

COUNCIL ON AMERICAN-ISLAMIC RELATIONS
Governmental Affairs Department
Semiannual Report – June 2001

I. Situation Analysis

The first half of 2002 saw a significant shift in the direction and tone regarding civil rights and security issues. While the Administration continued to issue new presidential orders and Congress continued to pass bills that threaten civil liberties in the United States, it was not at the breakneck pace at which they issued following the September 11 attacks. CAIR and other civil rights groups successfully challenged the use of racial profiling and more editorials and commentaries questioned the powers the government was assuming and the treatment of Arab and Muslim immigrants and communities. The Office of Inspector General announced it would investigation the treatment of detainees at the Passaic and Brooklyn detention centers, and a number of judges struck down the use of secret hearings in immigration cases. Still, the American Muslim community continued to witness major violations of their civil rights with little effective action from Congress.

DOJ expanded its interrogations of Muslim visitors to the US, asking questions about how often they pray and how they viewed September 11. Perhaps most alarmingly, the Treasury Department raided over 20 of the most moderate American Muslim owned businesses, organizations and individual homes with a warrant obtained under a secret affidavit that alleged support for terrorism. Once again, no charges were filed and no apparent wrongdoing has been found, but the effect is to send a message to Americans that, despite the apparent lack of any evidence of wrongdoing, it believes that American Muslims are intimately involved in supporting terrorism. DOJ also announced a plan to fingerprint and photograph 100,000 Muslim visitors to the United States again failing to base its suspicions on specific wrongdoing, but instead focusing broad actions against Muslims as a whole.

Towards the end of May increasing attention fell on the intelligence failures of the FBI and CIA as a prime factor contributing to the September 11 attack. Revelations about what kind of information the FBI and CIA had prior to September 11 led to greater questions about the necessity of the new powers granted to them under the PATRIOT Act and subsequent bills. The Department of Justice deflected these concerns by announcing new domestic guidelines for the FBI and a highly theatrical announcement of the arrest of an alleged al-Qa'ida operative, US citizen Jose Pedilla, who allegedly came to the US to reconnoiter possible targets of a 'dirty bomb.' Ashcroft later had to retreat from some of his claims, but the damage was already done to the American Muslim community.

The new domestic guidelines give the DOJ the unchecked ability to spy on constitutionally protected activities of domestic groups and individuals without even the slightest evidence of wrongdoing, and failed to address the chief causes for the intelligence failure, which was bureaucratic stonewalling and interagency rivalry between the FBI and the CIA. These guidelines, coupled with the stripping of Jose Pedilla's citizenship rights by naming him an 'enemy combatant' seemed to rouse Congress out of its post-September 11 torpor, as the seriousness of the threat to civil rights from the Ashcroft DOJ became alarmingly clear. The act of unilaterally stripping a citizen of his rights and claiming no desire to charge him sent shockwaves through the civil rights community.

A small number of bills were introduced that sought to rectify some restrictions on immigrants, such as the Family Reunification Act, but nothing substantial challenged the major provisions of new laws that undermine basic pillars of America's democratic system. Among the pillars undermined are the system of checks and balances, open government and rule of law. As the administration increasingly undermines the monitoring role of the congress and judiciary, relies on secrecy in its actions and policies, and fails to honor guarantees of due process, the entire American system comes under threat.

The political environment is unlikely to change until after the elections. No politician wants to appear weak on terrorism or soft on domestic security. Although we have many potential allies in Congress from both parties on civil rights issues, few are going to come out strongly and oppose the president in the current

environment. If the Democratic Party can strengthen its control of the Senate and get control of the House legislation protecting civil liberties will have more of a chance of being scheduled and voted on.

II. Report of Program work

Goal 1: To advise American political leaders and local Muslim constituents on domestic and international policy concerns of the American Muslim community.

A. Objective 1: *Influence the formulation and execution of American domestic and international policy based on the concerns and values of the American Muslim community.*

The first six months of 2002 saw a rise in the number of meetings and contact with government agencies and congressional offices. In January CAIR delivered testimony on racial profiling at a ‘rump’ hearing called by Rep. John Conyers, and meetings and calls to offices of members of the House Judiciary Committee on this and related issues. We continued to highlight the concerns about the treatment of detainees and their due process rights and the effect of ‘voluntary’ interviews on the American Muslim community and its relation with government officials.

During this period we met with Frank Boyd, head of the DOJ Civil Rights Department, and Frank Mueller, Director of the FBI and the Inspector General of the Office of Inspector General for DOJ, an independent auditing body that is currently investigating charges of mistreatment of detainees at the Passaic and Brooklyn INS detention centers. We also met with members of the DOT Transportation Security Agency to discuss the issues of watch lists and racial profiling of American Muslims. Finally, we met with the head of the Civil Rights Unit and other staff in the USDA to discuss denial of food stamp privileges among a number of Somali grocery stores. These stores have a strong defense, but have been denied the right to accept food stamps based on allegations of trafficking and fraud, causing enormous harm to the owners and the Somali community.

