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Just the Facts, Mr. Ashcroft

The Senate Judiciary Committee needs to question Attorney General John Ashcroft closely today as to whether his crucial terrorism investigation is really aimed at finding terrorists or simply at sweeping up thousands of Americans in an ineffective, and probably unconstitutional, dragnet.

Rather than build investigations based on what is known about al Qaeda and the hijackers, the attorney general has directed the roundup and jailing of hundreds of individuals and compilation of dossiers on thousands of individuals and groups—a dragnet targeted at the Arab American, Muslim and immigrant communities. While no one of any rational persuasion denies that Arab Muslim males perpetrated the horrific terrorist acts of 9/11, that fact hardly serves as justification for the racial profiling that characterizes initiatives coming out of the administration.

The attorney general has repeatedly misled the American public by suggesting that the hundreds of Arabs and Muslims who have been jailed were involved in terrorism. That isn't true; virtually none of those caught up after 9/11 has been charged with terrorism. While the attorney general repeatedly suggests that those secretly detained on visa violations are terrorists, Justice Department lawyers—when asked for evidence in the court cases challenging the secrecy of the detentions—haven't even claimed that evidence exists for such accusations.

Ashcroft has boasted to Congress that the terrorism investigation has resulted in the convictions of 86 people on criminal charges. What he forgot to say was that none of the charges against the 86—virtually all of whom are Arabs and Muslims—was related to terrorism. Most were minor charges that might never have been filed if the individuals hadn't got caught up in the terrorism dragnet. A substantial number have been sentenced to time served, turning on its head the presumption of innocence.

While the Justice Department seems determined to go after Arabs and Muslims instead of



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identifying and locating individual terrorists, its other antiterrorism measures and initiatives are similarly unfocused. On the one hand, the administration admits that no federal agencies have the technical or human resources to effectively churn through the masses of data assembled before or after 9/11. Yet a tendency to see entire communities as suspect still seems to drive the creation of even more pools of data. Justice is creating and combing through massive amounts of data for which there are woefully inadequate technical and analytical resources to capture significant information. Local officials, neighborhood watch groups, and civilians of all stripes are being brought into these efforts with little or no training. Far from enhancing our sense of security, these efforts run the risk of creating even more paranoia across the country, especially among the most vulnerable “targets of opportunity” such as the Arab, Muslim and immigrant communities.

One demonstration of this misplaced zeal was the TIPS [Terrorism Information and Prevention System] program, which asks Americans with access to private dwellings to become in-

formers on “unusual events,” a clear invitation to prying, racial profiling and subtle violations of the Fourth Amendment. No wonder TIPS is prohibited in Rep. Dick Armey's latest version of the Department of Homeland Security bill.

These tactics are no substitute for a focused investigative strategy to find individual terrorists. Feeding volumes of data into computers, inviting the participation of untrained civilians, targeting groups on the basis of ethnicity, religion and political interests and tasking law enforcement officials with dubious interrogation duties, are not effective use of the limited, through rapidly expanding, enforcement resources. It is no surprise that career law enforcement officials privately voice their concerns with these measures.

Yet, determined to do their part, Arab Americans and American Muslims affirm their willingness in surveys and polls to undergo more scrutiny than others. Nevertheless, this spirit of cooperation, although recognized by the attorney general, has not slowed the targeting of these communities. From the secret mass arrests, to the “voluntary” interviews of thousands, to fingerprinting and registration for those legally here, to selective enforcement against those who have been held deportable, Arabs and Muslims are clearly the target populations of choice.

Apparently lacking strong investigative trails, the Justice Department now calls for massive cooperation from these communities to identify potential terrorists. If this “community policing” is to be effective, there has to be a clear pronouncement that the “bad guys” are interlopers in these communities, and a renunciation of the attorney general's implication that Arabs and Muslims, citizens or not, are a fifth column ready to spring into action at al Qaeda's bidding.

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