

ABDEEN JABARA AND THE ORIGINS OF THE ARAB-AMERICAN CIVIL RIGHTS MOVEMENT

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Among the most important and perhaps decisive aspects of the 2024 U.S. presidential election were the mobilization and voice of Arab-American voters, concentrated in the battleground states of Michigan and Pennsylvania. Notwithstanding decades of political mobilization and civil rights advocacy, to read media coverage of their role, one might think they came out of nowhere—a hitherto silent and detached constituency that suddenly rose to prominence as U.S. support for genocide against the Palestinian Arab population of Gaza moved to the center of national electoral politics. But their imprint on the civil rights landscape of U.S. law was decades in the making, including the salient issues of 2024: immigration, free speech, the surveillance state, and the politics of U.S. involvement in the Middle East.

This article aims to address the broad political, legal, and social neglect of Arab-Americans through analysis of one of their civil rights pioneers: Abdeen Jabara. The most important figure in the history of Arab-American civil rights advocacy, Jabara remains marginalized by civil rights historians. From challenging discriminatory zoning laws, to bridging divides with other ethnically and racially marginalized groups, to being the first American to sue the National Security Agency (NSA) for its domestic surveillance activities, Jabara forged the agenda for the Arab-American civil rights movement. Drawing on primary sources from the University of Michigan and the Arab-American National Museum, this article serves, in significant part, to place Abdeen Jabara among the ranks of other prominent American civil rights leaders and to shed light on a neglected but critical voting and civil rights advocacy constituency.

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I. INTRODUCTION

Although the 2024 U.S. presidential election brought into focus a number of critical constituencies—LGBTQ, African-American, Latinx, working class, and other discrete voting blocs—Arab-Americans took an unprecedented place at center stage. Concentrated in nine states, including Michigan and Pennsylvania, Arab-Americans were “[n]ever before . . . so potentially decisive in a presidential election.”¹ While emphasis has been placed on their location in battleground states and the role of Gaza in the electorate generally (the Arab-American vote shifted disproportionately from Joe Biden to Jill Stein), the reality is that Arab-Americans as a civil and political rights constituency have been ascendant for decades.²

Yet to read coverage of Arab-Americans, one gets the impression that they—and their electoral influence—came out of nowhere. Al Jazeera, the Doha-based news agency that carefully analyzes Arabs in the U.S. legal system, wrote that a “new generation of political activists . . . earned representation in unprecedented numbers and impact for the 3.5-million-strong Arab-American community [and] put Arab Americans on the electoral map for the first time”³ The *New York Times*, for the first time, declared Arab-Americans “potentially decisive,” noting their disenchantment with Biden’s policy toward Gaza.⁴

The reality is that not only were Arab-Americans long mobilized on a far broader range of issues than U.S. policy toward the Middle East; they had also been building their civil rights movement for decades.⁵

1. Ahmed Salah Ali, *The Evolving Role of Arab and Muslim Americans in the 2024 Elections*, FUTURE FOR ADVANCED RSCH. & STUD. (Nov. 5, 2024), <https://futureuae.com/en-US/Mainpage/Item/9793/new-dynamics-the-evolving-role-of-arab-and-muslim-americans-in-the-2024-elections>

[<https://web.archive.org/web/20250926165108/https://futureuae.com/en-US/Mainpage/Item/9793/new-dynamics-the-evolving-role-of-arab-and-muslim-americans-in-the-2024-elections>].

2. See Masood Farivar, *In Historic Shift, American Muslim and Arab Voters Desert Democrats*, VOICE OF AM. (Nov. 7, 2024, at 14:43 ET), <https://www.voanews.com/a/in-historic-shift-american-muslim-and-arab-voters-desert-democrats/7854995.html>

[<https://perma.cc/7ZCR-HK85>].

3. Rami Khouri, *This Year, Arab-American Political Power Came to the Fore*, AL JAZEERA (Dec. 3, 2024), <https://www.aljazeera.com/opinions/2024/12/3/this-year-arab-american-political-power-came-to-the> [<https://perma.cc/D3VR-XG2V>].

4. Hamid Aleaziz, *What Muslim Ban? Trump Tries to Sidestep Years of Islamophobia*, N.Y. TIMES (Oct. 30, 2024), <https://www.nytimes.com/2024/10/30/us/politics/trump-arab-muslim-voters.html>

[<https://web.archive.org/web/20250821003956/https://www.nytimes.com/2024/10/30/us/politics/trump-arab-muslim-voters.html>].

5. See James J. Zogby, *Protecting Our Arab American Identity*, ARAB AM. INST. (Apr. 15, 2024), <https://www.aaiusa.org/library/protecting-our-arab-american-identity>

Immigration, another central election issue, has been a priority for civil rights advocacy and litigation since Richard Nixon's "Operation Boulder" targeted Arab-Americans who engaged in political activism around U.S. policy.⁶ Freedom of religion—which featured across a number of voter fault lines—has long been a priority given state and federal hostility toward Muslims (Shia, Sunni, and others) and broad misunderstandings of the relationship between peoples of Arab ancestry and diverse religions, including Christianity, Druzism, Islam, Judaism, Sikhism, among others.⁷ This hostility and misunderstanding has been broadly echoed in film, media, and culture.⁸ At both the civil rights and cultural stereotype levels, Arab-Americans have formed dozens of organizations to advance their equality and acceptance.⁹

This Article aims to address this critical gap in the law and politics of the U.S. by analyzing the principal architect of Arab-American civil rights agenda and advocacy: Abdeen Jabara. When scholars assemble lists of America's great twentieth-century civil rights heroes—Martin Luther King, Jr., Cesar Chavez, Fred Korematsu, Eugene Debs, Betty Friedan, Harvey Milk, Clyde Bellecourt and others—Abdeen Jabara's name almost never appears.¹⁰ Even when the list is whittled down to lawyers—Morris Dees, John EchoHawk, Clara Foltz, Thurgood Marshall, Constance Baker

[<https://perma.cc/3K7U-PQG7>] (discussing Arab-American's growth in social and political involvement beginning in the 1950s).

6. See generally Pamela E. Pennock, *From 1967 to Operation Boulder: The Erosion of Arab-Americans' Civil Liberties in the 1970s*, 40 ARAB STUD. Q. 41, 42 (2018) (examining Operation Boulder at length).

7. *Id.*; see generally *Defending the Rights of Religious Minorities*, AM. C.L. UNION., <https://www.aclu.org/issues/religious-liberty/free-exercise-religion/defending-rights-religious-minorities> [<https://perma.cc/G98Q-YMGD>] (last visited Oct. 19, 2025) (“Religious freedom is one of America’s most fundamental liberties and a central principle upon which our nation was founded. Unfortunately, though, throughout this country’s history almost every religious group has been the target of discrimination at one point or another.”).

8. See Insiya Gandhi, *Reel to Real: Harmful Stereotypes of Arabs and Muslims in American Film and Television*, FORDHAM UNIV.: RHETORIKOS, <https://rhetorikos.blog.fordham.edu/?p=1738> [<https://perma.cc/SKJ9-8XXC>] (last visited Oct. 18, 2025).

9. See, e.g., Michael W. Suleiman, *A History of Arab-American Political Participation*, in AMERICAN ARABS AND POLITICAL PARTICIPATION 3, 6–8 (Philippa Strum ed., 2006), https://www.wilsoncenter.org/sites/default/files/media/documents/publication/DUSS_Arab_America.pdf [<https://perma.cc/F4QS-3R2C>].

10. See *Leaders in the Struggle for Civil Rights*, JOHN F. KENNEDY PRESIDENTIAL LIBR. & MUSEUM, <https://www.jfklibrary.org/learn/education/students/leaders-in-the-struggle-for-civil-rights> [<https://perma.cc/ZANT-2SMH>] (last visited Oct. 19, 2025); McKenzie Jean-Philippe & Jane Burnett, *30 Civil Rights Leaders of the Past and Present*, OPRAH DAILY (Feb. 8, 2023), <https://www.oprahdaily.com/entertainment/g35181270/civil-rights-leaders/> [<https://perma.cc/6KWS-SHXH>].

Motley, Mario Obledo, and others—Jabara remains marginalized.¹¹ This oversight is a loss not only for the role of Arab-Americans in the wider civil rights movement, but also for how minorities formulate legal conscience and construct legal strategies to effect change.¹²

Undoubtedly the most important figure in the Arab-American civil rights movement, Abdeen Jabara led some of the earliest and most successful campaigns targeting dehumanizing and culturally insensitive commercial and political depictions of Arabs and Arab-Americans; organized and led key Arab-American civil rights advocacy organizations, including the Association of Arab University Graduates and the American-Arab Anti-Discrimination Committee; represented Arabs and Arab-Americans targeted for their political and religious speech; and advocated for Arab-American community interests in bridging inter-race and inter-ethnic disputes.¹³ He was the first American to sue the NSA over the scope and lawfulness of its domestic surveillance activities, which focused on him because of his representation of Arab and Arab-American clients.¹⁴ For a community persistently misunderstood in its characteristics, contributions, and challenges, Abdeen Jabara has served as a critical voice. This article, in part, explains the relevance of Abdeen Jabara in the history of great American civil rights leaders.

Jabara's work is not only a window into Arab-American civil rights mobilization against employment discrimination, prejudicial zoning practices, and intolerance of religious and politically controversial speech, but also a comparative assessment of ethno-cultural civil rights mobilization. The diversity that characterizes Arabs and Arab-Americans has in common features with other minorities in the United States: they

11. See generally *Best Civil Rights Lawyers*, POLICE BRUTALITY CTR., <https://policebrutalitycenter.org/civil-rights/best-civil-rights-lawyers/> [https://perma.cc/W8TG-V6J5] (last visited Nov. 20, 2025); *Pioneer Native American Rights Lawyer John E. Echohawk to Receive ABA Thurgood Marshall Award*, AM. BAR ASS'N (June 6, 2023), <https://www.americanbar.org/news/abanews/aba-news-archives/2023/06/thurgood-marshall-award-recipient/> [https://perma.cc/8B4Y-RD7G].

12. See generally Richard Delgado, *The Ethereal Scholar: Does Critical Legal Studies Have What Minorities Want* *Minority Critiques of the Critical Legal Studies Movement*, 22 HARV. C.R.—C.L. L. REV. 301 (1987) (outlining the pros and cons of the Critical Legal Studies Movement and the “schism” between that movement and minorities).

13. Fouad Moughrabi, *Naseer Aruri and the Politics of Hope*, 38 ARAB STUD. Q. 450, 455 (2016); see also *Arab Americans: Abdeen Jabara*, ARAB AM., <https://www.arabamerica.com/arabamericans/abdeen-jabara-2-2/> [https://perma.cc/U9FM-FWCV] (last visited Oct. 19, 2025).

14. Paul Magnusson, *FBI Reveals NSA Tapping of Sirhan Lawyer's Calls*, WASH. POST (Aug. 2, 1977), <https://www.washingtonpost.com/archive/politics/1977/08/03/fbi-reveals-nsa-tapping-of-sirhan-lawyers-calls/044c120f-a22f-449a-b175-62f424a06378/> [https://perma.cc/VDV7-CNZL]; see also *Jabara v. Kelly*, 62 F.R.D. 424 (E.D. Mich. 1974) (Abdeen Jabara's suit against the FBI).

are not only discrete and insular in some major cities like Detroit; they are also anonymous and diffuse throughout the rest of the country, where nearly half of them reside.¹⁵ As importantly, they are a minority either from, or descended from immigrants largely associated with, countries with which the United States maintains complex and controversial foreign relations, like Egypt, Iraq, Israel/Palestine, Jordan, Lebanon, and Syria.¹⁶

“Arabs” are extraordinarily diverse, representing not only the world’s major monotheistic religions but also dozens of smaller sects and faiths; encompassing speakers of many languages, not necessarily including Arabic; and differing significantly in the extent to which they desire to be known as “Arabs.”¹⁷ In the United States, they struggle to make others aware of what they are not, or are not necessarily—Christians, Muslims (Sunni, Shia, or sub-identities of each), Sephardic Jews, Afghans, Bangladeshis, Chaldeans, Druze, Iranians, Pakistanis, Persians, Sikhs, Turks, Yazidis—yet they suffer similar discrimination as these groups.¹⁸ What *is* fundamental to the definition of an “Arab” is the association with a region and ruling regimes that are overwhelmingly negatively depicted across the widest array of American cinema, news media, cultural and social institutions, and textbooks.¹⁹ Jabara’s advocacy is notable for its efforts to sensitize the broad range of social and political actors who affect the lives of Arab-Americans by explaining and framing the languages,

15. *See* United States v. Carolene Prods. Co., 304 U.S. 144, 152 n.4 (1938) (“[P]rejudice against discrete and insular minorities may be a special condition . . . curtail[ing] the operation of those political processes ordinarily to be relied upon to protect minorities, and [so] may call for a correspondingly more searching judicial inquiry.”); Bruce Ackerman, *Beyond Carolene Products*, 98 HARV. L. REV. 713 (1985) (analyzing the problem of “anonymous and diffuse” minorities). For example, on August 17, 2016, in Tulsa, Oklahoma, Stanley Majors murdered his neighbor, Khalid Jabara, after years of referring to Jabara’s family as “dirty Arabs,” “filthy Lebanese,” “Aye-rabs,” and “Mooslems.” Dylan Goforth, *Neighbor Terrorized Tulsa Family with Racial Slurs, Attacks Before Allegedly Killing ‘Beautiful Brother’*, FRONTIER (Aug. 15, 2016), <https://www.readfrontier.org/stories/neighbor-terrorized-tulsa-family-with-racial-slurs-attacks-before-allegedly-killing-beautiful-brother/> [<https://perma.cc/Y8AX-C4LN>]. There is no discrete Arab-American community in Tulsa.

16. *See* WILLIAM A. RUGH, AMERICAN ENCOUNTERS WITH ARABS: THE SOFT POWER OF U.S. PUBLIC DIPLOMACY IN THE MIDDLE EAST 25–26 (2005).

17. ORI STENDEL, THE ARABS IN ISRAEL 45 (1996).

18. Moni Basu, *15 Years After 9/11, Sikhs Still Victims of Anti-Muslim Hate Crimes*, CNN (Sept. 15, 2016), <http://www.cnn.com/2016/09/15/us/sikh-hate-crime-victims/index.html> [<https://perma.cc/Z9QQ-5D6E>]; David G. Savage, *Civil Rights Laws Cover All Ethnic Groups*, *Court Says*, L.A. TIMES (May 19, 1987), <https://www.latimes.com/archives/la-xpm-1987-05-19-mn-1152-story.html> [<https://web.archive.org/web/20250926185901/https://www.latimes.com/archives/la-xpm-1987-05-19-mn-1152-story.html>].

19. *See* Jack G. Shaheen, *Reel Bad Arabs: How Hollywood Vilifies a People*, 588 ANNALS AM. ACAD. POL. & SOC. SCI 171 (2003); *see also* Gandhi, *supra* note 8.

religions, politics, and social hierarchies prevalent in the Middle East.²⁰ His efforts may inform lawyers' civil rights advocacy for groups with origins in Central and South America, Central and East Asia, and elsewhere.

Part I of this Article provides a definition of the "Arab-American" community as well as a brief history of that community. Part II provides a biographical sketch of Abdeen Jabara from his youth through his major representations of Arabs and Arab-Americans—both individually and collectively—against a wide array of defendants, from recording companies to food firms to the federal government. Part II also analyzes the role Abdeen Jabara played in the formation and leadership of major Arab-American advocacy organizations. Part III evaluates Jabara's role as a lawyer and civil rights leader and how his professional training benefited the Arab-American civil rights movement. Part IV provides a brief conclusion.

II. THE ARAB-AMERICAN COMMUNITY AND ITS CHANGING IMAGE IN THE UNITED STATES

"Arab-Americans" are Arabic-speaking peoples who emigrated to the United States and their descendants.²¹ The beginning of Arab arrival in the United States is traceable to the Philadelphia International Exposition in 1876, when Christian tradesmen came at the Ottoman Sultan's request to show artifacts from the Mount Lebanon region; they subsequently formed networks that facilitated migration from the greater Syrian region that predated but now includes, in whole or in part, the modern states of Israel, Jordan, Lebanon, the Occupied Palestinian Territories, Syria, and Turkey.²²

Ambiguity has long existed in the identifying of Arab-Americans.²³ Early Arab-Americans rarely referred to themselves as such, more often identifying as Syrians, Lebanese or by tribal or familial classifications.

20. PAMELA PENNOCK, *RETHINKING ARAB-AMERICAN ACTIVISM* (2025).

21. Michael Suleiman, *Arab-Americans and the Political Process*, in *THE DEVELOPMENT OF ARAB-AMERICAN IDENTITY* 37 (Ernest McCarus ed., 1994); *see also* MARYAM ASI & DANIEL BEAULIEU, U.S. CENSUS BUREAU, *ARAB HOUSEHOLDS IN THE UNITED STATES: 2006–2010* 1 (May 2013), <https://www2.census.gov/library/publications/2013/acs/acsbr10-20.pdf> [<https://perma.cc/SAL7-TPF9>].

22. Alixa Naff, *Arabs in America: A Historical Overview*, in *ARABS IN THE NEW WORLD: STUDIES ON ARAB-AMERICAN COMMUNITIES* 9–29 (Sameer Abraham & Nabeel Abraham eds., 1983).

23. *See* ERIC J. HOOGLUND, *CROSSING THE WATERS: ARABIC-SPEAKING IMMIGRANTS TO THE UNITED STATES BEFORE 1940* (1987) (identifying the numerous ways that immigrants of Arab background were classified).

Others referred to them as Turks, Arabs, Asiatic Turks, and sometimes even Armenians or Greeks.²⁴ Largely involved in peddling activities that allowed them to earn money by serving the still rural population during the mid- to late nineteenth century, Arab-Americans maintained distinct identities and, at least among the first wave of immigrants, assumed they would return home.²⁵

Scholars estimated that by 1914, approximately 100,000 “Syrians” were living in the United States.²⁶ Census data from 1990 placed the Arab-American population at 875,000,²⁷ though broader surveys suggest the number was closer to 2–3 million.²⁸ The U.S. Census has historically underestimated the number of Arab-Americans and only recently created a category for them.²⁹ Today, Arab-Americans are most heavily concentrated—in populations greater than 200,000—in California, New York, Texas, Michigan, Illinois, Ohio, Pennsylvania, and Massachusetts.³⁰ The earliest immigrants tended to be Christians from the Syria-Lebanon region.³¹ Though their numbers increased steadily throughout the 19th century, it was nearly seventy-five years before the American public broadly became aware of an Arab-American existence.³²

24. NAJIB SALIBA, *EMIGRATION FROM SYRIA AND THE SYRIAN-LEBANESE COMMUNITY OF WORCESTER, MA* 35 (1992).

25. Naff, *supra* note 22, at 9–15.

26. Ann Louise Bragdon, *Early Arab-Speaking Immigrant Communities in Texas*, 11 *ARAB STUD. Q.* 83, 84 (1989); G. PATRICIA DE LA CRUZ & ANGELA BRITTINGHAM, *U.S. CENSUS BUREAU, THE ARAB POPULATION: 2000* (2003), <https://www.census.gov/prod/2003pubs/c2kbr-23.pdf> [<https://web.archive.org/web/20250324111107/https://www2.census.gov/library/publications/decennial/2000/briefs/c2kbr-23.pdf>].

27. *See* DE LA CRUZ & BRITTINGHAM, *supra* note 26; Stephen Franklin & Tom Hundley, *Always, the Homeland, Even in New Detroit Life*, *DET. FREE PRESS*, Sept. 17, 1982, at 1. (suggesting that the population was closer to 2–3 million).

28. Stephen Franklin, *Arabs Start Moving Into Voting Booth: Apathetic Before, They Now Ask, 'How Do We Get Involved?'*, *DET. FREE PRESS*, Apr. 6, 1984, at 6A; *see* ARAB-AM. NAT'L MUSEUM, *ARAB AMERICANS HISTORY, CULTURE, & CONTRIBUTIONS* 6, n.1 (2019), <https://arabamericanmuseum.org/wp-content/uploads/2020/03/Arab-Americans.pdf> [<https://perma.cc/ED24-H5L9>].

29. Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity, 62 *Fed. Reg.* 58787 (Oct. 30, 1997).

30. *National Arab American Demographics*, ARAB AM. INST., <https://www.aaiusa.org/demographics> [<https://perma.cc/4AUM-SE7F>] (last visited Oct. 19, 2025); Huda, *The World's Muslim Population: Statistics and Key Facts*, *LEARN RELIGIONS* (Oct. 24, 2018), <https://www.thoughtco.com/arab-americans-in-the-united-states-2353696> [<https://perma.cc/6N3X-LDEW>].

31. *See* ALBERT HOURANI & NADIM SHEHADI, *THE LEBANESE IN THE WORLD: A CENTURY OF EMIGRATION* 5–6 (1992).