We met with a number of congressional offices, especially in the senate, to discuss the Treasury Department raids on American Muslim homes, businesses and institutions. In these meetings we argued that the targets of the raids had not been afforded basic due process protections, especially the right to learn the nature of accusations and suspicions leveled against them. We tied these raids into the pattern of due process denial for detainees, interviewees, and the three Muslim charities whose assets have been frozen and asked for greater congressional oversight of Administration actions against the American Muslim community.

On international issues, CAIR weighed in heavily regarding American policy in the Middle East, meeting with representatives of the State Department on a number of occasions and corresponding with State, the White House Office and Congressional offices to argue for a more balanced US policy in the Middle East. This contact increased during the major Israeli offensive in the West Bank. We also began to develop ties and resources to begin a major effort to highlight the threat of fundamentalist Hindu nationalism in India, especially in the state of Gujarat. We compiled information and began contacting congressional offices, especially senators of the Foreign Relations subcomitte on South Asian affairs.

CAIR also participated in planning a congressional Mideast Dialogue called for by John Conyers. The dialogue involves religious and political leaders from the Muslim, Christian and Jewish communities, members of Congress and community members. Two dialogues have been held with mixed results. Attendance is light, although Conyers has gotten a number of members of Congress to participate

B. *Objective II: Develop strong and cooperative links and relationships with other groups that share the concerns of American Muslims, such as immigration networks, peace and social justice concerns, labor, human rights organizations, etc.*

CAIR continued working with established civil rights organizations, American Muslim and Arab organizations, social justice and faith based organizations. The established civil rights organizations remain the best organized and most effective in addressing attacks on civil liberties, and it is these groups with whom we most try to coordinate CAIR's legislative activities.

In the first three months of this year CAIR, AMC and MPAC governmental relations staff regularly met or spoke by phone about issues and priorities, in an effort to better coordinate the activities of these organizations. These meetings ended when Ray Busch left AMC and Mahdi Bray left MPAC. We plan to revive these conversations, but have not yet done so. I also frequently talked with Majed Jafari of AAI on lobbying issues, and we have coordinated our lobbying efforts on Palestine and Syria, shared information and consulted each other frequently. CAIR also organized three meetings of governmental relations staff from American Muslim and Arab organizations in order to share information and establish better working relationships between the organizations.

CAIR regularly communicates with members of the Washington staff of faith based organizations, although these organizations seem not be less effective than other civil rights organizations in coordinated lobbying efforts. We also were consulted by the Presbyterian Church about an outreach initiative they launched to encourage Presbyterian churches to hold open houses for Islamic centers around the anniversary of September 11. In February, CAIR helped arrange meetings between a private Saudi delegation and members of the religious and interfaith community in Washington, which helped us to renew contact with the Interfaith Alliance, the Interfaith Conference, and establish new contacts in the National Cathedral and the Theological Consortium.

CAIR also contributed to a Martin Luther King Day event with members of the Black Caucus, Rev. Sharpton's Action Network, the ACLU, AAI and other civil rights organizations. We consulted with a coalition of organizations in New York that have been working with the detainees, sharing information and helping to bring attention to each other's work. CAIR helped plan and prepare for a national summit to oppose Administration abuses of Muslims, Arabs and South Asians that brought over 60 people from groups as diverse as La Resistencia, National Lawyers Guild and the ACLU in order to better coordinate activist activities with the legal efforts of national civil rights organizations. Finally, CAIR decided to cosponsor and participate in the Alliance for Justice's First Monday Campaign, which promotes student activism through planning and preparation of a national day of action that coincides with the fall opening of the Supreme Court. CAIR's name will appear on all promotional material and CAIR chapters can coordinate these activities with other organizations to help us reach college age activities that don't yet know about CAIR. This year's theme is oppression of the Muslim community.

Finally, CAIR was approached by Conoco Oil about working together on the issue of sanctions against Iran. Discussions were formal until the introduction of the Syrian Accountability Act of 2002, when a joint interest in opposing these sanctions helped CAIR and Conoco to begin consulting more regularly on the status of this bill and efforts to defeat it. This bill is an AIPAC inspired resolution that is part of a strategy that aims to keep Arab states off-balance and on the defensive, and thereby strengthen the position of Israel vis-à-vis the Palestinians.

Goal II: To cultivate a broad and deep base of American Muslims who can effectively formulate and advise local, state, regional and national political leaders on policy issues of concern to their local communities.

