community is one example of how discrimination towards the Arab-American community adversely affects members of the group. In order to succeed in the United States these refugee communities need the help of different government programs. By designating Arab-Americans as having business minority status, the MBDA will provide these new refugee communities an opportunity to become self-sufficient and work towards a better future both socially and economically.

## CONCLUSION

This application has outlined the compelling reasons for why ADC is requesting the Minority Business Development Agency to grant Arab-Americans minority status recognition. The current subsuming of Arab-Americans into the “white” racial category belies the facts that 1) Arab-Americans constitute a distinct racial and ethnic group with unique cultural qualities and that 2) they do not enjoy “white privilege” in their day-to-day lives. On the contrary, unlike

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<sup>137</sup> *Id.*

<sup>138</sup> *Id.* at P. 23.

some minorities, who have seen the treatment of their people improve over the struggle for equality, Arab-Americans suffer exceedingly pervasive prejudice and discrimination in all aspects of their lives.

This application has illustrated that through negative portrayals of Arab-Americans in American media and popular culture, particularly after 9/11, Arab-Americans have been targeted because of their race, ethnicity, national origin and perceived religion. The discriminatory treatment has come from government programs and policies, in its use of racial profiling, restricted immigration and other harmful initiatives; employers and fellow-employees who either dislike Arab-Americans or fear being associated with Arab-Americans; customers and consumers, whose bias against Arab-Americans prevent their patronage of Arab-American entities; teachers and schools, who victimize Arab-American school children because of their heritage; and random individuals who view Arab-Americans as their enemies and not of this country. These challenges have combined to significantly restrict Arab-American small business initiatives.

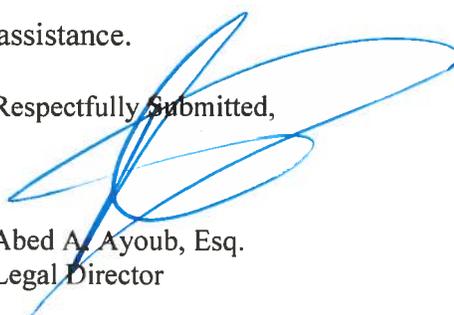
The ubiquitous demonizing of Arab-Americans has undermined this community's progress in American society. Despite the lack of clear government records about Arab-Americans to accurately monitor the extent to which Arab-American advancement has been undercut, reports and studies by experts reveal the reality of an American minority made up of individuals struggling to achieve dignity, security, recognition and advancement in the country they call home.

Specifically the application has shown that Arab-Americans have suffered long term, chronic discrimination and prejudice in American Society. It has also shown that in the Post 9/11 era Arab-Americans have suffered and continue to suffer from discrimination and the effects of

discrimination and prejudice over which they have no control. Furthermore, Arab-Americans suffer from discrimination, prejudice and cultural bias in the workplace. This employment discrimination has produced obstacles in the business world for Arab-Americans --- both as employees and entrepreneurs. As a direct result of the discrimination, prejudice and bias faced by the group, the Arab-American community suffers from educational disadvantages. Finally, the application has shown that there is a growing population of new wave refugees who are socially and economically disadvantaged.

In consideration of the above, the American-Arab Anti-Discrimination Committee (ADC) kindly requests the Minority Business Development Agency (MBDA) to designate the Arab-American minority group as a socially and/or economically disadvantaged group that is eligible for MBDA assistance.

Respectfully Submitted,



Abed A. Ayoub, Esq.  
Legal Director

**Date:** January 4, 2012