32. Naff, *supra* note 22, at 9.

World War I fundamentally shifted Arab-American identity. Arabs who had lived in the United States for a generation or more were conscripted and fought alongside other immigrant groups—Poles, Italians, Russians, Romanians, Greeks—an experience that forged a sense of “Americanism” because they had fought on the same side against common enemies.³³ Fighting alongside “American” soldiers became a crucial event in determining their own identities.³⁴ By the end of the war, they were far more likely to consider the United States their home.³⁵ Thus, up until the end of World War II, immigrants forming the Arab-American community were mainly Lebanese (in the sense that they had come from the Mount Lebanon region), Christian, and—until developing a sense of patriotism after World War I—sought quick financial gain in the United States so they could return home.³⁶

After 1948, the characteristics of Arabic-speaking immigrants to the United States changed. Recent immigrants have provided a more diverse representation from the Arab world, including equal numbers of Muslims and Christians, and representing every Arabic-speaking country.³⁷ More recent immigrants also possess a more pronounced sense of nationalism, especially Arab nationalism.³⁸ To these newer populations, one of the most meaningful attractions of the United States is its concept of democratic life.³⁹ New arrivals are also more religiously diverse; mostly Muslim, they shifted the religious balance of Arab-Americans toward nearly a Christian-Muslim parity by 1989.⁴⁰

33. See Akram Khater, *Lebanese-Americans in World War I*, KHAYRALLAH CTR. FOR LEBANESE DIASPORA STUD. (June 8, 2017), <https://lebanesestudies.ncsu.edu/news/2017/06/08/lebanese-americans-in-world-war-i/> [https://perma.cc/SAL7-TPF9] (concluding that many Lebanese-Americans, like other immigrants, served in World War I and viewed the service as “a citizenship rite of passage”).

34. James Zogby, *How WWI Impacted Arabs and Arab-Americans*, THE ARAB WKLY. (Nov. 18, 2025), <https://the arabweekly.com/how-wwi-impacted-arabs-and-arab-americans> [https://perma.cc/US74-NLGF].

35. Akram Khater, *Lebanese-Americans in World War I*, KHAYRALLAH CTR. FOR LEBANESE DIASPORA STUD. (June 8, 2017), <https://lebanesestudies.ncsu.edu/news/2017/06/08/lebanese-americans-in-world-war-i/> [https://perma.cc/U3M3-B8JM].

36. Suleiman, *supra* note 21, at 42–43; see also MICHAEL W. SULEIMAN, HISTORY, DEMOGRAPHY AND IDENTITY, 4 (2011) <https://www.wilsoncenter.org/sites/default/files/media/documents/event/suleiman.pdf> [https://perma.cc/98ZM-2ESS].

37. Naff, *supra* note 22, at 9–10.

38. See Michael W. Suleiman & Baha Abu-Laban, *Introduction*, 11 ARAB STUD. Q. 1, 4 (1989).

39. *Id.* at 3.

40. *Id.* at 4.

Early Arab immigrants to the United States were not politically active.⁴¹ Greater political involvement among Arab-Americans emerged following the 1967 Arab-Israeli War, as mobilizations responded to increasingly negative imagery of Arabs and Arab-Americans in the U.S. media.⁴² Mobilizations also occurred following the oil embargo that accompanied the 1973 war between Egypt and Israel.⁴³ Internal political unrest, civil wars, and intermittent regional wars—entangled with U.S. foreign policy interventions—have shaped the political climate for Arab-Americans, mostly adversely, ever since.⁴⁴

Abdeen Jabara led the effort to reverse these enormous setbacks for Arab-American civil rights. Along with other prominent Arab-American intellectuals and activists, he formed the first politically active Arab-American organization at the national level: the Association of Arab-American University Graduates (AAUG).⁴⁵ The AAUG provided the basic model for organizations that followed: the National Association of Arab-Americans (NAAA),⁴⁶ modeled after the American-Israel Public Affairs Committee (AIPAC);⁴⁷ the Arab-American Institute (AAI), designed to organize and mobilize Arab-Americans politically;⁴⁸ and the American Arab Anti-Discrimination Committee (ADC), created to combat negative imagery of Arab-Americans in the U.S. media.⁴⁹ These organizations (the ADC now represents the AAUG and the NAAA)⁵⁰ together fight negative depictions of Arabs and Arab-Americans, shape U.S. policies relevant to

41. See Michael W. Suleiman, *The Arab-American Left*, in *THE IMMIGRANT LEFT IN THE UNITED STATES* 233–55 (Paul Buhle & Dan Georgakas eds., 1966).

42. Michael W. Suleiman, *America and the Arabs: Negative Images and the Feasibility of Dialogue*, 11 *ARAB STUD. Q.* 251, 259 (1989).

43. *Id.* at 253.

44. *Id.* at 263–64.

45. See 2nd Annual Convention, Detroit, American Association of Arab University Graduates (Dec. 5, 1969) (on file with author); see also Baha Abu-Laban, *Reflections on the Rise and Decline of an Arab-American Organization*, 29 *ARAB STUD. Q.* 47, 48 (2007) (writing that, before the AAUG, “[t]here was no national organization with a mission statement and goal of addressing the unique issues facing Arab-Americans”).

46. See *Press Statement on ADC-NAAA Merger*, AM.-ARAB ANTI-DISCRIMINATION COMM. (Dec. 29, 2001), <http://www.adc.org/index.php?id=507> [<https://web.archive.org/web/20041101195747/http://www.adc.org/index.php?id=507>].

47. Mitchell Bard, *The Pro-Israel & Pro-Arab Lobbies*, JEWISH VIRTUAL LIBR., <https://www.jewishvirtuallibrary.org/the-pro-israel-and-pro-arab-lobbies> [<https://perma.cc/MR2D-BRGW>] (last visited Oct. 27, 2025).

48. *Arab American Institute*, ACTION NETWORK, <https://actionnetwork.org/groups/arab-american-institute> [<https://perma.cc/JHQ8-KTFV>] (last visited Oct. 27, 2025).

49. *About the ADC*, ADC, <https://adc.org/about/> [<https://perma.cc/ZX4D-6Z6V>] (last visited Oct. 27, 2025).

50. AM.-ARAB ANTI-DISCRIMINATION COMM., *supra* note 46.

those constituencies, and prevent both explicit and implicit discrimination in zoning, employment, housing, and education.

A. Abdeen Jabara and Arab-American Political Consciousness

1. Abdeen Jabara's Youth

Jabara grew up in a household that typified the early Arab-American experience. His father, Sam, left the Anti-Lebanon mountains, which form much of the border between modern-day Lebanon and Syria,⁵¹ to earn money in northern Michigan, as did many sojourning Lebanese immigrants.⁵² After serving in the military during World War I, Sam returned to the United States with a strong sense of patriotism and “Americanness.”⁵³ He opened a successful grocery store and integrated himself into the social fabric of the small northwestern town of Mancelona, while still retaining the language and customs of Lebanon.⁵⁴

While the Jabara family was of Muslim background, the principal parental expectations for Abdeen were that he abstain from eating pork and that he marry an Arab Muslim (which he eventually did).⁵⁵ Isolated from a larger Muslim community, Jabara’s main source of religious identity was one of difference—that his name and faith differed from the other families in Mancelona.⁵⁶ This sense of difference manifested throughout his adolescence. Jabara presented embroidery displays (a traditional Arab art form), wrote about the 1952 Egyptian Revolution in his high school newspaper, and spoke to his local Rotary Club about the Israel-Palestinian conflict.⁵⁷

Similarly, he chose to attend the University of Michigan, largely because it offered courses in Arabic and provided an opportunity for him to spend time with Michigan’s much larger Arab population.⁵⁸ While there, he developed close relationships with many of the large number of foreign students, identifying and sympathizing with the emancipation and

51. *Anti-Lebanon Mountains*, BRITANNICA, <https://www.britannica.com/place/Anti-Lebanon-Mountains> [<https://perma.cc/VQ37-VV4N>] (last visited Oct. 27, 2025).

52. SARAH GUALTIERI, *BETWEEN ARAB AND WHITE: RACE AND ETHNICITY IN THE EARLY SYRIAN AMERICAN DIASPORA* 179 (2009).

53. Interview with Abdeen Jabara (Nov. 2023) (on file with author).

54. *Id.*

55. *Id.*

56. GUALTIERI, *supra* note 52. “Jabara” is a common Lebanese name shared by Christians, Muslims, and other communities in Lebanon. *Id.*

57. Interview with Abdeen Jabara, *supra* note 53.

58. Abdeen Jabara Papers (1956–2003) (on file with University of Michigan Bentley Historical Library).

decolonization movements with which some of them were affiliated.⁵⁹ He drew parallels between those movements and both the growing African-American civil rights movement and the nascent protests against the U.S. presence in Vietnam.⁶⁰ Jabara also traveled to Egypt and Lebanon, where he visited his father's village and began to situate the experience of Arabs (under the Ottomans and then Europeans) within the broader discourse on colonization.⁶¹

While Jabara took in and contextualized these undergraduate experiences in relatively secluded Ann Arbor, he chose to attend law school at Wayne State University, in the heart of Detroit.⁶² His entry into political activity occurred during his legal education at Wayne State, which coincided with the major civil rights movements of the 20th century, in one of the most relevant cities where those movements sought fundamental change.⁶³ He spent his law school years immersing himself in Detroit's civil rights struggles.⁶⁴ He clerked for a Detroit firm closely affiliated with the National Lawyers Guild and founded a local chapter of the Civil Rights Research Council—the first multi-racial, law student-run organization in the United States, founded in 1963 by Northern law students who traveled south to work with civil rights lawyers supporting the southern civil rights movement.⁶⁵ The chapter brought Malcolm X and Herbert Aptheker to speak.⁶⁶ After completing his legal studies, Jabara spent a year in Lebanon working for the Palestine Research Center, where

59. Interview with Abdeen Jabara, *supra* note 53.

60. *Id.*

61. Abdeen Jabara Papers, *supra*, note 58.

62. Zeina Jaafar, *Prominent Arab American Attorney Abdeen Jabara Donates an Endowment of \$100K to U of M-Dearborn*, ARAB AM. NEWS (May 9, 2025), <https://arabamericannews.com/2025/05/09/prominent-arab-american-attorney-abdeen-jabara-donates-an-endowment-of-100k-to-u-of-m-dearborn/> [<https://perma.cc/RWE2-MTBB>] (“[Jabara] attended the University of Michigan, where he earned his bachelor’s degree in 1962 before attending Wayne State University Law School, where he founded the Law Student’s Civil Rights Research Council.”).

63. *Id.*; see also *The Detroit 20th Century African American Civil Rights Project*, MICH. ECON. DEV. CORP.: MiPLACE, <https://www.miplace.org/historic-preservation/programs-and-services/mi-civil-rights-project/detroit-civil-rights-project/> [<https://perma.cc/3CD3-T37Y>] (last visited Nov. 20, 2025) (“Detroit figured prominently in the U.S. Civil Rights Movement of the mid-20th Century Long a stronghold of civil rights activism, Detroit was the site of the 1963 Walk to Freedom”).

64. Interview with Abdeen Jabara, *supra* note 53.

65. Abdeen Jabara, *The 1967 War: A War That Changed A Life*, 40 ARAB STUD. Q. 13, 15 (2018); *Law Schools: Learning by Doing*, TIME (May 21, 1965), <http://content.time.com/time/subscriber/article/0,33009,901712-1,00.html> [<https://perma.cc/QYJ6-DTZ9>].

66. See MICHAEL S. SMITH, *LAWYERS FOR THE LEFT: IN THE COURTS, IN THE STREETS AND ON THE AIR* 167–78 (2019).

he completed a monograph detailing the legal aspects of the armistice between Israel and Arabs before returning to Detroit in 1966 to open his law office.⁶⁷

While Jabara's practice broadly included the representation of clients involved in civil rights and political protest activities, he specialized in the defense of Arab-American activists and Arab immigrants who faced discrimination because of their language, religion, or customs, especially in the Detroit area.⁶⁸ The FBI began investigating Jabara early in his legal career, first because of information that he had attended meetings of the Detroit Committee to End the War in Vietnam.⁶⁹

2. Arab-Americans, Civil Rights, and Detroit

To be sure, when Abdeen Jabara entered private legal practice intending to make civil rights work a core part of his mission, opportunities to effect change abounded.⁷⁰ The City of Detroit had served as one of the epicenters of civil rights activity, a distinction that went hand-in-hand with its role as the center of American automobile manufacturing.⁷¹ Prior to the Great Migration of African-Americans, Irish migrated in large numbers to Detroit to escape famine.⁷² Germans also came in droves, seeking industrial employment opportunities.⁷³ The Great Migration to Detroit subsequently occurred due to a post-World War I economic decline in the

67. Jabara, *supra* note 65, at 16.

68. Interview with Abdeen Jabara, *supra* note 53.

69. Amy Goodman, *Arab-American Attorney Abdeen Jabara: I Was Spied on by the National Security Agency 40 Years Ago*, DEMOCRACY NOW! (Oct. 17, 2013), http://www.democracynow.org/2013/10/17/arab_american_attorney_abdeen_jabara_i [<https://perma.cc/9DU4-ZBFT>].

70. Interview with Abdeen Jabara, *supra* note 53.

71. See generally Megan T. Shockley, *Working for Democracy: Working-Class African-American Women, Citizenship, and Civil Rights in Detroit 1940–1954*, 29 MICH. HIST. REV. 125, 137 (2003) (explaining the role of labor in the auto industry in the development of civil rights movement); AUGUST MEIER & ELLIOTT RUDWICK, *BLACK DETROIT AND THE RISE OF THE UAW* (1979) (discussing the relationship between union activity and civil rights mobilization).

72. See *A Brief History of Irish Immigrants in Michigan*, MICH. PUB. (Mar. 17, 2021, at 16:20 ET), <https://www.michiganpublic.org/families-community/2021-03-17/a-brief-history-of-irish-immigrants-in-michigan> [<https://perma.cc/ZK6J-J9M5>] (describing how “[t]he construction of the Erie Canal in the 1830s made it an easy trip to Michigan,” and various features of Detroit led the Irish immigrants to settle there).

73. Leah Weinryb Grohsgal, *Chronicling America's Historic German Newspapers and the Growth of the American Ethnic Press*, NAT'L ENDOWMENT FOR THE HUMANS. (July 2, 2014), <https://www.neh.gov/divisions/preservation/featured-project/chronicling-america-historic-german-newspapers-and-the-grow> [<https://perma.cc/QRL4-HZB6>].

South and African-Americans' desire to escape pervasive Jim Crow brutality.⁷⁴

3. *The Changing Racial and Ethnic Composition of Detroit*

a. *African-Americans*

This surge of African-Americans caused “competition [which] led to forays by [Caucasians] designed to protect the racial status quo in employment, housing, and recreation.”⁷⁵ African-Americans flocked to Detroit in mass numbers for employment opportunities within the growing auto industry, having been unable to find stable work in the southern states.⁷⁶ The African-American population hovered between 1.4 and 9.1 percent from 1820 to 1930, but it nearly doubled every decade beginning in the 1950s. It rose from 28.9 percent in 1960 to 75.7 percent in 1990,⁷⁷ and it reached 83.9 percent by 2007.⁷⁸ Although employers slowly began to hire African-American men and women,⁷⁹ subsequent political events continued to strain relations between the racial groups.⁸⁰ “One of the important local centers for the African American left in the 1930s and 1940s was the city of Detroit.”⁸¹ Until then, African-Americans in Detroit had “generally [been] confined to one sprawling ghetto until it was bulldozed in the 1950s.”⁸² After the 1950s, they began to move out of the

74. *The Great Migration*, AFR. AM. MIDWEST, <https://africanamericanmidwest.com/history-migrations/the-great-migration/> [<https://perma.cc/R7M8-7EN2>] (last visited Oct. 19, 2025) (“The Great Migration migrants had multiple motives for moving: some to escape the racism and violence in the Jim Crow South, others for jobs and a better life in the Midwest; and many for both reasons.”).

75. See Dominic J. Capece Jr. & Martha Wilkerson, *The Detroit Rioters of 1943: A Reinterpretation*, 16 MICH. HIST. REV. 49, 50 (1990); Morris Janowitz, *Patterns of Collective Racial Violence*, in VIOLENCE IN AMERICA: HISTORICAL AND COMPARATIVE PERSPECTIVES 317, 317–39 (Hugh D. Graham & Ted Gurr eds., 1969).

76. See generally AFR. AM. MIDWEST, *supra* note 74 (explaining African-Americans' motives for moving to Detroit and other Midwestern cities during the Great Migration).

77. *Detroit: A Look Back at the Demographic Changes*, DILEMMA X (Jan. 18, 2017), <https://dilemma-x.net/2017/01/18/detroit-a-look-back-at-the-demographic-changes/> [<https://perma.cc/B9KW-N8GL>].

78. *Id.*

79. Christopher L. Foote et al., *Arbitraging a Discriminatory Labor Market: Black Workers at the Ford Motor Company, 1918–1947*, 21 J. LABOR ECON. 493, 496–97 (2003).

80. ANDREW NOSTI, “WE ARE AMERICANS, TOO.” INTERRACIAL RELATIONS IN DETROIT’S POSTWAR AUTO INDUSTRY 5 (2016), https://cupola.gettysburg.edu/cgi/viewcontent.cgi?article=1544&context=student_scholarship [<https://perma.cc/T2ZU-7YDW>].

81. Martin Halpern, “*I’m Fighting for Freedom*”: Coleman Young, HUAC, and the Detroit African American Community, 17 J. AM. ETHNIC HIST. 19 (1997).

82. Bill McGraw, *Life in the Ruins of Detroit*, 63 HIST. WORKSHOP J. 289, 291 (2007).

ghettos and into Caucasian neighborhoods, which often led to violence against African-American homeowners.⁸³

As the African-American population grew, so did the housing segregation, with the “Michigan Civil Rights Commission conclud[ing] in 1967 that about 90 percent of Michigan’s nonwhites lived in residentially segregated areas.”⁸⁴ Moreover, African Americans were subjected to inferior housing, for which they had to pay disproportionately higher rents or housing costs than Caucasians.⁸⁵ In Detroit in 1960, “27.9 percent of black homes were ‘dilapidated or deteriorating’ as compared to 9.8 percent of white homes.”⁸⁶ African-Americans “lived in housing that was overcrowded, rat infested, and had leaky roofs, holes in the walls, and defective plumbing.”⁸⁷ Civil rights advocates found that these living conditions led to “increased mortality, morbidity, delinquency, risk of fire, inter-group tension, loss of tax revenue[,] and other harmful conditions.”⁸⁸

The largely White move to suburban areas resulted not only from the racist fear of African-Americans, but also from rising family incomes, the expansion of highway transportation, and the decentralization of employment in the city.⁸⁹ Improvements to interstate highways made commuting a more viable option, and rising family incomes accompanied the demand for a suburban lifestyle.⁹⁰ The “resulting group of [suburban] communities reflect a wide geographic band spanning the northeast to the southwest: They circumscribe the city of Detroit—this often being

83. Reynolds Farley, *Detroit Fifty Years After the Kerner Report: What Has Changed, What Has Not, and Why?*, 4 RUSSELL SAGE FOUND. J. SOC. SCI. 206, 209 (2018).

84. Sidney Fine, *Michigan and Housing Discrimination, 1949–1968*, 23 MICH. HIST. REV. 81, 83 (1997).

85. NAACP LEGAL DEF. & EDUC. FUND, INC., HISTORY OF HOUSING DISCRIMINATION AGAINST AFRICAN AMERICANS IN DETROIT 1, <https://www.naacpldf.org/files/our-work/Detroit%20Housing%20Discrimination.pdf> [<https://perma.cc/JB4Q-YCZ5>].

86. Fine, *supra* note 84, at 83.

87. *Id.*

88. *Id.*; see generally THOMAS J. SUGRUE, THE ORIGINS OF THE URBAN CRISIS: RACE AND INEQUALITY IN POSTWAR DETROIT (2d ed. 2014) (analyzing the effects of segregation on individuals and communities).

89. Charles T. Clotfelter, *The Detroit Decision and “White Flight,”* 5 J. LEGAL STUD. 99, 102 (1976); see also John F. Kain & John M. Quigley, *Housing Market Discrimination, Home-Ownership, and Savings Behavior*, 62 AM. ECON. REV. 263 (1972) (analyzing the development of highways and their effect on segregation).

90. Clotfelter, *supra* note 89.

referred to in the black Ghetto as the ‘White Noose.’”⁹¹ This departure from the city increased dramatically following the race riots in 1967.⁹²

This increasing residential succession further led to a disparity in the available educational opportunities as well.⁹³ In 1966, Detroit Public Schools hit its peak enrollment of 300,000 students, who “were about evenly divided between” African-American and Caucasian.⁹⁴ After the 1967 riot, “a nearly universal exodus of [Caucasians] out of central city school systems” occurred, while the number of African-American and other minority students increased simultaneously.⁹⁵ Those in suburban communities received a better education than those living in the inner city, as the government collected more tax dollars in the suburban areas to put towards education.⁹⁶ Those left behind in the city experienced childhood poverty due to lack of employment opportunities for their families.⁹⁷ Combined with inner city-suburb housing segregation, the quality of public education deteriorated rapidly.⁹⁸ Moreover, education became increasingly stratified after the Supreme Court’s ruling in *Milliken v. Bradley*.⁹⁹ “The Court ruled that suburban districts could not be compelled to participate [in desegregation plans] insofar as the plan violated their right to local control of public schools.”¹⁰⁰

91. Kristen Kasinsky, Student Report, *Detroit: Built for the Road Ahead?*, 23 MICH. SOCIO. REV. 160, 166 (2009) (quoting D.I. Warren, *Suburban Isolation and Race Tension: The Detroit Case*, 17 SOC. PROBS. 324, 329 (1970)).