A. Objective 1: Develop a strong network of American Muslim political organizations working with local, state and national political leaders.

During the first half of 2002 the Governmental Affairs Department consulted more regularly with chapters about local lobbying. We provided regular analysis and information about pending legislation, suggestions on how to address specific issues in meeting with representatives, and strategy for dealing with local congressional offices. The Governmental Affairs Department initiated a ‘nation-wide lobby day’, encouraging chapters to meet with their representatives during a particular week to talk about a single issue using the same talking points. We hope that we can make this a regular, perhaps monthly event, and engage the chapters in a process of jointly deciding what issues to tackle in the coming month. We also initiated the regular use of our Capitol Advantage site, which allows individuals to access action alerts and other tools that help them to regularly contact their representatives and other government officials learn about important legislation and increase the volume of the community’s correspondence with Congress and the Administration. CAIR has sent over 20,800 messages through this system alone. We also continued to communicate with the Democratic National Committee about ways to get Muslims involved in the political system through participation in election campaigns and other party activities, like training.

B. Objective 2: Establish the CAIR governmental affairs department to provide sophisticated, principled policy positions in a form that is accessible to non-specialists.

The Governmental Affairs department has begun to develop and issue independent analysis of new legislation, policies and executive orders. Governmental Affairs usually can develop talking points on important development and distribute them to CAIR staff through the Shura list in a matter of days. During this time I also participated in a number of interviews and public speaking engagements as a representative of CAIR. I was regularly quoted in major newspapers, conducted nationally syndicated radio interviews and appeared on FoxNews shows, including Hannity and Colmes.

Governmental Affairs is now plugged into a number of coalitions and networks through which we receive rapid analysis of issues and developments, which helps us to keep staff better informed about the significance of new policy or legislative initiatives and various organizations’ legislative actions. CAIR has also developed a legislative agenda to help staff and supporters better understand our legislative priorities and chart a map for when and where CAIR can act on legislative and policy issues.

IV. Assessment

A. General: The Governmental Affairs department has increased its capacity to understand and deal with new government policies and legislation, analyze this new information, initiate CAIR action or coordinate its lobbying efforts with other organizations. Greater familiarity with CAIR’s working environment, the legislative process and lobbying tools and strategies helped make the Governmental Affairs department more effective. Through increased meetings with congressional offices we have become a more familiar player with some congressional staff. We are now regular participants in most major organizational meetings on civil rights issues; our absence from meetings or failure to sign on to joint letters is clearly noticed, and our

participation actively sought after. A key to greater effectiveness is improved coordination of activities among CAIR's allies and chapters, something which improved in this period but for which there is still a long way to go before we are really effective. Many of the initial startup difficulties are past, and the Governmental Affairs Department better understands the workings and personalities of the civil rights and Capitol Hill communities. There is much to be learned and many wrinkles to be ironed out before we are a truly efficient and effective lobbying office.

Problems: The greatest problem continues to be general work overload. The competing interests of dealing with new legislative initiatives, meetings, political developments, attacks on American Muslim political activity and general program administration cause occasional inefficiency and leads to many lost opportunities. With the large number of issues to deal with and a still incomplete information gathering capability it is frequently difficult to prioritize work effectively. Another major problem continues to be follow-through. Oftentimes the department initiates work on a particular issue only to be forced to leave it and work on other issues. This makes the department less effective than it could be. Community pressure to work on international issues also causes a decreased capacity to effectively deal with the domestic civil rights challenges that should be at the heart of CAIR's work. There is also the problem of the general stigma that has now been attached to all American Muslim political organizations, and the general demise of other Muslim political organizations, particularly AMC and MPAC. Until these organizations can regroup CAIR appears to be the only remaining Washington-based advocacy organization with a regular presence in the field of politics.

B. Future: The Governmental Affairs Department should focus on better coordination of activities with the chapters, and strengthening our capacity to work in a concerted and unified way. This can be accomplished through more regular communication with the governmental affairs representatives in the chapters and greater utilization of the Capitol Advantage website. We plan to begin developing more policy briefs and regular commentaries on political developments as materials we can use on the Hill, but also to continue offering our own perspective on issues of concern. We also need to decide on a few issues to focus on and stick with them. For example, the issue of Gujarat seems to have a lot of potential, and it takes time to set up meetings, follow-up, call back, etc. To focus on Gujarat means to diminish attention on other areas. A domestic issue that we should perhaps focus on again is secret evidence, whereby our office visits to congress are only on these issues, and we focus our policy briefs and legislative efforts on these two issues, while supporting the work on others on other issues of concern. The issue of secret evidence, sealed affidavits, secret detentions, secret hearings and secret searches touch on a lot of the issues we are facing, and may be a more effective way to concentrate our concerns.

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