92. WXYZ-TVDET. CHANNEL 7, *White Flight After the 1967 Detroit Riots* (YouTube, July 11, 2017), <https://www.youtube.com/watch?v=4Ib3bHGzTtU> [<https://perma.cc/V39A-URAZ>].

93. THE ATLANTIC, *Inside Detroit’s Failing Public Schools* (YouTube, Sep. 22, 2016), <https://www.youtube.com/watch?v=K6Cepqoocz0> [<https://perma.cc/HQ79-8JQW>].

94. Jeffrey Mirel, *After the Fall: Continuity and Change in Detroit, 1981–1995*, 38 HIST. EDUC. Q. 237, 241 (1998).

95. Clotfelter, *supra* note 89, at 101; see also Joe T. Darden & Richard W. Thomas, *Measuring the Racial Divides in Metropolitan Detroit*, in DETROIT: RACE RIOTS, RACIAL CONFLICTS, AND EFFORTS TO BRIDGE THE RACIAL DIVIDE 239–64 (2013) (analyzing the changing composition of Detroit’s student population).

96. Elissa Nadworny & Cory Turner, *This Supreme Court Case Made School District Lines A Tool For Segregation*, NAT’L PUB. RADIO (July 25, 2019, at 05:00 ET), <https://www.npr.org/2019/07/25/739493839/this-supreme-court-case-made-school-district-lines-a-tool-for-segregation> [<https://perma.cc/8T2J-CG5Y>].

97. Ross Eisenbrey, *Detroit’s Bankruptcy Reflects a History of Racism*, WORKING ECON. BLOG (Feb. 25, 2014, at 14:29 ET), <https://www.epi.org/blog/detroits-bankruptcy-reflects-history-racism> [<https://perma.cc/A65P-4UTN>].

98. Nadworny & Turner, *supra* note 96.

99. See *Milliken v. Bradley*, 418 U.S. 717 (1974).

100. See Valerie E. Lee et al., *Parental Choice of Schools and Social Stratification in Education: The Paradox of Detroit*, 16 EDUC. EVALUATION & POL’Y ANALYSIS 434, 437 (1994); see also *Milliken*, 418 U.S. at 745 (“Without an interdistrict violation and interdistrict effect, there is no constitutional wrong calling for an interdistrict remedy.”).

Prior to the 1967 riot, Detroit did not have fair housing ordinances in place to end housing segregation.¹⁰¹ Although G. Mennen Williams, governor of Michigan in 1949, identified segregated housing as a civil rights issue, lawmakers did not enact fair housing laws until 1968 in response to the race riots of 1967.¹⁰² In response to the turmoil, Governor Romney put forward proposals that included fair housing, tenants' rights, relocation, and code enforcement legislation.¹⁰³ A victory for civil rights leaders, the Michigan Fair Housing Act took effect in 1968 and was "stronger than" the federal housing law and most other state fair housing laws.¹⁰⁴ The State Legislature amended the Michigan Fair Housing Act in 1976 to omit certain exceptions listed in the 1968 version that pertained to fair housing requirements for buildings that did not house two or more families.¹⁰⁵ The enactment of "fair housing, tenants' rights, code enforcement, and relocation legislation placed Michigan, which had once lagged in the field, at the forefront of the states seeking to combat housing discrimination."¹⁰⁶

b. Arab-Americans

Arab immigrants first arrived in Detroit between 1870 and 1890 from rural villages in Lebanon, Syria, and Palestine.¹⁰⁷ "Chief among the circumstances that ha[d] driven them from their native lands are: poverty, political and social oppression, colonialism[,] and war."¹⁰⁸ "With notable exceptions, the immigrants [were] either illiterate or semiliterate, unskilled peasants (or as in the case of the Palestinians, refugees) who ha[d] little or no knowledge of English."¹⁰⁹ The goal of the rural immigrants was either to "accumulate enough capital and return home," or to begin the social

101. Albert J. Mayer & Thomas F. Hoult, *Race and Residence in Detroit*, in *A CITY IN RACIAL CRISIS: THE CASE OF DETROIT PRE- AND POST- THE 1967 RIOT* 3, 3-5 (Leonard Gordon ed., 1972) (discussing racial segregation during this time period in Detroit)

102. Fine, *supra* note 84, at 81.

103. *Id.* at 112.

104. *Id.* at 111.

105. *Id.* at 112.

106. *Id.* at 113.

107. *From a Child's Perspective: Arab, Chaldean, and Middle Eastern Children and Families in the Tri-County Area*, 4 SKILLMAN CTR. FOR CHILD., WAYNE STATE UNIV. 1 (2004),

https://www.webcitation.org/6KzXnh0Ci?url=http://www.cus.wayne.edu/content/publications/Arab_Factsheet1.pdf [<https://perma.cc/DKK2-USJX>]; *Michigan, ARAB-AM.*, <https://www.arabamerica.com/michigan/> [<https://perma.cc/M6Z8-V7TH>] (last visited Nov. 20, 2025).

108. Nabeel Abraham, *Detroit's Yemeni Workers*, 57 MERIP REPS. 3 (1977).

109. *Id.*; *History, ARAB-AM. STORIES*, <http://www.arabamericanstories.org/arab-americans/history/> [<https://perma.cc/3MLE-MVQ8>] (last visited Mar. 30, 2022).

ascension that was made available in the United States.¹¹⁰ In the early twentieth century, Henry Ford built his Rouge Plant in Dearborn, Michigan, a suburb of Detroit, which made settlement in the area attractive for Arab immigrants.¹¹¹ Ford built housing for employees of Arab descent in the Southend neighborhood, which eventually became the largest concentration of Arab-Americans in the United States.¹¹² Many immigrants continued to settle near Detroit due to the booming auto industry and the perceived need for employees.¹¹³

To accommodate the new residents, Ford helped to develop housing for his immigrant employees in the Southend neighborhood of Dearborn, which subsequently became an Arab-American ghetto.¹¹⁴ The houses were quickly and cheaply built in the 1920s, and they were crumbling and structurally insufficient by the 1950s.¹¹⁵ Some of the houses were “self-built,” and a report conducted in the 1940s regarding the community found that it had reached “slum-like conditions” due to mass over-crowding.¹¹⁶ The overcrowding was exacerbated by families living together during the Great Depression, and again when many immigrants were coming to Dearborn to fill the perceived need for employees during World War II.¹¹⁷ Many new arrivals during World War II lived in tents and other forms of

110. Anga Youssef & Edward Simpkins, *Parent Attitudes on Americanization and Bilingual Education: The Dearborn, Detroit, and Farmington Study*, 12 BILINGUAL REV. 190 (1985); see generally BAHA ABU-LABAN & FAITH T. ZEADY, ARABS IN AMERICA: MYTHS AND REALITIES (1975) (analyzing beliefs and practices of early Arab immigrants).

111. Sarah Cwiek, *What Explains Michigan's Large Arab American Community?*, MICH. PUB. (July 9, 2014 at 18:04 PM ET), <https://www.michiganpublic.org/arts-culture/2014-07-09/what-explains-michigans-large-arab-american-community> [<https://perma.cc/9FHA-NPDY>] (“As Henry Ford then moved, and opened a new factory, the Rouge plant, in Dearborn, the Arab Americans followed him there,” Stiffler says.”).

112. Nicole Crowder, *Starting Over in Dearborn Michigan: The Arab Capital of North America*, WASH. POST (Mar. 5, 2015), <https://www.washingtonpost.com/news/insight/wp/2015/03/05/starting-over-in-dearborn-michigan-the-arab-capital-of-north-america/> [<https://perma.cc/94JF-UDZJ>].

113. Georgios Paris Loizides, “*Making Men at Ford*”: Ethnicity, Race, and Americanization during the Progressive Period, 21 MICH. SOCIO. REV. 109 (2007); see, also Zaragosa Vargas, *Life and Community in the “Wonderful City of the Magic Motor”*: Mexican Immigrants in 1920s Detroit, 15 MICH. HIST. REV. 45 (1989) (discussing continued Mexican immigration to Detroit largely led by auto related job opportunities).

114. William Kiskowski, Arab-American Identities and the Cultural Landscape of Dearborn Michigan, at 63 (2017) (Ph.D. dissertation, Kent State University), https://etd.ohiolink.edu/acprod/odb_etd/ws/send_file/send?accession=kent1500911360671252&disposition=inline [<https://perma.cc/2YNM-A2N2>].

115. HEATHER BARROW, HENRY FORD’S PLAN FOR THE AMERICAN SUBURB: DEARBORN AND DETROIT 282 (2018).

116. Youssef & Simpkins, *supra* note 110; see generally BARROW, *supra* note 115 (tracing the residency practices of housing in Dearborn).

117. Youssef & Simpkins, *supra* note 110.

temporary housing.¹¹⁸ The need for employees during that time did little to alleviate overcrowding in Southend, and overcrowding subsequently worsened again when Ford Motor Company began to decentralize its operations and move towards automation, which contributed to the layoff of thousands of immigrant employees.¹¹⁹ Those who were able left Southend and moved to suburbs, leaving the overcrowded conditions and the economically disadvantaged behind.¹²⁰

Moreover, Southend was squeezed between the gates of the Ford River Rouge Plant on the west side and those of the Edward C. Levy Company, “which converted slag and other industrial waste into asphalt for local roads” on the east side, trucking facilities and other light industry bordered the north side, and the south side bordered Darling Soap Works and several oil refineries.¹²¹ The entirety of Southend was surrounded by industry, and its residents suffered the effects of its pollution.¹²² Incoming winds would cover residents’ houses and cars with a thick film of slag, which slowly etched their paint off.¹²³ “Houses were filthy on the outside, and difficult to keep clean inside as well.”¹²⁴ By the 1970s, the roof of the local elementary school began to collapse from the weight of slag and pollutants that had accumulated.¹²⁵ In 1971, the “Air Pollution Control Division of Wayne County found the Southend’s air to have ‘on the average twice as many suspended particles . . . as the federal standards permit for health.’”¹²⁶

Dearborn was so ethnically diverse by the 1950s, that “it had [thirty three] different nationality groups in [the Southend community].”¹²⁷ The business district of Southend, referred to colloquially as “Dix,” was the “symbolic heart and center” of the Arab community.¹²⁸ It was known for its social life, tight concentration of businesses, and its involvement in politics back in immigrants’ native countries.¹²⁹

118. *Id.*

119. *Id.*

120. George White, *Detroit’s Arab-American Community: Thriving and Active*, CHRISTIAN SCI. MONITOR (Jan. 5, 1982), <https://www.csmonitor.com/1982/0105/010532.html> [<https://perma.cc/YK2J-M8WN>]; Sally Howell, *Southend Struggles: Converging Narratives of an Arab/Muslim American Enclave*, 3 MASHRIQ & MAHJAR 66, 74 (2015).

121. Howell, *supra* note 120, at 74.

122. *Id.*

123. *Id.* at 75.

124. *Id.*

125. *Id.*

126. *Id.* at 75.

127. Howell, *supra* note 120, at 70.

128. *Id.* at 73.

129. *Id.*

It should be noted that although Southend did have a large Arab population, they were not the majority in the 1960s.¹³⁰ Many residents who were involved with the Southeast Dearborn Community Council (SEDCC), a community-based activist group, were not Arab, and many of the communities' supporters were non-Arab.¹³¹ Rifts began to form between the Arab population that had been in the United States for several years and the newly arrived Yemeni immigrants.¹³² The majority of Yemeni immigrants were male, and they were seen as "having a destabilizing impact on the neighborhood."¹³³

Many immigrants, namely Yemeni and Lebanese, left the United States during the Great Depression to travel back to their native countries, emigrated back to the United States post-economic slump, and continued to travel back and forth between the United States and their homelands.¹³⁴ A new wave of immigrants came around the 1950s; a "growing number came from the capitalist classes, the landed gentry, and the influential urban-based families of various countries, who had been replaced by a new leadership."¹³⁵

From the early 1900s onward, the wages that otherwise unskilled laborers—frequently African-Americans and Arabs—could earn at manufacturing facilities drew large numbers of those laborers to the Detroit metropolitan area.¹³⁶

130. *Id.* at 85.

131. *Id.* at 77.

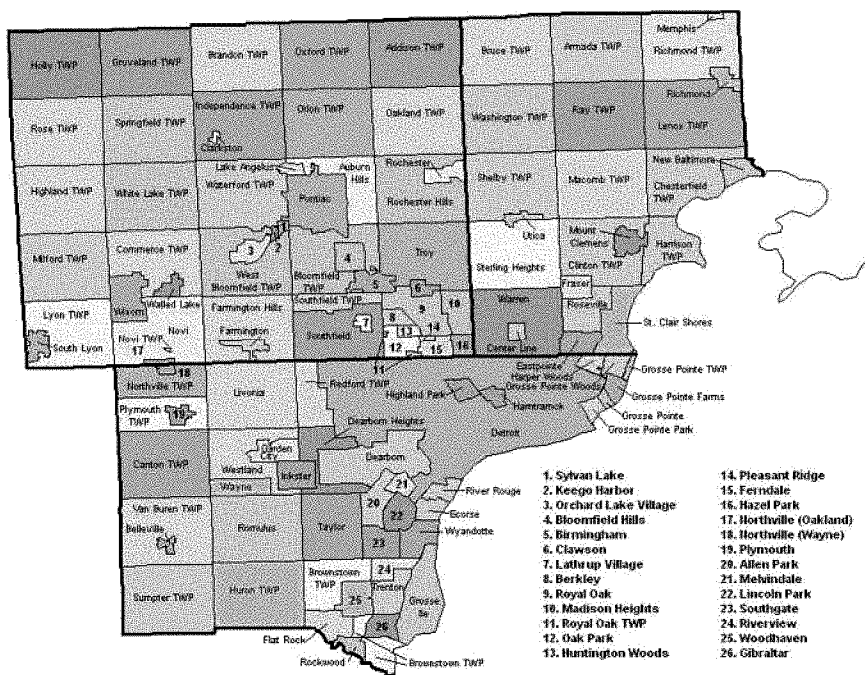
132. *Id.* at 83.

133. Howell, *supra* note 120, at 85.

134. Nadine Naber, *Transnational Families Under Siege: Lebanese Shi'a in Dearborn, Michigan, and the 2006 War on Lebanon*, 5 J. MIDDLE EAST WOMEN'S STUD. 145, 148 (2009); See generally LINDA S. WALBRIDGE, WITHOUT FORGETTING THE IMAM: LEBANESE SHI'ISM IN AN AMERICAN COMMUNITY (1996) (tracing this sojourning among Lebanese Shia).

135. Youssef & Simpkins, *supra* note 110, at 191.

136. Howell, *supra* note 120, at 74.



Arabs in the Detroit metropolitan area settled both in the city proper and its environs, in some places according to country of origin and in others in larger mixed neighborhoods that were nevertheless distinctively Arab.¹³⁷ Chaldeans (a Catholic group of Iraqi background) settled near Highland Park,¹³⁸ Yemenis around Hamtramck,¹³⁹ and Palestinians in Livonia,¹⁴⁰ while large numbers of these groups, in addition to Lebanese and Syrians, settled in Dearborn.¹⁴¹ These immigrants and their

137. JACOB BACALL, *CHALDEANS IN DETROIT* 51 (2014); Isaac A. Weiner, *Calling Everyone to Pray: Pluralism, Secularism, and the Adhān in Hamtramck, Michigan*, 87 *ANTHROPOLOGICAL Q.* 1049, 1053 (2014).

138. See generally BACALL, *supra* note 137, at 51 (describing the Chaldean communities of Highland Park).

139. Weiner, *supra* note 137, at 1053; Charlie Langton & Brendan Vrabel, *Hamtramck Residents with Ties to Yemen React to U.S. Attacks on Houthis Rebels*, FOX 2 DET. (Mar. 17, 2025), <https://www.fox2detroit.com/news/hamtramck-residents-ties-yemen-react-u-s-attacks-houthis-rebels> [<https://perma.cc/V65T-PNMY>].

140. Aleya Rouchdy, *Language Conflict and Identity: Arabic in the Diaspora, in LANGUAGE CONTACT AND LANGUAGE CONFLICT IN ARABIC* 134 (Aleya Rouchdy ed., 2002).

141. Howell, *supra* note 120, at 67. (“The Southend struggles, in other words, played a significant role in transforming Dearborn into a city that, by 2013, had a population of 97, 140, of which 42 percent was Arab. Today, Dearborn is home to fifteen mosques, while greater Detroit has over eighty. Roughly 230,000 Arab Americans live in Detroit and its suburbs, and nearly half of them are Muslim.”).

descendants worked with, alongside, and sometimes in opposition to, other ethnically or racially discrete groups in Detroit.¹⁴²

However, “overt and covert discrimination; high unemployment; hard and dirty jobs; hazardous working conditions, and the like . . . plague[d] immigrant workers.”¹⁴³ Like African-Americans, Arab immigrants faced workplace discrimination in the auto industry, both when trying to acquire employment and through the type of employment they were given within the factories.¹⁴⁴ Over the course of the 1960s, both black and Arab workers in Detroit’s automobile factories began to protest the deep inequities embedded in both manufacturer and union hierarchies.¹⁴⁵ Dan Georgakas details the situation of the respective communities in the major manufacturers:

Blacks invariably got the worst and most dangerous jobs: those in the foundry, the body shop, and engine assembly, jobs requiring the greatest physical exertion and jobs which were the noisiest, dirtiest, and the riskiest in the plant. Dodge Main was a typical factory: 99% of all general foremen were white, 95% of all foremen were white, 100% of all superintendents were white, 90% of all skilled tradesmen were white, and 90% of all skilled apprentices were white Sick notes signed by black doctors were refused as inadequate Possibly the only group more exploited than blacks at Dodge Main were the recent Arab immigrants. In 1968 they numbered 500, and in the next six years their number increased fourfold. These workers tended to be totally bewildered by American conditions and were fearful of losing their jobs or being deported.¹⁴⁶

Outside the factories themselves, surrounding communities also exhibited formal, discriminatory policies toward Arabs and immigrants from Arab countries:

The city of Dearborn, led by Orville Hubbard, had never made it a secret that it thought of itself as a “white man’s town.” The new Arabs were seen as so many “white niggers” and efforts to destroy the South End (a part of Dearborn, Michigan occupied largely by Arabs and Arab-Americans and bound on three sides by factories) were intensified after 1966. Hubbard wanted to make the South End into an industrial park. He used the granting of building and

142. *Id.*

143. See Abraham, *supra* note 108 (discussing immigrant workers generally).

144. Dan Georgakas, *Arab Workers in Detroit*, 34 MERIP REPS. 13 (1975); Ola Marie Smith et al., *Arab-American Entrepreneurship in Detroit, Michigan*, 27 AM. J. BUS. 58, 61 (2012) (analyzing discrimination post 9/11).

145. Georgakas, *supra* note 144.

146. *Id.* at 14.

repair permits, strict enforcement of an onerous housing code, and the scaring off of FHA financing to drive out the immigrants.¹⁴⁷

Jabara not only played critical roles in protecting Arab neighborhoods, he also worked over the course of his career to build bridges between Arab and non-Arab communities in Detroit, detailed more thoroughly in Part III below.¹⁴⁸

The current manifestations of Jabara's activism are evident. As a result of both coalition building and the removal of property based barriers to standing for office, in 2015, Hamtramck elected its first majority Arab-American (and unanimously Muslim) city council despite the fact that the city is mostly White and Christian.¹⁴⁹ Abdullah Hammoud succeeded Jack O'Reilly as the mayor of Dearborn and became one of the leading interlocutors for all presidential campaigns over the course of 2024.¹⁵⁰

In 1998, Abed Hammoud established the Arab American Political Action Committee (AAPAC), which mobilized Arab Americans in the Detroit area to:

Prepare, advise and support Arab American candidates for political offices[, e]ncourage and help Arab Americans to pursue public service careers in all branches of the government[, m]aintain contact with non-Arab political candidates, meet with them, discuss their platforms, introduce them to the community and decide whom to support among them[, and l]obby on behalf of the Arab American political causes¹⁵¹

147. *Id.* at 15.

148. *See infra* Part III.

149. Niraj Warikoo, *Just 11 Votes Separate Hamtramck Mayoral Race; Hammoud Wins Reelection Bid in Dearborn*, DET. FREE PRESS (Nov. 5, 2025, at 14:45 ET), <https://www.freep.com/story/news/politics/elections/2025/11/04/dearborn-hamtramck-election-results-2025/87077059007/> [<https://perma.cc/394T-V8R5>].

150. Frances Kai-Hwa Wang, *Decades After "the Arab Problem," Muslim and Arab Americans Are Leading Political Change in Metro Detroit*, PBS NEWSHOUR (Sep. 20, 2021, at 18:03 ET), <https://www.pbs.org/newshour/politics/decades-after-the-arab-problem-muslim-and-arab-americans-are-leading-political-change-in-metro-detroit> [<https://perma.cc/9MKC-S7FU>]; Stephen Starr, *'It's Very Personal': Could Abdullah Hammoud, a Michigan Mayor, Hold the Key to the 2024 Elections?*, THE GUARDIAN (Apr. 21, 2024, at 06:00 ET), <https://www.theguardian.com/us-news/2024/apr/21/abdullah-hammoud-dearborn-mayor-elections> [<https://perma.cc/3CPY-LRHB>].

151. *About Us*, ARAB AM. POL. ACTION COMM., <https://aapac.org/about-us/> [<https://perma.cc/S5HH-GP75>] (last visited Oct. 5, 2025).

B. Middle Eastern Conflict and the Targeting of Arab-Americans

The 1967 War between Israel on one side and Egypt, Jordan, and Syria (nominally Iraq and Lebanon) on the other fundamentally shifted the depiction given to Arabs and Arab-Americans.¹⁵² The 1973 conflict between Egypt and Israel, accompanied by an oil embargo against the United States led by the Arab members of the Organization of the Petroleum Exporting Countries (OPEC),¹⁵³ steepened this negative imagery.¹⁵⁴ Similar episodes followed with the U.S. intervention in Lebanon in 1982,¹⁵⁵ the invasion of Kuwait in 1990,¹⁵⁶ the invasion of Afghanistan and Iraq in 2001 and 2003, respectively,¹⁵⁷ the toppling of Gadhafi in Libya in 2011,¹⁵⁸ targeted operations in Syria between 2011 and 2023,¹⁵⁹ and multiple other incursions.¹⁶⁰

According to Akram and Johnson:

152. See generally Shelley Slade, *The Image of the Arab in America: Analysis of a Poll on American Attitudes*, 35 MIDDLE EAST J. 147 (1981) (describing the multiple means by which Arabs were negatively depicted after the war).

153. Fadhil J. Chalabi, *OPEC: An Obituary*, 109 FOREIGN POL'Y 126, 130 (1997).

154. Janice Terry & Gordon Mendenhall, *1973 US Press Coverage on the Middle East*, 4 J. PALESTINE STUD. 120 (1974).

155. See generally *Lebanon—They Came in Peace*, NAVY HIST. & HERITAGE COMMAND (June 21, 2024, at 13:51 ET), <https://www.history.navy.mil/browse-by-topic/wars-conflicts-and-operations/middle-east/lebanon.html> [<https://perma.cc/7S5F-QB9P>] (providing an overview of the 1982 U.S. intervention in Lebanon).

156. See generally *The Gulf War, 1991*, OFF. OF THE HISTORIAN, <https://history.state.gov/milestones/1989-1992/gulf-war> [<https://perma.cc/Z626-RV9T>] (last visited Nov. 20, 2025) (detailing the lead up to, and subsequent U.S. involvement in, Iraq's 1990 invasion of Kuwait).

157. See generally IMPERIAL WAR MUSEUMS, *How to Lose a War in 20 Years* (YouTube, Aug. 18, 2021), https://www.youtube.com/watch?v=4hbSfIc_6_Q [<https://perma.cc/9H2T-NDDG>] (summarizing U.S. involvement in Afghanistan and Iraq).

158. See generally *Libya Revolt of 2011*, BRITANNICA, <https://www.britannica.com/event/Libya-Revolt-of-2011> [<https://perma.cc/8MPH-UJ98>] (last visited Nov. 20, 2025) (detailing the conflicts in Libya beginning with the 2011 uprising).

159. See generally *Conflict in Syria*, CTR. FOR PREVENTATIVE ACTION (Oct. 3, 2025), <https://www.cfr.org/global-conflict-tracker/conflict/conflict-syria> [<https://perma.cc/MA2Q-BDHH>] (providing background on the conflict between the Syrian government and the U.S. and its allies).

160. For an understanding of the cumulative effect these conflicts and others had on Arabs and Arab-Americans in the United States, see Pamela Constable, *For Arab-Americans, Crisis Poses Searing Choices; Crisis in the Middle East*, BOSTON GLOBE, Aug. 22, 1990; Mimi Hall, *Arab-Americans See Signs They're Crisis 'Scapegoats'*, USA TODAY, Aug. 23, 1990, at 6A; Philip, Dine, *Arab-Americans Split on Policy*, ST. LOUIS POST-DISPATCH, Aug. 21, 1990, at 8A.

In the 1990s, after the U.S. invasion of Kuwait, the U.S. government's "war on terrorism" shifted focus to Iraq and its leader, Saddam Hussein. The Bush administration accused Iraqi forces of atrocities against Kuwaitis. The administration then launched a surveillance program directed at Arab Americans. The FBI interrogated Arab and Muslim leaders, activists, and anti-war demonstrators across the country. The Department of Justice instituted fingerprinting of all residents and immigrants in the U.S. of Arab origin; the Federal Aviation Administration commenced a system of airline profiling of persons from the Arab world. Private harassment and violence against the Arab and Muslim communities followed.¹⁶¹

There is a substantial literature devoted to American perceptions of Arabs and Arab-Americans, the bulk of which identify the medium to strongly negative associations made about them.¹⁶²

After 1967, Arabs have been viewed as "simultaneously rich and backward, primitive, uncivilized" people who "dress strangely, mistreat women, and appeared barbaric and cruel."¹⁶³ Arab and Arab-American men are portrayed as avaricious sheikhs, illiterate Bedouins, or terrorists while Arab and Arab-American women are portrayed as virtually imprisoned or, somewhat inconsistently, as temptress belly-dancers.¹⁶⁴ Scholars have detailed these depictions across the widest range of American media: newspapers, films, textbooks, and photographs, incorporated into a wide variety of print sources, comic strips, and political cartoons appearing in major news outlets, radio, and television.¹⁶⁵

161. Susan Akram & Kevin Johnson, *Race, Civil Rights, and Immigration Law After September 11, 2001: The Targeting of Arabs and Muslims*, 58 N.Y.U. ANN. SURV. AM. L. 295, 314-16 (2002).

162. EDWARD SAID, *COVERING ISLAM* (1981) (canvassing the numerous, erroneous media images of Arabs and Islam).

163. MICHAEL W. SULEIMAN, *THE ARABS IN THE MIND OF AMERICA* 9, 184 (1988).

164. Abdeen Jabara, *Time For A Change*, 17 CINÉASTE 2 (1989) ("Such hurtful images as the Arab as terrorist, greedy sheik, or harem girl serve to dehumanize our community in the eyes of our neighbors and fellow citizens. In the last decade alone, Arab-Americans have had campaign contributions returned by prominent political leaders *solely* because of their ethnic origin. Employment discrimination cases are a routine matter. 'Rich, greedy Arabs' were the snare used by a local police force to round up prostitutes as well as the bait in the federal government's ABSCAM sting operation. (Would there not have been a public outcry over a 'JEWSCAM'?) A 1987 Justice Department contingency plan plotted the mass round-up and detention of Arab nationals similar to the incredible round-up of Japanese Americans during World War II."). For a detailed analysis of Arab depiction in media, see JACK SHAHEEN, *REEL BAD ARABS* (2001).

165. See Jabara, *supra* note 164; MARVIN WINGFIELD & BUSHRA KARAMAN, *ARAB STEREOTYPES AND AMERICAN EDUCATORS* (1995),

Campaigns of racist and negative depiction followed during conflicts regularly undertaken or supported by the U.S. government, including those in 1973, 1982, 1990, 2001, 2003, 2011 and the present.¹⁶⁶ Detailed below, the response to these developments required coordination across the advocacy spectrum—from the establishment of organizations to fight negative depictions in media, to litigation against employers and institutions of higher education that discriminated against Americans of Arab ancestry, to forging alliances with groups that had more experience with grassroots mobilization.¹⁶⁷ Abdeen Jabara led that coordination across intellectual, labor, and community activist constituencies.¹⁶⁸

http://www.adc.org/fileadmin/ADC/Educational_Resources/ArabStereotypesandAmericanEducators.pdf [<https://perma.cc/236K-USJL>] (discussing negative depictions in textbooks), reprinted in BEYOND HEROES AND HOLIDAYS: A PRACTICAL GUIDE TO K-12 ANTI-RACIST, MULTICULTURAL EDUCATION AND STAFF DEVELOPMENT (2007); Rhonda S. Zaharna, *The Palestinian Leadership and the American Media: Changing Images, Conflicting Results*, in THE U.S. MEDIA AND THE MIDDLE EAST: IMAGE AND PERCEPTION 37–49 (Y. R. Kamalipour ed., 1995) (analyzing stereotypes of Palestinians specifically); Mahboub Hashem, *Coverage of Arabs in Two Leading U.S. Newsmagazines: Times and Newsweek*, in THE U.S. MEDIA AND THE MIDDLE EAST: IMAGE AND PERCEPTION 151–62 (Y. R. Kamalipour ed., 1995) (analyzing depictions in two major news sources); Sally Howell & Andrew Shryock, *Cracking Down on Diaspora: Arab Detroit and America's "War on Terror,"* 76 ANTHROPOLOGICAL Q. 443 (2003) (emphasizing stereotypes related to Detroit's local Arab communities); Karin Gwinn Wilkins, *Middle Eastern Women in the Western Eyes: A Study of U.S. Press Photographs of Middle Eastern Women*, in THE U.S. MEDIA AND THE MIDDLE EAST: IMAGE AND PERCEPTION 32 (Y. R. Kamalipour ed., 1995) (focusing on negative stereotypes of Arab and Arab-American women); Ronald Stockton, *Ethnic Archetypes and the Arab Image*, in THE DEVELOPMENT OF ARAB-AMERICAN IDENTITY 119–53 (Ernest McCarus ed., 1994) (discussing Arab ethnic stereotypes); Michael Suleiman, *Perceptions of the Middle East in American Newsmagazines*, in ARABS IN AMERICA MYTHS AND REALITIES 28–44 (Baha Abu-Laban & Faith Zeadey eds., 1975) (analyzing a comprehensive list of representative news sources); MICHAEL SULEIMAN, THE ARABS IN THE MIND OF AMERICA (1988) (same).

166. See, e.g., Stephanie Saul, *FBI Probe Angers Arab-Americans*, NEWSDAY, Jan. 29, 1991, at 19 (discussing negative imagery after first Gulf War); Kenneth Reich, *Arab-Americans File Claims Against Police*, L.A. TIMES, June 25, 1993, at 32 (same).

167. See discussion *infra* Part III for a discussion of these coordinated responses; EDWARD SAID, CULTURE AND IMPERIALISM 28 (1993) (writing about the relationship between negative imagery and political reality that “[w]hereas we write and speak as members of a small minority of marginal voices, our journalistic and academic critics belong to a wealthy system of interlocking informational and academic resources with newspapers, television networks, journals of opinion and institutes at its disposal. Most of them have now taken up a strident chorus of right-ward tending damnation, in which they separate what is non-white, non-Western, and non-Judeo-Christian from the acceptable and designated Western ethos, then herd it altogether under various demeaning rubrics such as terrorist, marginal, second-rate or unimportant”).

168. See discussion *infra* Part III; see, e.g., Abdeen Jabara, *American Intervention Risks Potential Disaster in the Middle East*, S.D. UNION-TRIB., Aug. 19, 1990, at C5 (arguing

III. ABDEEN JABARA AND THE ARAB-AMERICAN CIVIL RIGHTS MOVEMENT

Like other lawyers who led successful civil rights movements, Jabara identified constituencies within similarly situated ethnic, racial, religious, and other minorities, as well as sympathetic communities within relevant majorities to identify opportunities to form coalitions, learn from alternative models of civil rights advocacy, and identify high-impact opportunities.¹⁶⁹

A. Forging Legal Institutions Across Civil Rights Advocacy Constituencies and Issues

1. Political and Economic Enfranchisement

Jabara was an Arab-American from Michigan, he was educated at Michigan public universities, and he formed his political consciousness within a context of multiracial, multiethnic, economically stratified Detroit.¹⁷⁰ From the time he opened his law practice in 1966, his work was dedicated to representing Arab minorities in a range of civic and immigration matters, building coalitions across minority groups, and challenging local, state, and federal practices that effectively discriminated against both Arab-Americans and those other minority groups.¹⁷¹

Among Jabara's earliest advocacy efforts were those on behalf of Arab-American workers and residents, especially as their lives were affected by Detroit's auto factories and the surrounding towns that hosted them and their operations.¹⁷² "The City of Dearborn, led by Orville Hubbard," undertook an effort to make the South End of the city, an area overwhelmingly populated by Arab immigrants and their descendants, an industrial park for expanded Ford activities and, in the process, to ethnically cleanse what people regarded as a "white" town of Arabs.¹⁷³ One local journalist recorded Hubbard's actions thusly:

that both foreign and domestic Arab communities would be adversely affected by the invasion).

169. See, e.g., Abdeen Jabara & Noel Saleh, *Chaldeans and Blacks: From Conflict to Co-Operation*, DET. FREE PRESS, Oct. 28, 1983, at 11A (discussing his efforts to bridge Chaldean and Black communities in Detroit).

170. Interview with Abdeen Jabara, *supra* note 53.

171. *Id.*; Jabara & Saleh, *supra* note 169, at 11A; see, e.g., John Lippert, *A Coalition Unites: From the Soles of Their Feet to the Bottom of Their Souls*, DET. FREE PRESS, Sept. 11, 1983, at 1B.

172. Interview with Abdeen Jabara, *supra* note 53.

173. Georgakas, *supra* note 144, at 15.

[Hubbard] used the granting of building and repair permits, strict enforcement of an onerous housing code, and the scaring off of FHA financing to drive out the immigrants. His moves effectively eliminated the private real estate market, and all but forced people to sell their property to the city which promptly tore down all buildings it got title to.¹⁷⁴

Local leaders formed the Southeast Dearborn Community Council to mobilize against the municipal campaign of harassment.¹⁷⁵ Jabara represented the Community Council, alleging in federal court that the city's actions were tantamount to unconstitutional takings on the basis of race.¹⁷⁶ Jabara's strategy was to integrate social science research and community surveys into his advocacy.¹⁷⁷ Serving as co-counsel with the Legal Services office, Jabara argued the deleterious effects of the city's procurement and demolition on the community's activity, which included questioning experts in psychology and anthropology.¹⁷⁸ The district court sided with the Community Council, determining that the city's actions were unlawful and that it in fact had articulated no legally protected public purpose for the takings, although it stopped short of concluding that they were racially motivated.¹⁷⁹

Relatedly, one of the principal means by which municipalities had resisted minority representation—Arab, Black, and other—was by

174. *Id.*

175. See Niraj Warikoo, *Arab Americans to Set Political Agenda in Dearborn Talks*, DET. FREE PRESS (Oct. 23, 2015, at 12:06 ET), <https://www.freep.com/story/news/local/michigan/wayne/2015/10/23/arab-americans-set-political-agenda-dearborn-talks/74385818/> [<https://perma.cc/866W-93HV>] (discussing the circumstances surrounding the formation of the Southeast Dearborn Community Council).

176. Howell, *supra* note 120, at 79.

177. *Id.* at 84.

178. Georgakas, *supra* note 144, at 15 (“Zakhour Yousseff of the Psychology Department of Eastern Michigan University and Barbara Aswad of Wayne State’s Anthropology Department offered key testimony on the disruption of cultural vitality by the city’s activity.”).

179. *Amen v. City of Dearborn*, 363 F. Supp. 1267, 1277–78 (E.D. Mich. 1973) (“Under these cases it is clear that activities other than actual condemnation can amount to a taking. There are many similarities between the case at bar and the *Foster* and *Madison Realty* cases. Although none of the activities of the City standing alone may have constituted a taking of plaintiffs’ property, this court finds that the combination of the City’s announcement and attendant publicity of the clearance projects, the City’s refusal to issue certain repair and building permits coupled with its efforts to discourage repairs, the lack of care of City-owned property, the posting of signs on vacant buildings which invited vandalism, the posting of large signs in the area offering to buy property, the solicitation of sales to the City, the City’s lack of initiative to control pollution in the South End, and the gradual acquisition of properties in both areas resulted in the taking of property in these areas for which homeowners are entitled to just compensation.”).

imposing requirements that candidates for public office hold real property in the municipality in which they sought to run.¹⁸⁰ While working as an attorney in Detroit, Jabara successfully raised an equal protection challenge to the property ownership requirement for candidacy to public office in the suburb of Inkster,¹⁸¹ which is over 70% Black.¹⁸² In explaining the significance of their ruling, the district court noted:

the disqualification of non-property owners from office is not limited to disqualification from an office having to do only with the taxation of property. It disqualifies them from being considered for public service to exercise the many other and far-reaching powers granted to the City Council of Inkster. The property ownership requirement also applies to all elective offices, and even then the candidate must own property for two years prior to election, irrespective of his length of residence in Inkster.¹⁸³

Jabara saw the civil rights protections advanced by federal legislation adopted pursuant to the Fourteenth Amendment in the 1960s as a key tool for recognizing the minority status of Arabs in the United States.¹⁸⁴ Jabara led an effort to have Arab ethnicity designated a protected class in Michigan, an effort that did not materialize in state or federal civil rights law,¹⁸⁵ but did ultimately help achieve the ability for the U.S. census to account for Arab ancestry.¹⁸⁶

Jabara also played a significant role in supporting the Dodge Revolutionary Union Movement,¹⁸⁷ an activist organization within the

180. Armand Derfner, *Racial Discrimination and the Right to Vote*, 26 VAND. L. REV. 523, 553, 537 (1973) (“Apart from some instances of fraud, intimidation, and economic pressure, the major forms of discrimination have fallen into three categories: vote dilution, barriers to gaining public office, and hindrances to black voters.”).

181. *Stapleton v. Clerk for the City of Inkster*, 311 F. Supp. 1187 (E.D. Mich. 1970).

182. *Inkster*, WORLD POPULATION REV., <https://worldpopulationreview.com/us-cities/michigan/inkster> [<https://perma.cc/Y9YA-SSSN>] (last visited Nov. 21, 2025); see also *Arab-American Groups Seek More Clout*, DET. FREE PRESS, Jan. 2, 1985, at 6A (highlighting Jabara’s efforts to increase political participation by marginalized groups).

183. *Stapleton*, 311 F. Supp. at 1193.

184. Interview with Abdeen Jabara, *supra* note 53.

185. Stephen Franklin, *Arabs Hold Weak Hand in Politics*, DET. FREE PRESS, Dec. 1, 1983 at 3B.

186. Maya Berry, *The Long (Successful) Battle to Count Arab Americans*, AM. CONST. SOC’Y (Apr. 29, 2024), <https://www.acslaw.org/expertforum/the-long-successful-battle-to-count-arab-americans/> [<https://perma.cc/7BYM-XPJZ>].

187. Michael Steven Smith & Edris, *The Rise of the Arab American Left in the 60s–80s, and the U.S. Government’s Fearful Response*, MONDOWEISS (Mar. 16, 2017), <https://mondoweiss.net/2017/03/american-governments-response/>

United Auto Workers (UAW), and eventually the Arab Workers' Caucus, which contested the UAW's policies that discriminated against and adversely affected Black and Arab members.¹⁸⁸ Ismael Ahmed, a young Arab-American, started DRUM to fight worsening working conditions for Arabs and African-Americans in the Dodge factories.¹⁸⁹ The Arab Workers' Caucus grew out of DRUM in 1973.¹⁹⁰ AWC is described as emerging in collaboration and solidarity with DRUM.¹⁹¹ The first real fight for both DRUM and AWC was for Yemeni workers in the Dodge factories.¹⁹²

Ahmed and Jabara worked closely with Black activists to advocate for those groups who were being neglected by the UAW and assigned poor jobs by the factory.¹⁹³ By the late 1960s, thousands of Yemenis arrived in America, and began work in the factories.¹⁹⁴ These new arrivals spoke little English and were unaware of how organized labor benefitted them.¹⁹⁵ Consequentially, they were assigned the dirtiest jobs and significantly underpaid.¹⁹⁶

This work was also to foreshadow the broader dilemma posed by civil rights activism for Arab-Americans and the historical and political ties between the U.S. government and foreign governments that had significant influence on Arabs generally. In 1967, the UAW purchased Israeli war bonds at the onset of the Arab-Israeli war.¹⁹⁷ The AWC demanded they be divested.¹⁹⁸ The AWC chose a B'nai B'rith banquet in November of 1973, where the UAW president was set to receive an award for his support of Israel.¹⁹⁹ About 2000 AWC workers walked off the afternoon shift to attend the protest.²⁰⁰ The divestment protest represented a connection for Arab-Americans between the economic struggles of their day-to-day lives in America, and the international political grievances they

[<https://perma.cc/KR6S-8RQ5>]; *Arab-American Participation*, WILSON CTR. (July 1, 2006), <https://www.wilsoncenter.org/article/arab-american-political-participation> [<https://perma.cc/4CLR-W7PJ>].

188. Howell, *supra* note 120, at 81–82.

189. *Id.*

190. *Id.*

191. *Id.* at 82.

192. *See id.* at 82–83.

193. *See id.* at 81–83.

194. Howell, *supra* note 120, at 81–82.

195. *See id.* at 82.

196. *Id.*

197. *Id.*

198. Hanna Alshaikh, *The Legacy of 1960s and 1970s Arab-American Activism*, JADALIYYA (Oct. 16, 2017), <https://www.jadaliyya.com/Details/34622> [<https://perma.cc/2QCN-5RV7>].

199. Howell, *supra* note 120, at 82.

200. WILSON CTR., *supra* note 187.

carried.²⁰¹ Jabara was present at one of the most important rallies that fall, decrying the UAW's use of Arab-American paid dues towards supporting Israel in its war against Arabs.²⁰²

2. *Community Mobilization*

The significance of articulating the Arab experience of marginalization, racialization, and discrimination in Detroit's South End facilitated Jabara's efforts to build stronger institutions of civic participation and community support. Jabara, together with many of the activists who had prevailed in civil rights disputes in Dearborn and elsewhere, founded the Arab Community Center for Economic and Social Services (ACCESS) in 1971.²⁰³ Hasan Nawash and George Khoury, two Arab activists in Detroit who worked with Jabara, were central to the founding of the organization.²⁰⁴

The organization assists Arab-Americans in Detroit across a range of individual and community needs, and it builds institutions dedicated to the research and preservation of Arab-American culture in the Detroit area and, with respect to its historical and archival work, the broader United States.²⁰⁵ ACCESS manages a primary care center for the community, as

201. Julia Kassem, *Arab-Americans Have Played Key Roles in Union Activism*, THE ARAB AM. NEWS (May 5, 2017, at 13:14 ET), <https://www.arabamericannews.com/2017/05/05/arab-americans-have-played-key-roles-in-union-activism/> [https://perma.cc/8WAE-DJRJ].

202. *Id.*

203. Howell, *supra* note 120, at 88.

204. Pamela Pennock, *Third World Alliances: Arab-American Activists in American Universities, 1967–1973*, 2 MASHRIQ & MAHJAR 59, 77–78 (2014).

205. Howell, *supra* note 120, at 87 (“Additionally, many of the activists who took part in the Southend struggle—a small group from the AAUG, several leaders of the SEDCC, Palestinian and Yemeni leftists, and the leadership of the AWC—came together to found the Arab Community Center for Economic and Social Services (ACCESS) in 1974, with George Khoury, Helen Atwell, Ismael Ahmed, and Charles Albert as its first officers. Initially, in 1971, a smaller collection of Arab leftists and AAUG supporters opened a storefront organization on Vernor Highway in Southwest Detroit that they called the Arab Community Center for Employment. There they began to address ‘the pressing domestic problems plaguing the immigrant community, problems which were largely ignored by them in the past. In so doing, the activists sought to link the social and economic concerns of the immigrant workers to the broader issues of Arab nationalism.’ The fledgling organization initiated efforts to redress the problems Aswad had identified in her 1971 study via English classes, employment services, and translation services. The volunteers quickly recruited SEDCC members and a few leaders from the growing South Yemeni National Liberation Front and their neighborhood assistance outlet, the Yemeni American Benevolent Association (YABA), who all insisted the group relocate onto Dix Avenue, where they operated out of Hashmie Hall. Ron Amen (Alan’s older brother), George Khoury, Hasan Newash, Ali Bilead, Mohsin Abdel-Munim, Abdeen Jabara, Sobhi

well as leadership courses, cultural classes (teaching both American culture to first-generation immigrants, and some Arab cultures to later generations), tutoring courses for children, recreation leagues, and certain economic functions (including hosting job fairs, helping entrepreneurs, and job placement help).²⁰⁶ The organization also offers food assistance, immigration assistance, and translation services.²⁰⁷ ACCESS's stated mission is "to empower communities to improve their health and their economic, social and cultural well-being."²⁰⁸

ACCESS has also advocated for the legal interests of Arab-Americans and immigrants. The Community Center has intervened or been a party in several lawsuits challenging discriminatory or adverse measures by state and federal governments.²⁰⁹ For example, ACCESS was a plaintiff in the suit filed by the State of California against Trump's Department of Homeland Security over its regulation requiring aliens applying for citizenship to be found unlikely to become public charges.²¹⁰ ACCESS was amicus curiae in a case in Michigan calling into question the legislature's attempt to block a state constitutional amendment raising the minimum wage.²¹¹ And the organization has filed briefs in support in legal disputes pertinent to Arab-American civil rights and migrant status.²¹² In addition to supporting ACCESS's activities across these issue areas, Jabara has served in the leadership of the Arab-American National Museum.²¹³

Abdel Sater, the Aswads (Barbara and her husband, Adnan), and Don Unis were the activists who joined forces to build ACCESS in its earliest days.").

206. *21st Century Community Learning Centers*, ACCESS CMTY., <https://www.accesscommunity.org/youth/academic-enrichment> [https://perma.cc/JT4A-SGRK] (last visited Dec. 24, 2025).

207. See Barbara Aswad, *Seeds of Activism and Memories of the '50s, '60s, and '70s by One Elder*, 40 ARAB STUD. 7, 10 (2018).

208. *Mission & Vision*, ACCESS, <https://www.accesscommunity.org/about/mission-vision> [https://perma.cc/7RF8-VHZ7] (last visited Oct. 19, 2025).

209. See, e.g., *California v. U.S. Dep't of Homeland Sec.*, 612 F. Supp. 875 (N.D. Cal 2020).

210. *Id.*

211. *In re House of Representatives Request for Advisory Op. Regarding Constitutionality of 2018 PA 368 & 369*, 928 N.W.2d 911 (Mich. 2019).

212. *Muslim Cmty. Ass'n of Ann Arbor v. Ashcroft*, 459 F. Supp. 2d 592 (E.D. Mich. 2006).

213. ACCESS, 2010 ANNUAL REPORT 36 (2010), <https://accesscommunity.org/download/file/fid/123> [https://perma.cc/UJ94-MTHD] (listing Abdeen Jabara as a member of the National Advisory Board of the Arab-American Museum).

3. *The Association of Arab University Graduates*

The Arab-Israeli War of 1967 was a defining political moment in the history of Arab-American political activism.²¹⁴ The depiction of Israel's victory as a U.S. victory unleashed a torrent of negative imagery and stereotypes across the U.S. media. As Shelley Slade phrased it:

[T]he perception of the Arab as threatening the peace and security has been grossly caricatured Indeed, without the ethical obligation of objectivity, the entertainment media have given us the most extremely stereotyped image of the Arab present in our culture. The Arabs remain one of the few ethnic groups who can still be slandered with impunity in America.²¹⁵

Not only were these stereotypes and depictions disseminated in newspapers and the broader media, but also in elementary, middle, and high school textbooks, Christian religious instructional materials, and even board games.²¹⁶

In the wake of the flood of negative imagery following the conclusion of the war, Dr. Rashid Bashshur of the University of Michigan contacted Abdeen Jabara about the possibility of meeting with the intellectual leaders of the Arab-American community to discuss action in response to the “huge floodgate of anti-Arab sentiment in the media.”²¹⁷ At Dr. Bashshur's home, a group of intellectuals gathered the names for the new Association of Arab University Graduates (AAUG). The organization formed on the basis that Arab-American intellectuals should mobilize to “do something” about the position of the United States.²¹⁸ Ibrahim Abu-Lughod offered to chair the convention in the winter of 1968, the first attempt at the “new left” to form the first “pan-Arab” organization.²¹⁹

The aftermath of the brief war exposed how little was known in the United States about the Arab world and how easily the Arab population generally and the Arab-American population specifically were easily demonized. As Fouad Moughrabi phrased it, “anti-Arab and anti-Muslim racism always lurks beneath the surface in American society always

214. Pennock, *supra* note 204, at 64–65 (discussing the critical inflection point demarcated by the 1967 War).

215. Slade, *supra* note 152, at 143.

216. For a comprehensive literature review identifying specific studies for each of these, see Gaby Semaan, *Arab-Americans: Stereotypes, Conflict, History, Cultural Identity and Post 9/11*, 23 *INTERCULTURAL COMMUN STUD.* 17, 17–20 (2014).

217. Interview with Abdeen Jabara, *supra* note 53.

218. *Id.*

219. *Id.*

waiting for the right moment to rear its ugly head.”²²⁰ “While it was not the only pan-Arab American political organization established in the wake of the war, the AAUG was distinguished by its commitment to anti-racist, anti-imperialist analysis of Arab world problems.”²²¹

The most specific of these problems was the Israel-Palestine dispute.²²² AAUG activity was focused on highlighting the progressive deterioration of Palestinian rights of return as recognized in United Nations resolutions and, after 1967, the military occupation of East Jerusalem, Gaza, and the West Bank by Israel.²²³ To Jabara, the plights of the Palestinians and Arab-Americans could be addressed in the same way.²²⁴ By marshaling evidence, publishing, and speaking as to the realities of Arab-American marginalization and Palestinian dispossession, the AAUG and, later, other Arab-American organizations, could enlighten discourse in the United States and achieve justice for both populations.²²⁵

Jabara served as the group’s first executive secretary, then as president in 1972.²²⁶ In that year, the Nixon administration launched Operation Boulder, an initiative that coordinated major federal agencies including the Federal Bureau of Investigation (FBI) and the Immigration and Naturalization Service (INS) to target Arabs and Arab-Americans.²²⁷ The AAUG turned to the press with an advertisement in *The New York Times* asking, “Is Nixon playing politics with civil liberties?”²²⁸ It was Arab-

220. Fouad Moughrabi, *Remembering the AAUG*, 29 ARAB STUD. Q. 97, 98 (2007).

221. PAMELA PENNOCK, *THE RISE OF THE ARAB-AMERICAN LEFT* 23 (2017).

222. See generally Tom Tugend, *Arab-Americans File Suit Against California Police*, JERUSALEM POST, June 27, 1993, at 12; Jocelyne Zabliti, *Israelis Refuse Admission to Arab-American Leader*, DET. FREE PRESS, Dec. 17, 1988, at 19A (describing Israeli refusal to allow Jabara’s entry because of his activism on Palestine); BLAMING THE VICTIMS: SPURIOUS SCHOLARSHIP AND THE PALESTINIAN QUESTION (Edward W. Said & Christopher Hitchens eds., Verso 1988) (recording the significant and dishonest academic efforts to deny Palestinian existence or point of view).

223. See, e.g., G.A. Res. 43/175, at 60–61 Question of Palestine (Dec. 15, 1988), <https://www.refworld.org/docid/3b00efe667.html> [https://perma.cc/BR3U-9B3V]; G.A. Res. 33/81, at 84 Health Needs of Palestinian Refugee Children (Dec. 15, 1978), <https://www.refworld.org/docid/3b00effb5c.html> [https://perma.cc/TW3C-53Z9]; G.A. Res. 194 (III), at 21–23, Palestine—Progress Report of the United Nations Mediator (Dec. 11, 1948), <https://www.refworld.org/docid/4fe2e5672.html> [https://perma.cc/9U4C-8CVF]; S.C. Res. 242, at 8–9 (Nov. 22, 1967); S.C. Res. 338, at 10 (Oct. 22, 1973); Suraya Khan, *Transnational Alliances: The AAUG’s Advocacy for Palestine and the Third World*, 40 ARAB STUD. Q. 53 (2018).

224. Interview with Abdeen Jabara, *supra* note 53.

225. *Id.*

226. Abdeen Jabara Papers, *supra* note 58.

227. See Pennock, *supra* note 6, at 41, 42.

228. *Id.* at 47.

American's first effort to involve major U.S. institutions, public or private, in their defense.²²⁹

Under Jabara's leadership, the AAUG positioned itself as the leading intellectual and leftist organization committed to change in domestic U.S. politics.²³⁰ The journal *Arab Studies Quarterly* was established under its auspices, and the AAUG published dozens of books committed to the Middle East as a target of Western colonialism and the need to analyze its politics and U.S. foreign policy within that framework.²³¹ Its annual conference began to rival the Middle East Studies Association in terms of drawing major global leaders including those from Greece, India, Israel, as well as the United States.²³²

The AAUG served as the forerunner of later Arab-American advocacy organizations, including the Arab-American Institute, the American-Arab Anti-Discrimination Committee, and the National Association of Arab-Americans.²³³ Jabara persisted in arguing that the organization would be strengthened by forming alliances with other civil rights organizations that shared AAUG's perspective on U.S. foreign policy, as well as mobilizing more robustly as to the issue of Arab-American civil rights.²³⁴ Other leaders believed the organization was insufficiently focused on the broader range of issues arising at the nexus of U.S.-Arab relations.²³⁵ Under these issues, as well as financial strains, the largely academic organization dissolved into the organizations it had spurred—each of which was dedicated to a sub-issue the umbrella organization oversaw:

The AAUG, after a long decline, ended in 2001, and the NAAA was merged into the ADC in the late 1990s. The ADC and the AAI now represent Arab Americans; Arab and Muslim cultural, religious, and political interactions with the American legal system continue to command special attention (Al-Hayani 1999; Moore 2002b).²³⁶

229. Interview with Abdeen Jabara, *supra* note 53.

230. See Moughrabi, *supra* note 220.

231. See, e.g., NASEER HASAN ARURI, OCCUPATION: ISRAEL OVER PALESTINE ASSOCIATION OF ARAB-AMERICAN UNIVERSITY GRADUATES (1983) (providing one example of books published by AAUG).

232. Moughrabi, *supra* note 220, at 98.

233. Ronald Stockton, *Arab Americans: Muslims and Others*, 6 RELIGION NEWS, no. 3 (2003),

<https://www3.trincoll.edu/csrl/RINVol6No3/2004%20Election/arab%20americans.htm>

[<https://perma.cc/RUM2-5ELC>]; Moughrabi, *supra* note 220, at 98.

234. PENNOCK, *supra* note 221, at 43.

235. *Id.* at 40–43.

236. KAREN ISAKSEN LEONARD, MUSLIMS IN THE UNITED STATES 12 (2003),

https://www.russellsage.org/sites/default/files/leonard_chapter1_pdf.pdf

[<https://perma.cc/H3HW-Q4PW>].

The NAAA and ADC merged in 2000.²³⁷ In that sense, the AAUG was a success—it mobilized Arab-American advocacy both in terms of a discrete population that faced marginalization and discrimination in the U.S. political process and in terms of domestic constituency with foreign policy interests. Yet these objectives were also in tension. Jabara's assessment of the AAUG's effectiveness can be traced to his philosophical anchors in building broad support for activist causes. He reflected that:

This pioneering effort in organizing Arab Americans nationally was hindered both by internal and external factors A . . . major limiting factor was the fact that organizing the sector of the Arab-American population which the AAUG purported to represent was not seen as a priority for the association One external factor that limited the growth and development of the effort was that AAUG never attained any level of credibility in the U.S., either in the American media or in political circles. Its conferences and press releases were rarely covered and its existence was little recognized At least two reasons may be cited for this state of affairs: first, the tone of presentation was highly critical of almost all American policies; second, the group was perceived as essentially a foreign voice in America.²³⁸

As a result of both coalition building and the removal of property-based barriers to standing for office, in 2015, Hamtramck elected its first majority Arab-American (and unanimously Muslim) city council despite the fact that the city is mostly White and Christian.

In 1998, Abed Hammoud established the Arab American Political Action Committee (AAPAC), which mobilized Arab-Americans in the Detroit area to prepare, advise and support Arab-American candidates for political offices, encourage and help Arab-Americans to pursue public service careers in all branches of the government, maintain contact with non-Arab political candidates, meet with them, discuss their platforms, introduce them to the community and decide whom to support among them, and lobby on behalf of the Arab-American political causes.²³⁹

237. RICHARD H. CURTISS, *Two Arab-American Groups Merge for "Political Empowerment" in 21st Century*, 2000 WASH. REP. ON MIDDLE EAST AFFS. 33, <https://www.wmea.org/2000-march/two-arab-american-groups-merge-for-political-empowerment-in-21st-century.html> [<https://perma.cc/9EN8-ZF2S>].

238. Abdeen Jabara, *A Strategy for Political Effectiveness*, 11 ARAB STUD. Q. 201, 202 (1989).

239. ARAB AM. POL. ACTION COMM., *supra* note 151.

4. *The American-Arab Anti-Discrimination Committee (ADC)*

Jabara's activity in the ADC was focused on building the broad support he considered necessary to fulfill political objectives.²⁴⁰ South Dakota Senator James Abourezk founded the ADC in response to an FBI agent pretending to be an Arab in the ABSCAM investigation of corrupt public officials; the agent, of Italian background, wore a *kaffiyeh* and tried to buy influence.²⁴¹ This episode was lampooned in the film *American Hustle*.²⁴² As the ADC's leader, Abdeen Jabara fought harmful imaging and institutional discrimination of Arab-Americans.²⁴³

Jabara left his post as national vice-chairman of ADC and as a board member of the Detroit chapter of the American Civil Liberties Union (ACLU) to take the position of president of ADC.²⁴⁴ The ADC is a civil rights organization committed to defending the rights of people of Arab descent and promoting their rich cultural heritage. It is the largest Arab American grassroots organization in the United States which aims to defend and promote human rights, civil rights, and liberties of Arab Americans and other persons of Arab heritage, including through litigation. It addresses stereotypes and discrimination against and affecting the Arab-American community in the United States. It serves "as a public voice for the Arab American community in the United States on domestic and foreign policy issues" and educates "the American public in order to promote greater understanding of Arab history and culture" while advancing "the cause for transnational social justice with communities of color and oppressed peoples domestically and internationally."²⁴⁵

One of the first cases the ADC encountered after Jabara became the leader of the five-year-old organization involved the television program

240. See, e.g., Abdeen Jabara, Letter to the Editor, *Arab-American Rapport Takes a Step Forward*, N.Y. TIMES, July 4, 1987, at 26 (expressing optimism about improved relations).

241. Christopher Cook, *An American Who Loves Two Worlds*, DET. FREE PRESS, July 1, 1990, at 1G; see also James G. Abourzek, *Arab-Americans Suffering with Guilt by Unfair Association*, BUFF. NEWS, May 2, 1993, at H10 (analyzing discrimination against Arabs).

242. Jimmy So, *The Real Story and Lesson of the ABSCAM Sting in 'American Hustle,'* DAILY BEAST (Dec. 17, 2013, at 10:45 ET), <https://www.thedailybeast.com/the-real-story-and-lesson-of-the-abscam-sting-in-american-hustle> [<https://perma.cc/L8P3-YMD3>].

243. Victor Hull, *'Ethnic and Religious Slurs': Arab Community Criticizes 'Ishtar,'* L.A. TIMES, May 16, 1987, at 7, <https://www.latimes.com/archives/la-xpm-1987-05-16-ca-9491-story.html> [<https://perma.cc/TNX2-2CZD>]; Kathy Ann Waterman, *Halloween Masks Offend Arab Group: Protest Renewed at Stores*, WASH. TIMES, October 31, 1989, at B1.

244. Jocelyne Zablit, *Detroit Leader is Taking Arab Cause to Capital*, DET. FREE PRESS, July 29, 1986, at 1A.

245. *About the ADC*, AM.-ARAB ANTI-DISCRIMINATION COMM., <https://adc.org/about/> [<https://perma.cc/ZX4D-6Z6V>] (last visited Nov. 21, 2025).

Under Siege, broadcasted by NBC.²⁴⁶ The movie included Middle East terrorists operating out of a Detroit suburb.²⁴⁷ Undoubtedly implicated in the film was the community of Dearborn, Michigan with an Arab-American community (according to the 1980 census) of 7,564.²⁴⁸ ADC organized several grassroots campaigns, including protests in Denver and Detroit, and succeeded in having the NBC network affiliate stations alert viewers that it potentially adversely affected law-abiding Arab-Americans or American Muslim communities.²⁴⁹

Following *Under Siege*, the British band The Cure released the song “Killing an Arab.”²⁵⁰ The song elicited strong racist rhetoric from “some particularly brainless deejays as a part of a wave of anti-Arab feeling currently existing in some parts of America,” who went so far as to remark, “You can walk like an Egyptian and you can smell like an Arab.”²⁵¹ Jabara launched protests and initiated dialogue with Elektra Records.²⁵² The band asked stations not to play the song; a sticker was affixed to CD’s, tapes, and videos condemning racism against Arabs and Arab-Americans, and an explanation of the song, meant to decry all racism, was issued.²⁵³ Jabara praised the group for “recognizing ‘the prejudice that [3 million] Arab-Americans have to deal with in their own country’ and for creating ‘a message that decries racism against all minorities to be sent out to hundreds of thousands of young people in this country.’”²⁵⁴

246. Mike Duffy, *More TV Stations to Get Scrutiny*, DET. FREE PRESS, Aug. 28, 1982, at 3A; Mark Caro, *The Siege’ Incites Anger in Arab and Muslim Communities*, CHI. TRIB. (Aug. 11, 2021, at 04:49 ET), <https://www.chicagotribune.com/1998/11/06/the-siege-incites-anger-in-arab-and-muslim-communities/> [<https://perma.cc/3XDE-ZXB2>].

247. Howard Rosenberg, *‘Under Siege’ Gets Fact-Type Hype for its Fiction*, L.A. TIMES, Feb. 7, 1986, <https://www.latimes.com/archives/la-xpm-1986-02-07-ca-5467-story.html> [<https://perma.cc/4BG7-FUKS>] (“In ‘Under Siege,’ Arab terrorist Abu Ladeen . . . [h]ides out with Shias in Detroit, where (in the Detroit suburb of Dearborn) there is a large real-life Shia Muslim community.”).

248. Anthony B. Toth, *Focus on Arabs and Islam*, 1986 WASH. REP. ON MIDDLE EAST AFFS. 8, <https://www.wrmea.org/1986-february-24/lobbies-and-activists.html> [<https://perma.cc/X63Z-CQNG>]; Julian Balsley, *Identity in Question: Middle Eastern Americans in Dearborn, Michigan*, YOUNG HISTORIANS CONF. (2024) (providing additional population estimates), <https://pdxscholar.library.pdx.edu/younghistorians/2024/papers/8> [<https://perma.cc/VL8Z-DZM6>].

249. Toth, *supra* note 248.

250. Jon Pareles, *Rock Group Accedes to Arab Protest*, N.Y. TIMES, Jan. 21, 1987, at C22.

251. Richard Harrington, *Arab Protests Spark Song’s Withdrawal: The Cure Asks Radio Stations Not to Play Controversial 1978 Hit*, WASH. POST, Jan. 21, 1987, at C4.

252. *Id.*

253. *Id.*

254. *Id.*

While fighting the U.S. media and general ignorance to Arab-American issues, Jabara also had to wage political war with the powerful lobbyists and organizations playing major roles in U.S. foreign and domestic politics.²⁵⁵ In a letter included in fundraising literature, B'nai B'rith International stated that "Arabs are poisoning the minds of our young people."²⁵⁶ ADC condemned the letter, and Jabara accused B'nai B'rith of "racism and fostering racial fears among its members."²⁵⁷ While the letter was retracted and B'nai B'rith apologized,²⁵⁸ Jabara worried that the incident was a kind of implicit commentary on the place of Arab-Americans in universities.²⁵⁹

In addition to combating negative imagery, the ADC also actively engaged institutions that fostered harm or discrimination toward Arab-Americans. Notable in these cases were American industries that negatively affected Arabs in the Middle East. In 1988, Jabara successfully lobbied TransTechnology, a small California-based defense firm to end its practice of selling tear gas to the Israeli government.²⁶⁰ According to Jabara, "I'm not interested in scoring public relations points against Israel . . . I just want them to stop using American products . . . in an unlawful way."²⁶¹ The effort was one of the earliest of now common calls to restrict U.S. exports of weapons to regimes that will use them to violate human rights.²⁶² Victories in this same arena include cases against Haagen-Dazs ice cream company for supporting organizations committed to violence against Arabs, and participation in U.S. House subcommittee hearings on violence and discrimination against Arab-Americans.²⁶³

255. Linda Feldman, *Time is Now for Arab-Americans*, CHRISTIAN SCI. MONITOR, Mar. 16, 1988, at 3.

256. Christopher Cook, *B'nai B'rith Retracts, but Arabs Attack Letter*, DET. FREE PRESS, Feb. 10, 1989, at 1A.

257. *Id.*; Ari Goldman, *B'nai B'rith Apologizes for Letter Containing Anti-Arab Statements*, N.Y. TIMES, Feb. 10, 1989, at A14.

258. Goldman, *supra* note 257.

259. Interview with Abdeen Jabara, *supra* note 53.

260. Gerry Braun, *Arab-American Pressure on Defense Firm Successful*, S.D. UNION-TRIB., May 13, 1988, at A17.

261. *Id.*

262. *See, e.g.*, Foreign Assistance Act of 1961, 22 U.S.C. § 2378d (prohibiting sale of US weapons to parties known to use them in violation of recognized rights).

263. Zablit, *supra* note 244, at 11A; *Arab-Americans Launch Boycott of Haagen-Dazs*, THE MORNING CALL (Oct. 2, 2021, at 03:27 ET), <https://www.mcall.com/1986/06/16/arab-americans-launch-boycott-of-haagen-dazs/> [<https://perma.cc/9HTZ-HERD>]; NCJRS VIRTUAL LIBR., CONGRESSIONAL HEARINGS ON ANTI-ARAB VIOLENCE—A MILESTONE FOR ARAB-AMERICAN RIGHTS (1986), <https://www.ojp.gov/ncjrs/virtual-library/abstracts/congressional-hearings-anti-arab-violence-milestone-arab-american> [<https://perma.cc/ZVV6-ZU77>].

Jabara's leadership of ADC facilitated his transition to the governing body of the Center for Constitutional Rights, an organization that, consistent with his early efforts at building coalitions across like-minded groups, challenges U.S. policies toward a wide range of marginalized and disadvantaged communities including the wrongfully incarcerated, mistreated migrants, and civil rights activists.²⁶⁴

In 2011, Nabih Ayad established the Arab American Civil Rights League (ACRL), following the blueprint developed by Abdeen Jabara both as a Detroit area civil rights attorney and later at the American Arab Anti-Discrimination Committee.²⁶⁵ The ACRL advocates for individuals facing discrimination, unlawful detention, and unwarranted charges, promotes transparency in federal agency law enforcement and immigrant rights, undertakes high-impact litigation against discrimination against Arab-Americans, and partners with community organizations to engage voters and protect voting rights.²⁶⁶

B. Litigating Civil Rights

Civil rights advocates fundamentally understand the trauma of their clients: their vulnerability vis-à-vis the state and its agents, the specific normal life activities that are disrupted or impossible because of discrimination, and the inability or incapacity to participate in political, social, or religious speech. As a cause lawyer, Abdeen Jabara has fulfilled the classical role of the cause lawyer: representing some of the most vulnerable and unpopular clients who suffered precisely these kinds of deprivations.²⁶⁷

264. See, e.g., LAW AND DISORDER RADIO: *Abdeen Jabara* (LawandDisorder.org, Jan. 11, 2016), <https://lawanddisorder.org/tag/abdeen-jabara/> [<https://perma.cc/3T76-GW4H>]; *Defense for Children International—Palestine v. Biden*, 107 F.4th 926 (C.D. Cal. 2023); *Mamani et al v. Sánchez de Lozada and Sánchez Berzain*, 938 F.3d 1216 (11th Cir. 2020); Charles H. Jones, Jr., *An Argument for Federal Protection Against Racially Motivated Crimes: 18 U.S.C. § 241 and the Thirteenth Amendment*, 21 HARV. C.R.-C.L. L. REV. 689 (1986).

265. *About Us*, ARAB-AM. C.R. LEAGUE, <https://acrilmich.org/aboutacr/#> [<https://perma.cc/6GVR-A52H>] (last visited Oct. 13, 2025).

266. *Id.*

267. See BENJAMIN MARQUEZ, *MINORITY CAUSE LAWYERS AND CIVIL RIGHTS ACTIVISM: THE MEXICAN AMERICAN LEGAL DEFENSE AND EDUCATIONAL FUND (MALDEF)* (2014); Michael McCann & Helena Silverstein, *Rethinking Law's "Allurements": A Relational Analysis of Social Movement Lawyers in the United States*, in *CAUSE LAWYERING: POLITICAL COMMITMENTS AND PROFESSIONAL RESPONSIBILITIES* 261 (Austin Sarat & Stuart Scheingold eds., 1998); Douglas NeJaime, *Cause Lawyers Inside the State*, 81 *FORDHAM L. REV.* 649, 656 (2012).

1. The Defense of Sirhan Sirhan: Colonialism and the Mitigation of Mental State

In 2021, after decades in California state prison, Sirhan Bishara Sirhan was recommended for parole by the California Board of Parole Hearings.²⁶⁸ Governor Gavin Newsom nevertheless reversed the decision, and Sirhan has been denied parole since.²⁶⁹ While it is widely known that Sirhan shot and killed Robert F. Kennedy as he mounted his campaign for the presidency, it is less well-known that he is a Jerusalem-born Palestinian and that his experience as such deeply affected his mental state after immigrating to the United States.²⁷⁰ Hired as one of Sirhan's appellate advisory lawyers,²⁷¹ Jabara joined a team of one of the most hated, if not the most hated, Arab-Americans in the United States.

a. Sirhan Sirhan's Early Years

Sirhan is a Christian Palestinian born in Jerusalem in 1944.²⁷² He grew up in what is now generally referred to as the West Bank and became a Jordanian citizen when Jordan took control of the area in 1948.²⁷³ Mary Sirhan, his mother, described his childhood as particularly traumatic, citing instances where a young Sirhan witnessed soldiers being blown apart by bombs, and the death of his brother.²⁷⁴ These traumatic events were retold in a foreword to the published version of Sirhan's trial

268. Sam Levin, *California Governor Denies Parole for Sirhan Sirhan, Convicted of Robert Kennedy Assassination*, THE GUARDIAN (Jan. 13, 2022), <https://www.theguardian.com/us-news/2022/jan/13/sirhan-sirhan-california-governor-parole-latest> [https://perma.cc/T8KM-VGHN].

269. Laurinda Keys, *Sirhan Denied Parole Again*, DAILY J. (Aug. 19, 2024), <https://www.dailyjournal.com/articles/380432-sirhan-denied-parole-again> [https://perma.cc/3959-JFEG].

270. Steve Salaita, *Sirhan Sirhan, the Palestinian*, STEVE SALAITA.COM (Sept. 16, 2021), <https://stevesalaita.com/sirhan-sirhan-the-palestinian/> [https://perma.cc/TV3K-2JDU] (“Convicted of murdering Robert F. Kennedy in 1968, Sirhan Sirhan is one of those rare figures whose name everyone knows, but whom nobody much discusses.”).

271. *People v. Sirhan*, 497 P.2d 1121, 1124 (Cal. 1972).

272. *Sirhan Sirhan*, ENCYC. BRITANNICA (Aug. 21, 2021), <https://www.britannica.com/biography/Sirhan-Bishara-Sirhan> [https://perma.cc/CV55-M3G5].

273. Sherifa Zuhur, *Palestine, Sirhan Sirhan and Robert F Kennedy's Assassination*, ALJAZEERA (June 5, 2018), <https://www.aljazeera.com/opinions/2018/6/5/palestine-sirhan-sirhan-and-robert-f-kennedys-assassination> [https://perma.cc/4M27-56TF].

274. Cynthia Gorney, *Sirhan*, WASH. POST (Aug. 20, 1979), <https://www.washingtonpost.com/archive/lifestyle/1979/08/20/sirhan/75cd41f0-e570-4bc4-ac93-83f251eec765/> [https://perma.cc/HRB7-9JVA].

testimony.²⁷⁵ Eventually, Sirhan immigrated to the United States, living in Pasadena, California. After graduating from high school, he briefly attended Pasadena City College before dropping out in 1965 when his sister, Aida, was diagnosed with leukemia.²⁷⁶ Many years later, at his trial, Sirhan's defense team would show:

Sirhan had been exposed to conditions of warfare as a child, and that this so affected his mind, together with his failure at Pasadena City College . . . and the death of his sister Aida, in toto [sic.], did not allow him to have the capacity to maturely deliberate the killing of Robert F Kennedy.²⁷⁷

b. Murder of Robert F. Kennedy

Robert F. Kennedy (RFK) Sr. (his son, now the U.S. Secretary of Health and Human Services, is Robert F. Kennedy Jr.²⁷⁸), younger brother of President John Kennedy (JFK), was a lifelong politician.²⁷⁹ When JFK ran for president in 1960, RFK joined in the effort to get him elected, stumping for him and advising his campaign.²⁸⁰ Upon JFK's election, he appointed RFK to serve as Attorney General.²⁸¹ He worked as the head of the Department of Justice until 1964, when he left to start campaigning for an open Senate seat in New York.²⁸² RFK was elected to the Senate in 1965 and served until his death in 1968.²⁸³ In 1968, RFK launched his own

275. Abdeen Jabara, *Foreword* to THE LOST SIGNIFICANCE OF SIRHAN'S CASE 3 (1969).

276. Joseph Geringer, *The Assassination of Robert F. Kennedy*, https://web.archive.org/web/20111230150731/http://www.trutv.com/library/crime/terrorists_spies/assassins/kennedy/4.html [<https://perma.cc/F27B-KEAR>] (last visited Nov. 23, 2025).

277. Abdeen Jabara, *Autobiographical Account of the Sirhan Defense* (discussing the defense arguments) (c. 1969) (on file with the *Wayne Law Review*).

278. Jonathan J. Cooper, *What to Know About Robert F. Kennedy Jr., Trump's Pick for Health Secretary*, AP NEWS (Nov. 14, 2024), <https://apnews.com/article/robert-f-kennedy-jr-rfk-things-to-know-explained-who-is-hhs-5288a4a7277d1a0b4a7ede8f57a971ce> [perma.cc/GH3N-T3VA].

279. See generally LARRY TYE, BOBBY KENNEDY: THE MAKING OF A LIBERAL LEGEND (2016) (providing biography of Kennedy as a politician).

280. JAMES W. HILTY, ROBERT KENNEDY: BROTHER PROTECTOR 142, 155 (2000).

281. *Attorney General: Robert Francis Kennedy*, U.S. DEP'T OF JUST., <https://www.justice.gov/ag/bio/kennedy-robert-francis> [<https://perma.cc/TRV7-SMGC>] (last visited Oct. 13, 2025).

282. *Kennedy, Robert Francis*, BIOGRAPHICAL DIRECTORY OF THE U.S. CONG., <https://bioguide.congress.gov/search/bio/k000114> [<https://perma.cc/RAZ3-KJY3>] (last visited Oct. 13, 2025).

283. *Id.*

campaign for president.²⁸⁴ He won several key primaries, but on June 5, 1968, following a win in California, he was assassinated at the Ambassador Hotel in Los Angeles by Sirhan.²⁸⁵

On the evening of the assassination, Sirhan waited at the Ambassador Hotel for RFK, outside the kitchen.²⁸⁶ After RFK gave a victory speech, he was led through the crowd towards a press conference in the pantry.²⁸⁷ Sirhan stepped out of the kitchen and fired a pistol, hitting Robert three times and wounding five bystanders.²⁸⁸ RFK died about twenty-four hours later in surgery at the Good Samaritan Hospital.²⁸⁹ When asked later, Sirhan confessed that the only connection he felt to RFK was related to his support of the State of Israel, feeling “betrayed by Senator Robert F. Kennedy’s support for Israel in the 1967 Arab-Israeli war.”²⁹⁰ Sirhan stated in an interview that RFK was going to “send those 50 bombers to Israel to obviously do harm to the Palestinians.”²⁹¹ On June 8, 1968, Sirhan was charged with murder and five counts of attempted murder.²⁹²

284. *Robert F. Kennedy and the 1968 Campaign*, JOHN F. KENNEDY PRESIDENTIAL LIBR. & MUSEUM (Mar. 16, 2008), <https://www.jfklibrary.org/events-and-awards/kennedy-library-forums/past-forums/transcripts/robert-f-kennedy-and-the-1968-campaign> [https://perma.cc/WMG6-YSJ4].

285. *Robert F. Kennedy is Fatally Shot*, HIST. (May 28, 2025), <https://www.history.com/this-day-in-history/june-5/bobby-kennedy-is-assassinated> [https://perma.cc/75RE-HBD4].

286. NAT’L ARCHIVES, *Appendix E: Robert F. Kennedy Assassination Investigation Records Audio Tapes*, in RECORDS RELATED TO THE ASSASSINATION OF SENATOR ROBERT F. KENNEDY, <https://archives.cdn.sos.ca.gov/collections/rfk/appendix-e.pdf> [https://perma.cc/H9HE-AW98] (last visited Dec. 24, 2025).

287. *Id.*

288. *This Week in History: Robert F. Kennedy Assassinated*, PEOPLE’S WORLD (June 4, 2018, at 09:42 CT), <https://www.peoplesworld.org/article/this-week-in-history-robert-f-kennedy-assassinated/> [https://perma.cc/JJ5C-WXFX].

289. JULES WITCOVER, *85 DAYS: THE LAST CAMPAIGN OF ROBERT KENNEDY* 281–82, 290 (1969).

290. *Sirhan Felt Betrayed by Kennedy*, N.Y. TIMES (Feb. 20, 1989), <https://timesmachine.nytimes.com/timesmachine/1989/02/20/942189.html?pageNumber=13> [https://perma.cc/23J8-T352].

291. *Id.*; Andrew Glass, *Sirhan Sirhan Sentenced to Die, April 23, 1969*, POLITICO (Apr. 23, 2015, at 00:00 ET), <https://www.politico.com/story/2015/04/robert-kennedy-this-day-in-politics-april-23-1969-117237> [https://perma.cc/Z5AA-CQ6T].

292. *Murder Charge Sought Against Sirhan Sirhan*, MONTR. GAZETTE, June 7, 1968, at 7; Jack Schreibman, *Sirhan Murder Charge Put Before Grand Jury*, ASSOCIATED PRESS, June 8, 1968, <http://jfk.hood.edu/Collection/Weisberg%20Subject%20Index%20Files/K%20Disk/Kennedy%20Robert%20F%20Assassination%20Clips/Item%20120.pdf> [https://perma.cc/WPE9-XV8N].

c. The Defense

i. Trial

At trial, Grant Cooper led the defense team and focused on Sirhan's psychological state that resulted from the violent episodes he experienced as a refugee and a child raised in militarized conflict.²⁹³ During his trial, Sirhan testified about the trauma experienced by Palestinians and the role of Britain in facilitating Zionism and the establishment of Israel.²⁹⁴ His anger, he testified, intensified around television imagery showing RFK's statement in support of Israel, and against Arabs.²⁹⁵

The defense portrayed Sirhan as mentally incapable of forming the requisite intent because of his background.²⁹⁶ His family had been violently expelled from their home and experienced discrimination while in the United States.²⁹⁷ In America they found a safer life, but Sirhan recalled having conversations with an American friend who told him, "If you don't like it here in America, go home," forcing Sirhan to ask himself where home *was*.²⁹⁸

ii. Appeal

A jury convicted Sirhan of murder and sentenced him to death.²⁹⁹ After Sirhan's guilty verdict was announced, he dismissed his team of defense lawyers and replaced them with Luke McKissack and George Shibley, another Arab-American attorney who recruited Jabara to the team, to manage his appeal.³⁰⁰ Jabara's activity included gathering information on the effect on mental state of Sirhan's traumatic experience as a child enduring the Palestinian/Israeli conflict.³⁰¹ Most of his research in the case reminded him of his own experience of intellectual

293. See Draft Opening Statement, *People v. Sirhan* (n.d.) (unpublished manuscript) (on file with the *Wayne Law Review*)

294. Jabara, *supra* note 168, at 8–10.

295. Glass, *supra* note 291.

296. Zuhur, *supra* note 273.

297. Defense Opening Statement, *People v. Sirhan 2* (n.d.) (unpublished) (on file with the *Wayne Law Review*)

298. Sirhan Sirhan, Reflections on Early Life (n.d.) (unpublished manuscript) (on file with the *Wayne Law Review*).

299. See Taylor Romine & Steve Almasy, *Sirhan Sirhan, RFK's Assassin, Denied Parole by Board Whose Members had Recommended it in 2021*, CNN (Mar. 1, 2023), <https://www.cnn.com/2023/03/01/us/sirhan-sirhan-parole-decision> [<https://perma.cc/YFH4-BL3F>].

300. Interview with Abdeen Jabara, *supra* note 53.

301. *Id.*

exchange with international students at the University of Michigan.³⁰² Those discussions of the condition of colonialism and the disenfranchisement that accompanied it had the deepest impact on Jabara and on his subsequent work in conveying Sirhan's experience of colonial displacement to the jury.³⁰³

In his foreword to Godfrey Jansen's account of Robert Kennedy's assassination, Jabara meditated on Franz Fanon's³⁰⁴ work—as a psychiatrist and witness to French brutality in Algeria, his work had enormous impact worldwide—involving the psychological trauma of colonialism.³⁰⁵ “the constant downgrading, discrimination, and persecution of the ‘native’ can and does constitute a trauma which may easily produce a ‘psychologically disturbed’ person.”³⁰⁶ Jabara was disappointed with the general counsel's disregard for the Palestinian dimension on Sirhan's state of mind.³⁰⁷ During their selection of jury members, trial counsel referred only to racism, and not in any particular way to the shock of expulsion in 1948.³⁰⁸ Lamenting the squandered opportunity, Jabara offered an insight into his concern to build a community of understanding for the disempowered and oppressed: “The diminished capacity defense required a foundation of information making Sirhan's condition credible to some members of the jury who, like Sirhan, may have experienced discrimination and oppression.”³⁰⁹ On appeal, Jabara's ultimate ambition was to convey the impact of colonialism and its ability to reduce and dehumanize.³¹⁰

As it was, the assignments of error on appeal fell broadly into three categories: challenging the death sentence as cruel and unusual given Sirhan's diminished capacity, challenging evidence obtained outside a warrant, and challenging the grand jury procedure.³¹¹

The first challenge raised by Sirhan's team concerned the California death penalty, which they claimed was cruel and unusual as a means of punishment.³¹² The California Supreme Court agreed, as recent rulings

302. *Id.*

303. *Id.*

304. *Id.*

305. Adam Shatz, *The Revolutionary Stranger: How Frantz Fanon Put Theory Into Practice*, LITERARY HUB (Jan. 25, 2024), <https://lithub.com/the-revolutionary-stranger-how-frantz-fanon-put-theory-into-practice/> [<https://perma.cc/4XW8-KZ7G>].

306. Abdeen Jabara, *Foreword* to GODFREY JANSEN, *WHY ROBERT KENNEDY WAS KILLED* 2–3 (1970).

307. Interview with Abdeen Jabara, *supra* note 53.

308. Jabara, *supra* note 306, at 10.

309. *Id.* at 12.

310. Interview with Abdeen Jabara, *supra* note 53.

311. *People v. Sirhan*, 497 P.2d 1121 (Cal. 1972).

312. *Id.*

established the death penalty as violating the state constitutional prohibition against cruel and unusual punishment.³¹³ Second, counsel argued that evidentiary rulings relevant to the defense's diminished capacity challenge, were erroneous under California's *Wells-Gorshen* holdings.³¹⁴ Those precedents prohibited a conviction of first-degree murder where the defendant commits the crime while under some diminished capacity preventing premeditation or deliberation, but not amounting to legal insanity.³¹⁵ Evidence must be put forth demonstrating the defendant was unable to "maturely and meaningfully" reflect on the relevant actions.³¹⁶ The court concluded Sirhan did not lack such capacity.³¹⁷ Without evidence of his deeper trauma, the California Supreme Court affirmed on the basis of conventional testimony by a psychologist and lay witnesses who testified that he appeared to have presence of mind.³¹⁸

Third, the court then turned to the question of the validity of the trial, considering the enormous, potentially prejudicial, publicity the case brought to bear.³¹⁹ Sirhan argued the publicity (radio coverage as well as a full front page *L.A. Times* article) improperly influenced the jury in considering his guilt.³²⁰ Indeed, the case could hardly escape national focus.³²¹ Robert Blair Kaiser wrote a book about the assassination and trial of Kennedy. The book, *RFK Must Die*, was published in January of 1970.³²²

After the book was published, and after Sirhan's sentencing, NBC News arranged an interview.³²³ NBC would retain the broadcasting rights to the interview and have choice of interviewer.³²⁴ The network required the interview to occur within ten days of Sirhan's sentencing.³²⁵ Compensation was set at \$10,000 for the first ten minutes of broadcasting, \$500 per minute for the twenty minutes after that, then \$250 per minute

313. *Id.*; *People v. Anderson*, 493 P.2d 880 (Cal. 1972).

314. *People v. Gorshen*, 336 P.2d 492 (Cal. 1959); *People v. Wells*, 202 P.2d 53 (Cal. 1949).

315. *Gorshen*, 336 P.2d at 492; *Wells*, 202 P.2d at 53.

316. *People v. Wolff*, 394 P.2d 959, 975 (Cal. 1964).

317. *Sirhan*, 497 P.2d at 1121.

318. *Id.*

319. *Id.*

320. *Id.*

321. See Letter from Sirhan Sirhan, to Robert Kaiser, Assignment of Proceeds for NBC Broad. Agreement Between Robert Kaiser & Sirhan Sirhan (May 2, 1969) [hereinafter NBC Broad. Agreement] (on file with author).

322. *Id.*; ROBERT BLAIR, *RFK MUST DIE* (Dutton 1970).

323. See sources cited *supra* note 322.

324. See sources cited *supra* note 322.

325. NBC Broad. Agreement, *supra* note 321.

after that.³²⁶ NBC also required Sirhan not to give any other interviews for thirty days after the initial broadcast.³²⁷ Cooper, Sirhan's defense attorney did reserve the right to delete any portions that were prejudicial to Sirhan's appeal.³²⁸ The court nevertheless determined that the attention given to his case did not fatally prejudice his right to a fair trial.³²⁹

The court then turned to Sirhan's arguments regarding the illegality and inadmissibility of certain evidence admitted at trial.³³⁰ The focal point was an excerpt from a journal which was found on the floor of Sirhan's bedroom in his mother's house.³³¹ The excerpt was admitted over an objection by Sirhan's counsel, but the entirety was then admitted by defense.³³² Prosecutors argued this waived any objection as to the admissibility of the evidence, but the California Supreme Court rejected that argument.³³³ Instead, focus shifted to how the evidence was found. The journal was discovered after Sirhan's brothers appeared at the police station and identified him.³³⁴ A detective, after speaking with the brothers, asked to come search their house but was told it would require the permission of the homeowner—their mother.³³⁵ The detectives did not obtain this permission, but instead appeared and searched the house.³³⁶ Sirhan's team argued that the failure to obtain consent violated his Fourth Amendment rights, but the California Supreme Court ultimately determined that exigent circumstances justified the search.³³⁷

To date, the case remains famous as an episode in the history of U.S. political assassinations, rather than as an opportunity to learn about Arab-American and Palestinian-American activism. But in its wake, Jabara's tactics and strategies have shaped approaches to legislative and grassroots mobilization that have impact in the particularly acrimonious debate underway in the United States today.

Alia Malek traces some of these tragedies in *Dying with the Wrong Name: The Role of Law in Racializing and Erasing Arabs in America*.³³⁸ In her analysis, the colonial metaphor for Arabs and Arab-Americans

326. *Id.*

327. *Id.*

328. *Id.*

329. *People v. Sirhan*, 497 P.2d 1121 (Cal. 1972).

330. *Id.*

331. *Id.*

332. *Sirhan*, 497 P.2d at 1136–37.

333. *Id.*

334. *Id.* at 735–36.

335. *Id.* at 735.

336. *Id.*

337. *Id.* at 735–41.

338. Alia Malek, *Dying with the Wrong Name: The Role of Law in Racializing and Erasing Arabs in America*, 1 *GEO. J.L. & MOD. CRITICAL RACE PERSP.* 211 (2009).

became more prominent after 1967, not only because of the way that the Arab-Israeli War was covered in the United States, but because the narrative of Arabs as the colonized became central to Arab-American discourse in the United States generally.³³⁹

2. *The Defense of Sheikh Omar Abdel-Rahman: Freedom of Religious Speech*

If participation in Sirhan Sirhan's defense represented Jabara's effort at contextualizing Arab-Americans' experience in the milieu of U.S. foreign policy, his representation of Sheikh Omar Abdel-Rahman represented his effort to contextualize religious speech and expression relevant for Arab-American communities. Ramsey Clark, the former U.S. Attorney General under Lyndon B. Johnson, contacted Jabara in the pursuit of a criminal defense attorney who would handle Abdel-Rahman's defense.³⁴⁰ Lynn Stewart ultimately agreed to serve as lead defense counsel, with Jabara supporting by gathering evidence to submit to the district court about the Islamic doctrines and principles that might offer clarification and understanding of the Sheikh's speech.³⁴¹

Indeed, treatment of Muslims' expression and speech may be contrasted with other religious minorities where courts, legislatures, and executives have demonstrated far more tolerance. In response to *Employment Division, Department of Human Resources v. Smith*,³⁴² interpreting the constitutional scope of religious practices of Native Americans, Congress adopted the Religious Freedom Restoration Act, requiring the application of constitutional strict scrutiny to religious based claims against state action.³⁴³ The U.S. Supreme Court has read the Establishment Clause broadly to protect the practices and sensibilities of Christian plaintiffs, but has, by contrast, read it narrowly as to Islamic practices and beliefs.³⁴⁴ The U.S. Executive Branch has never endeavored to bar religious adherents from majority Catholic, Buddhist, or Protestant

339. *Id.* at 236–37.

340. NAT'L LAWS. GUILD PUBL'N, THE CASE OF LYNNE STEWART 6 (2005), <https://www.nlg.org/wp-content/uploads/2017/03/The-Case-of-Lynne-Stewart-2005.pdf> [<https://perma.cc/UX28-6ZJH>].

341. *Id.*

342. *Emp. Div. v. Smith*, 494 U.S. 872 (1990).

343. *Id.*; Religious Freedom Restoration Act (RFRA) of 1993, Pub. L. No. 103-141, 1993 U.S.C.A.N. (107 Stat.) 1488, *invalidated by*, *City of Boerne v. Flores*, 521 U.S. 507 (1997).

344. *See, e.g.*, Daniel Mach, *The Supreme Court is Playing Favorites with Religion*, ACLU (Feb. 11, 2019), <https://www.aclu.org/news/religious-liberty/supreme-court-playing-favorites-religion> [<https://perma.cc/TUF5-BXPK>] (analyzing discrepancies with judicial decisions affecting religious practice by Muslims).

countries but famously endeavored to do so against majority Muslim countries.³⁴⁵ It is against this background of religious prejudice that Abdeen Jabara has been active.

Sheikh Omar Abdel-Rahman, a Muslim cleric long associated with speech critical of Western governments, was accused of playing an organizing role in the bombing of the World Trade Center in 1993.³⁴⁶ In Egypt, Abdel-Rahman was imprisoned in 1981 on charges of urging the assassination of Egyptian President Anwar el-Sadat.³⁴⁷ He was acquitted in 1984 but arrested repeatedly between 1985–89 for various forms of incitement.³⁴⁸ He was acquitted of those charges in September 1990.³⁴⁹ In the United States, he again broadly preached sermons critical of the United States, referring to it as a “den of evil and fornication.”³⁵⁰ On August 25, 1993, a federal grand jury indicted him on conspiracy to commit sedition.³⁵¹ The government’s indictment alleged that Abdel-Rahman and fourteen others conspired to levy a war of urban terrorism against the United States, to oppose by force the authority of the United States and by force to prevent, hinder and delay the execution of laws of the United States.³⁵²

Jabara’s involvement with Abdel-Rahman began after the completion of his presidency of the American-Arab Anti-Discrimination Committee.

345. For examples of the U.S. Executive Branch’s targeted bans on Muslims, see, e.g., Exec. Order No. 13780, 82 Fed. Reg. 13209 (Mar. 6, 2017).

346. See Lynne Duke, *Trail of Tumult on U.S. Soil; Sheik Abdel Rahman Fed Islamic Ferment*, WASH. POST, July 11, 1993, at A1; Eleanor Randolph & Pierre Thomas, *Indictment Links N.Y. Bomb Plots; Elgabrownly Allegedly Discussed Targets with FBI Informer*, WASH. POST, July 15, 1993, at A1; Francis X. Clines, *Bomb-Plot Suspects’ Lives Emerge in Sharper Detail*, N.Y. TIMES, July 4, 1993, at 27; David Johnston, *The Cleric’s Indictment; Reno Sees Growing Evidence and Makes Call*, N.Y. TIMES, Aug. 26, 1993, at B4 (analyzing Abdel Rahman’s speech).

347. Clines, *supra* note 346, at 27; Johnston, *supra* note 346, at B4.

348. Clines, *supra* note 346.

349. Julia Preston, *Omar Abdel Rahman, Blind Cleric Found Guilty of Plot to Wage ‘War of Urban Terrorism,’ Dies at 78*, N.Y. TIMES (Feb. 18, 2017), <https://www.nytimes.com/2017/02/18/world/middleeast/omar-abdel-rahman-dead.html> [<https://perma.cc/ME9D-LV88>].

350. Steven Emerson, *The Accidental Terrorist: Coping with the New, Freelance Breed of Anti-West Fanatic*, WASH. POST, June 13, 1993, at C5; see also Robert Satloff, *What Makes the Sheik’s Men Tick; The New York Bombing Can Be Seen as a Logical Extension of the War Being Waged to Isolate Egypt from the West*, L.A. TIMES, Mar. 18, 1993, at B7. As this author notes, the recent World Trade Center bombing raises the following questions: “Why?” “Why now?” and “Why the World Trade Center?”

351. Mary Tabor, *Specter of Terror; U.S. Indicts Egyptian Cleric as Head of Group Plotting ‘War of Urban Terrorism,’* N.Y. TIMES, Aug. 26, 1993, at A1.

352. *U.S. v. Rahman*, 854 F. Supp. 254, 258–59 (S.D.N.Y. 1994); see Lynne Duke & Malcolm Gladwell, *U.S. Charges Sheik in Terror Bomb Plot; Indictment Widens Scope of Alleged Conspiracy*, WASH. POST., Aug. 26, 1993.

The case began in January 1995 and took eight months, five days a week, evenings and weekends of work.³⁵³ Jabara's defense revolved around two primary arguments: that Abdel Rahman was blind, diabetic, and illiterate and therefore incapable of being a "conspirator," and that he merely exercised his First Amendment speech rights to expound his religion.³⁵⁴

As to Jabara's religion-based defense, Rahman's belief in the Islamic polity was known and well-documented.³⁵⁵ Jabara located and prepared briefs and witnesses³⁵⁶ who could explain the concepts of *fiqh* and *jihad* which, while generally characterized as "holy war," have a much richer historical and contextual meaning as an introspective struggle against heresy.³⁵⁷ As with the Sirhan case, fear developed as a major obstacle to participation from potentially helpful parties.³⁵⁸ The witnesses Jabara proffered explained that the sheikh was a "scholarly man of deep personal holiness who never appealed to radical elements."³⁵⁹ The legitimate purpose of the case was to prove that, rather than conspiracy, Abdel Rahman taught religious ideals and that only the government, acting out of allied Egyptian interests, could twist his activity to make it appear "conspiratorial."³⁶⁰ Judge Michael Mukasey refused testimony by witnesses prepared to speak about Islamic law, concepts and on the character of the Sheikh as a religious devotee.³⁶¹ The court convicted Rahman and sentenced him to an indefinite life sentence.³⁶²

Since Rahman's trial, attorneys have made greater resort to arguments based on freedom of speech and freedom of religion especially for Muslims.³⁶³ These arguments, often included in plea agreements and

353. Interview with Abdeen Jabara, *supra* note 53.

354. *Id.*

355. Preston, *supra* note 349.

356. Interview with Abdeen Jabara, *supra* note 53.

357. SEE KHALED ABOU EL FADL, SPEAKING IN GOD'S NAME: ISLAMIC LAW, AUTHORITY, AND WOMEN 39 (2001) (explaining the absence of legal certainties in Islamic jurisprudence especially with reference to *fiqh*, which is, broadly, the jurisprudential effort to divine law from scriptural sources); see also EDWARD SAID, ORIENTALISM 268 (1979) (analyzing the misinterpretation of Islamic concepts by European colonial authors).

358. Interview with Abdeen Jabara, *supra* note 53.

359. Robert L. Jackson, *Defense Shackled in Bomb Plot Trial, Sheikh's Attorneys Say*, HOUSTON CHRON., July 23, 1995, at A8.

360. Stephen Franklin, *Abdeen Jabara: Entwined in the Cause*, DET. FREE PRESS, Dec. 1, 1983 at 1B, 4B.

361. Joseph P. Fried, *Judge in Terror Trial Bars Several Defense Witnesses*, N.Y. TIMES, 13 July 13, 1995, at B8; see also Jackson, *supra* note 360, at A8.

362. Interview with Abdeen Jabara, *supra* note 53.

363. See, e.g., *Settlement Protects Religious Freedom for Inmates in Pierce County Jail*, AM. C.L. UNION OF WASH. (Oct. 24, 2012), <https://www.aclu.org/press-releases/settlement-protects-religious-freedom-inmates-pierce-county-jail> [<https://perma.cc/LGD2-G2WR>].

settlements, respect Muslims' ability to undertake religious study, have their religious practices respected in the course of trial and detention, have defenses based on religious practice, and gain greater acceptance in state and federal law.³⁶⁴

C. Civil Rights Advocacy and the Expansion of the National Security State

Civil rights leaders must anticipate state and federal authorities' resistance to the changes those leaders advocate as part of the process for social change.³⁶⁵ An important example is the federal surveillance of Martin Luther King, Jr as part of his campaign to achieve equal rights for all Americans.

The NAACP, for instance, was investigated by the FBI over a period of twenty-five years. Dr. Martin Luther King, Jr., was investigated from 1963 until his death in 1968. The FBI saw Dr. King as a ““messiah”” who had the potential to lead a ““black nationalist movement.”” Seeing a threat, the FBI sought to ““neutralize”” Dr. King ““as an effective civil rights leader.””³⁶⁶

In 1967, the FBI began “targeting ‘subversive’ civil rights groups and Black leaders, including the Black Panther Party, Martin Luther King Jr., Elijah Muhammad, Malcolm X, and many others.”³⁶⁷ The FBI similarly targeted AIM, a Native American advocacy organization.³⁶⁸

Similarly, the FBI deemed Abdeen Jabara a threat for his civil rights advocacy on behalf of Arab-Americans.³⁶⁹ First, the FBI subjected him to illegal surveillance, which precipitated a pioneering, though ultimately unsuccessful, challenge against the NSA for spying on him and then

364. See, e.g., *id.*

365. See, e.g., Joe Swickard & Jeffrey S. Ghannam, *FBI Questioning Worries Arab Americans*, DET. FREE PRESS, Jan. 9, 1991, at 1A, 8A.

366. Christopher M. Ford, *Intelligence Demands in a Democratic State: Congressional Intelligence Oversight*, 81 TUL. L. REV. 721, 748 (2007).

367. Virgie Hoban, ‘Discredit, Disrupt, and Destroy’: FBI Records Acquired by the Library Reveal Violent Surveillance of Black Leaders, Civil Rights Organizations, BERKELEY LIB. (Jan. 18, 2021), <https://www.lib.berkeley.edu/about/news/fbi> [<https://perma.cc/S5DP-WEZJELS7-8JZ3>].

368. Joseph C. Hogan, III, *Guilty Until Proven Innocent: Leonard Peltier and the Sublegal System*, 34 B.C. L. REV. 901, 908 n.67 (“Side By Side: How Two Trials Compare, Nat’l L.J., June 25, 1990, at 30 (evidence included misconduct in COINTELPRO and the Church Report on domestic spying). COINTELPRO, which stands for Counter-Intelligence Program, was an FBI surveillance operation that targeted domestic political groups, including AIM, in the late 1970s and early 1980s. Amnesty International USA, United States of America, *supra* note 9, at 29 n.23.”)

369. Pennock, *supra* note 6, at 41–52.

sharing information with foreign governments.³⁷⁰ In these cases, federal agencies acquired, through secret and illegal means, communications between Jabara and overseas contacts, as well as information on his domestic activities.³⁷¹ Jabara was targeted largely for opposing Operation Boulder, a Nixon-era initiative “to target Arabs in the [United States] for special investigation and discourage their political activism on Middle Eastern issues.”³⁷² Jabara’s account of the lawsuit first against the FBI and then the NSA began with his reading in *Newsweek* that twenty-six wiretaps had been authorized on people in the United States in conjunction with Operation Boulder.³⁷³ His suspicions that he would be a target of this new initiative were correct.³⁷⁴

1. Jabara and the FBI

a. Learning of Surveillance

On February 28, 1972, the Manufacturer’s Bank of Michigan Loss Prevention Office circulated a memorandum to all branch officers.³⁷⁵ This memo instructed all officers to check their records for a list of names, which included Abdeen Jabara, and then to contact Loss Prevention should a branch manager have an account under such a name and to keep the memorandum itself confidential.³⁷⁶ The FBI then surveilled those accounts, and those bank records were turned over to the FBI at the Bureau’s request.³⁷⁷ Jabara maintained two accounts at Manufacturer’s National Bank, with one being a client trust account for his firm (Lafferty, Reosti, Jabara, Papakhian, James, Stickgold, Smith, & Soble).³⁷⁸ An anonymous source mailed a copy of the memorandum to Jabara.³⁷⁹ He has never learned the identity of the sender.³⁸⁰ In March 1972, the FBI sent an investigator to Mancelona, Michigan, Jabara’s hometown of about 1,200

370. *Id.*

371. See discussion *supra* p. 340.

372. Susan Akram & Kevin Johnson, *Race, Civil Rights, and Immigration Law After September 11, 2001: The Targeting of Arabs and Muslims*, 58 N.Y.U. ANN. SURV. AM. L. 295, 314 (2002).

373. Interview with Abdeen Jabara, *supra* note 53.

374. *Id.*

375. Memorandum from Loss Prevention Department to Manufacturer’s Bank Branch Officers (Feb. 28, 1972) (on file with the *Wayne Law Review*).

376. *Id.*

377. Pennock, *supra* note 6, at 42.

378. Deposition Transcript of Abdeen Jabara at 3 (June 26, 1972) (on file with the *Wayne Law Review*).

379. *Id.* at 4.

380. *Id.* at 4–6.

people, to ask neighbors and community members about his background and activities.³⁸¹

The FBI, on thirty-five different occasions, wiretapped and recorded Jabara's telephone conversations within the United States, acquired "bank records without a subpoena, watched his home and business, interviewed his neighbors and his political and business contacts and made phony phone calls"³⁸² The communications monitored by the FBI were eventually turned over to the NSA because of the intertwined nature of Operation Boulder, which sought to identify "suspect communities" in the United States that Jabara broadly represented as an attorney.³⁸³ In addition, the NSA employed sophisticated technology to receive overseas communications about Jabara from foreign governments and their agents.³⁸⁴ At no point did the government allege any crime against Jabara, and much of the surveillance occurred without warrants.³⁸⁵

Jabara pieced together the bank irregularities with news about Operation Boulder wiretaps to begin inquiring about the origin of the memorandum and the parties behind the surveillance.³⁸⁶ While he initially filed a suit in Michigan state court against the bank, Jabara eventually filed suit against then FBI Acting Director Patrick Gray III, Richard Kleindienst (U.S. Attorney General), Neil Welch (Special Agent-in-Charge of the Detroit Field Office), and FBI agents acting at his direction.³⁸⁷ Jabara alleged a Fourth Amendment violation, in that his communications were searched without a warrant, and that the FBI violated privacy statutes by keeping records on Jabara regarding his speech, violating his First Amendment rights as a citizen and as an attorney.³⁸⁸ Over the course of the litigation, it was discovered that the FBI had dispatched agents and used informants to monitor private gatherings, places where Jabara gave speeches (including churches, universities, and anti-war gatherings), and his residence and professional office.³⁸⁹ Jabara filed the complaint in the Eastern District of Michigan, and the case was put before Judge Ralph Freeman on October 19, 1972.³⁹⁰ Understanding the gravity of such deep

381. Affidavit in Support of Motion for Summary Judgment ¶ 25, *Jabara v. Kelley*, 476 F. Supp. 561 (E.D. Mich. 1979).

382. Magnusson, *supra* note 14, at A12.

383. Pennock, *supra* note 6, at 42.

384. Magnusson, *supra* note 14, at A12.

385. Franklin, *supra* note 360, at 1B; *Jabara*, 476 F. Supp. at 564.

386. Pennock, *supra* note 6, at 42.

387. *Jabara v. Kelly*, 62 F.R.D. 424, 425 (E.D. Mich. 1974) (identifying Clarence Kelly, Richard G. Kleindienst, Neil G. Welch, Winston Churchill, John Doe, and Richard Roe as defendants).

388. *Id.*

389. *Jabara v. Kelley*, 476 F. Supp. 561, 564 (E.D. Mich. 1979).

390. *Id.* at 561.

and warrantless surveillance of a U.S. citizen exercising plainly protected First Amendment rights, the ACLU agreed to represent Jabara, with John Shattuck serving as lead attorney.³⁹¹

b. Discovery

Discovery was contentious. On at least five occasions, the ACLU filed motions to compel answers, with repeated hearings on the disputes and the government showing a general reluctance to answer the key evidence requests.³⁹² Specifically, the government defendants fought to avoid answering interrogatories aimed at assessing whether the U.S. government had “solicited, received, or otherwise obtained any information” concerning Jabara “from any domestic or foreign Jewish, Zionist, or Israeli organization . . . or governmental entity.”³⁹³ The court ordered the government to answer, a key aspect of how Jabara eventually built his case against the NSA.³⁹⁴ However, the court found that the government was not required to specify which organizations they interacted with or what information was received.³⁹⁵ The court also compelled the government to answer questions about whether Jabara was ever actually being investigated for a criminal offense, something the government defendants delayed answering and which ultimately played a significant role in the district court’s conclusion that the government violated Jabara’s rights.³⁹⁶ In April of 1975, defendants moved to stay the production of documents.³⁹⁷ The court finally ordered the close of discovery on July 5, 1977.³⁹⁸

The government’s assertions over the course of discovery revealed both negligent and ostensibly intentional misrepresentations of his professional and legal advocacy.³⁹⁹ The government accused Jabara of belonging to organizations to which he either did not belong or did not exist, delivering speeches at times and places when he could not have done so, and traveling to countries he never visited.⁴⁰⁰ Moreover, the government gave inconsistent dates and rationales for its warrantless

391. Michael Fischback, *Government Pressures Against Arabs in the United States*, 14 J. PALESTINE STUD. 87 (1985).

392. *See* 62 F.R.D at 425.

393. *Id.* at 432.

394. *Id.*

395. *Id.*

396. *Id.*

397. 62 F.R.D at 433.

398. *Jabara v. Gray*, No. 39065.

399. *See supra* notes 388–94.

400. *See supra* notes 388–94.

surveillance and use of the NSA for those purposes.⁴⁰¹ This was as a result of a classified in-camera affidavit from Agent French of the FBI.⁴⁰² For example, in the defendants' reply brief, they asserted that the "'FBI . . . received information from the CIA that Jabara was a member of a Middle East terrorist organization . . . on November of 1971," citing the in-camera affidavit of Agent French.⁴⁰³ However, French's open record affidavit stated the investigation of Jabara began in February 1972.⁴⁰⁴

In March of 1975, Jabara reached out to Ron Dellums (D-CA) who served on the House Select Committee on Intelligence.⁴⁰⁵ Representative Dellums and his committee were investigating the intelligence community, especially the FBI, for an anti-Arab counterintelligence investigation.⁴⁰⁶ Jabara encouraged Representative Dellums to broaden the investigation to include the intelligence communities' surveillance of Arab-Americans, which Jabara described as having "cast[] a pall of fear over the Arab-American community."⁴⁰⁷

c. Settlement Offers

On December 7, 1977, Department of Justice attorney John Seibert reached out to Shattuck to offer Jabara a settlement.⁴⁰⁸ The government initial offer was to expunge everything in the records system pertaining to Jabara's First Amendment activities, and which were retrievable by his name.⁴⁰⁹ The government offered this in consideration of Jabara dropping all of his claims against the Department of Justice and its officers and employees.⁴¹⁰

Jabara had recently added the Privacy Act as a jurisdictional basis for his suit, alleging the Act required the government to destroy all records it maintained of Jabara which were retrievable by name.⁴¹¹ The government

401. Letter from John Seibert, to John Shattuck (July 24, 1981) (responding to alleged discrepancies).

402. *Id.*

403. Letter from John Shattuck, to John Seibert (June 5, 1981) (clarifying a discrepancy in French's affidavits).

404. *Id.*

405. Letter from Abdeen Jabara, to Representative Ron Dellums, at 1 (Mar. 28, 1975) (asking the House Intelligence Committee to investigate abuses against the Arab community by the intelligence sector).

406. *Id.* at 2.

407. *Id.*

408. Letter from John Seibert, to John Shattuck (Dec. 8, 1977) (making an initial settlement offer).

409. *Id.* at 1.

410. *Id.*

411. *See id.*

disagreed, arguing the purpose of the information kept was for law enforcement, exempting it from the requirements of the Act.⁴¹² However, it offered to destroy those same records and ask the NSA to do the same in exchange for Jabara's dismissal of the suit.⁴¹³

On February 6, 1978, Shattuck outlined Jabara's demands.⁴¹⁴ The government maintained three primary categories of information regarding Jabara.⁴¹⁵ The first category contained information compiled before a certain point in time which would be expunged pursuant to the Privacy Act.⁴¹⁶ The second category was comprised of information compiled after a certain point (and thus arguably related to law enforcement activities) covering Jabara's protected First Amendment activities that the Department of Justice would agree to expunge because he was exercising plainly protected constitutional liberties.⁴¹⁷ The final category of documents were those the Department would not expunge after review.⁴¹⁸ Shattuck expressed an initial receptiveness to the offer, but he clarified they would retain the ability to continue litigation to pursue proper damages with regard to intercepted international communications.⁴¹⁹

Seibert confirmed the classifications of data Shattuck outlined.⁴²⁰ However, he clarified that the Department of Justice had not yet made a decision to destroy the "first" category, and that destruction would have to be done with prejudice to any of Jabara's outstanding claims of personal liability against all defendants employed by the Bureau and the NSA (should the NSA agree to expunge its record).⁴²¹ Seibert then offered to destroy the entirety of Jabara's file the FBI maintained, and any summary information the NSA may contain.⁴²² Alongside this would be a statement stating Jabara was not investigated for any criminal conduct.⁴²³ The FBI would also not admit to any wrongdoing or tortious conduct.⁴²⁴ All of this would be available in exchange for dismissal of the entire suit.⁴²⁵

412. *Id.*

413. *Id.*

414. Letter from John Shattuck to John Seibert (Feb. 6, 1978) (responding to the settlement offer).

415. *Id.* at 1.

416. *Id.*

417. *Id.*

418. *Id.*

419. *Id.*

420. Letter from John Seibert to John Shattuck (June 12, 1978) (responding to settlement negotiations).

421. *Id.* at 1.

422. *Id.*

423. *F.B.I. Admits Bugging Lawyer In Detroit*, N.Y. TIMES, Feb. 5, 1975, at 24.

424. *Id.*

425. *Id.*

Shattuck apparently forwarded the offer to Jabara, who gave Shattuck his opinion on the offer.⁴²⁶ “As for myself, I would be unequivocally opposed to dropping our claims in exchange for expunction.”⁴²⁷ Jabara wanted damages only in that it made the possibility of litigation feasible to others in similar situations.⁴²⁸ Ultimately, Jabara believed “until the government has to pay for its violation of the law, they will feel that they do not face any *real* pressure because they do not mind fighting these cases in the courts.”⁴²⁹ His proposed return offer to the government was dismissal with prejudice of the claims in exchange for expungement with the government stipulating to the entry for an order of injunctive relief.⁴³⁰

On September 11, 1978, Shattuck wrote to Seibert to let him know the litigation was to proceed.⁴³¹ Before dispositive motions were considered, the FBI agreed to destroy the file they maintained on Jabara and admit that he had done nothing more than engage in constitutionally protected rights to speak, publish, and assemble.⁴³²

d. Summary Judgment

With the close of discovery and failure of settlement negotiations in 1978, both parties filed dispositive motions. Judge Freeman held that Jabara’s First Amendment claim (that the actions of the defendants chilled his free speech) was justiciable and denied the defendants’ motion to dismiss.⁴³³ Jabara argued that the First Amendment grants greater protections than the Fourth.⁴³⁴ While the court rejected Jabara’s claims with respect to the relationship between the First and Fourth Amendments, it also concluded that with respect to his First Amendment claims alone, “a genuine issue regarding the motives and legitimacy of the Jabara investigation exists, the resolution of which requires a fact finder.”⁴³⁵

The court dismissed Jabara’s claims as to the Fourth Amendment (interviewing associates and surveilling public speeches), reasoning that in each instance, he had no reasonable expectation of privacy in public.

426. Letter from Abdeen Jabara to John Shattuck (June 21, 1978) (responding to settlement negotiations).

427. *Id.* at 1.

428. *Id.*

429. *Id.*

430. *Id.*

431. Letter from John Shattuck, to John Seibert (Sep. 11, 1978) (declining to settle).

432. *Id.*

433. *Jabara v. Kelley*, 476 F. Supp. 561, 568–69 (E.D. Mich. 1979).

434. *Id.* at 570.

435. *Id.* at 575.

Separately, the use of informants is not a violation of the Fourth Amendment absent an incitement to crime or harassment.⁴³⁶ The court also held the wiretapping did not require a warrant as the primary purpose of the surveillance was foreign intelligence purposes, not the monitoring of a citizen. and the President authorized the wiretapping.⁴³⁷

During its investigation of Jabara, the FBI asked the NSA to turn over any information it happened upon regarding Jabara.⁴³⁸ This, the court held, was a violation of his Fourth Amendment right to a reasonable expectation of privacy, and he was entitled to summary judgement on the matter.⁴³⁹ The Court held that the FBI's examination of communications intercepted by the NSA was sufficient basis for a Fourth Amendment claim.⁴⁴⁰

The Court ultimately granted declaratory and injunctive relief to Jabara on the surveillance the NSA performed, the first successful effort by a U.S. citizen to challenge NSA's authority to spy on its own citizens.⁴⁴¹ The Court also granted Jabara's summary judgment motion on his Privacy Act claim, but it forestalled any remedies until both sides had offered further memoranda regarding appropriate remedies.⁴⁴²

e. Appeals

After the district court's above decision, the defendants appealed.⁴⁴³ On appeal, Judge Brown of the Court of Appeals for the Sixth Circuit held that the government did not violate Jabara's Fourth Amendment rights when the NSA distributed intercepted communications to the FBI.⁴⁴⁴ Specifically, the court found that there was no search or seizure involved in this distribution, and since Jabara had not raised the NSA's initial interception of these communications as an issue on appeal, there was no ruling as to the constitutionality of the NSA possessing that information.⁴⁴⁵

Instead, Jabara contended the NSA violated his rights by turning that information over to the FBI.⁴⁴⁶ The government contended the information being turned over did not constitute a search or a seizure, but even if it did,

436. *Id.* at 570.

437. *Id.* at 576.

438. *Id.* at 577.

439. *Jabara*, 476 F. Supp. at 579.

440. *Id.* at 577.

441. Alex Kane, *Meet the Arab-American Lawyer Who the NSA Spied On—Back in 1967*, MONDOWEISS (Oct. 3, 2013), <https://mondoweiss.net/2013/10/american-lawyer-spied/> [<https://perma.cc/NBW7-H4RA>].

442. *Jabara*, 476 F. Supp. at 582.

443. *Jabara v. Webster*, 691 F.2d 272 (6th Cir. 1982).

444. *Id.* at 277.

445. *Id.*

446. *Id.* at 275.

a warrant was not required under the “foreign agent exception.”⁴⁴⁷ The FBI argued since Jabara was allegedly a foreign agent, the FBI did not need to obtain a warrant to investigate him.⁴⁴⁸ The court agreed, holding that lawfully intercepted information which is turned over to the FBI does not constitute a search or a seizure.⁴⁴⁹ The case opened a wide chasm between what the NSA was ostensibly authorized to do (protect the United States from foreign threats) and what it was allowed to do with respect to U.S. citizens.⁴⁵⁰ That chasm has only grown since Jabara’s case, although it was the first case to bring such a claim against the NSA.⁴⁵¹

The Court of Appeals then vacated the summary judgement on the Privacy Act claim, finding the District Court had applied too narrow an exemption to the investigation exemption, allowing the FBI to intrude on Jabara’s privacy for purposes of their investigation.⁴⁵²

f. Petitioning for Certiorari

With the Court of Appeals vacating the summary judgement, Jabara and his legal team were left to consider petitioning for certiorari to the Supreme Court.⁴⁵³ A member of the legal team first raised the issue of a cert petition in January of 1983.⁴⁵⁴ The biggest problem the legal team weighed was the potential for an outcome that would not only deny Jabara relief but also close the door to future suits.⁴⁵⁵ The Court had, in 1981, set out strong privileges for state secrets in the Privacy Act.⁴⁵⁶ Strategically, the team concluded that the U.S. Supreme Court may take the opportunity to expand rather than limit the state secret privileges.⁴⁵⁷ Moreover, there was a chance the Court could rule overseas communications were not protected by the Fourth Amendment.⁴⁵⁸ Lynch gave a few routes the Court

447. *Id.*

448. *Id.*

449. *Webster*, 691 F.2d at 278.

450. *Jabara v. Kelley*, 476 F. Supp. 561 (E.D. Mich. 1979) (“Although the investigation did involve at least one criminal aspect, the record is devoid of any evidence linking the plaintiff to the commission or anticipated commission of any specific crime. Instead, the defendants seek to justify their intrusions into the plaintiff’s life as a legitimate national security investigation.”).

451. *Id.*

452. *Webster*, 691 F.2d at 280.

453. Letter from Mark Lynch to John Shattuck et al., at 1 (Jan. 6, 1983) (discussing petitioning for cert).

454. *Id.*

455. *Id.*

456. *Id.*

457. *Id.*

458. *Id.*

could take to get there, all of which were easy to conceive.⁴⁵⁹ The third and final concern was that the Court could find that the protections of the Bill of Rights do not extend outside the borders of the United States.⁴⁶⁰ This would be an opening for the government to argue that where it gathered evidence outside the borders of the United States, including interception of international communications, constitutional constraints on government action would be reduced or inapplicable.⁴⁶¹

Burt Neuborne, then at the ACLU before his appointment at New York University Law, argued that a cert petition was the appropriate course of action.⁴⁶² He wrote “[a]s things now stand, the government has a gilt-edged judicial invitation to ignore the Fourth Amendment whenever international communication intersects with national security.”⁴⁶³ And “[o]n an operational level, things could not be worse.”⁴⁶⁴ Neuborne strongly advocated for a cert petition, concluding that the worst they could end up was where they already were.⁴⁶⁵ Ultimately, the team did petition for certiorari in 1983, but the Supreme Court denied the petition 8–1 (Justice Brennan would have granted it).⁴⁶⁶

With the denial of cert, things in the Jabara case came to a close in many ways. In January of 1984, Shattuck wrote to Jabara to withdraw from representation.⁴⁶⁷ Shattuck wrote of the appellate judges lacking “the guts to enforce the Constitution the way Judge Freeman did.”⁴⁶⁸ Shattuck encouraged Jabara to continue litigating his claims but reminded him of a variety of hurdles he would need to overcome, such as classified information and state secret privileges.⁴⁶⁹

Even though the FBI monitored him between 1967 and 1975, Jabara nonetheless saw the opportunity to secure the civil liberties of people legitimately exercising political speech.⁴⁷⁰ During this time period, the FBI not only gathered information on him illegally, but it also released the information to other agencies and three foreign governments.⁴⁷¹ The

459. Letter from Mark Lynch to John Shattuck et al., *supra* note 453, at 1.

460. *Id.*

461. *Id.*

462. Letter from Burt Neuborne to Jabara Group, at 1 (Jan. 24, 1983) (arguing for a cert petition).

463. *Id.* at 2.

464. *Id.*

465. *Id.*

466. *Jabara v. Webster*, 464 U.S. 863 (1983).

467. Letter from John Shattuck to Abdeen Jabara (Jan. 13, 1984) (withdrawing from counsel).

468. *Id.*

469. *Id.*

470. Franklin, *supra* note 360, at 1B.

471. *Jabara v. Kelley*, 476 F. Supp. 561, 565 (E.D. Mich. 1979).

federal government, however, never charged Jabara with any crime.⁴⁷² The government publicly accused Jabara of being a “cadre member of Al Fatah, a Middle East terrorist group,” based on classified information the FBI received from the CIA in the beginning stages of Operation Boulder and the government admitted it to be false early in the litigation.⁴⁷³ The FBI had compiled a file of over 400 pages on him; it agreed to destroy it and also to admit that Jabara was legitimately exercising his constitutional rights.⁴⁷⁴

2. *Jabara and the National Security Agency*

The NSA is a surveillance and intelligence agency established “by a secret Presidential order that gave it a secret exemption from legal regulation,” that has largely allowed it to operate outside of laws generally applicable to intelligence agencies and the civil liberties they must respect.⁴⁷⁵ Indeed, it was not until 1983 that James Bamford published, *The Puzzle Palace*, his pathbreaking history of the agency, after contentious and difficult freedom of information requests from the government.⁴⁷⁶ That book was possible because of the discoveries Jabara made over the course of his action against the FBI and Congressional hearings accompanying the Watergate scandal.⁴⁷⁷ Indeed, the NSA’s activities, its failures, and its future remain poorly understood despite some changes precipitated by its targeting of Jabara.⁴⁷⁸ The NSA’s role in intercepting Jabara’s communications both domestically and internationally were an incidental finding from the litigation against the FBI.⁴⁷⁹

In July of 1974, Jabara received a letter from Norman Dacey, then president of the American Palestine Committee, an organization dedicated

472. Franklin, *supra* note 360, at 1B.

473. *Id.*

474. Kane, *supra* note 441.

475. 26 CHARLES ALAN WRIGHT & ARTHUR R. MILLER, FEDERAL PRACTICE AND PROCEDURE: EVIDENCE § 5663 (1st ed.).

476. JAMES BUMFORD, *THE PUZZLE PALACE* (1983).

477. Goodman, *supra* note 69.

478. PATRICK RADDEN KEEFE, *CHATTER* 235 (2005).

479. *Am. C.L. Union v. Nat'l Security Agency*, 438 F. Supp. 2d 754, 758 (E.D. Mich. 2006) (“[NSA] intercepts without benefit of warrant or other judicial approval, prior or subsequent, the international telephone and internet communications of numerous persons and organizations within this country. The TSP has been acknowledged by this Administration to have been authorized by the President’s secret order during 2002 and reauthorized at least thirty times since.”).

to advocacy for Palestinian Americans.⁴⁸⁰ Mr. Dacey contacted Jabara regarding FBI surveillance, as he had concerns that foreign entities have intercepted and potentially turned over his confidential communications.⁴⁸¹ Specifically, he raised the possibility that the FBI tapped Jabara's phone, intercepted, and turned over communications between Dacey and Jabara regarding Dacey's legal position to foreign governments and their agents.⁴⁸² The communications in question came about in 1972, when Dacey took out a full-page ad in the *New York Times*, only for the *Times* to run an editorial undercutting it.⁴⁸³ Dacey had consulted with Jabara about potential claims he could have against the *Times*.⁴⁸⁴ Additionally, Dacey had consulted with Jabara about pursuing a Freedom of Information Act claim with the backing of the Arab League.⁴⁸⁵ Dacey was very concerned about the damage such communications could cause if discovered.⁴⁸⁶ Jabara responded to assuage his fears by reassuring Dacey that he was not aware of any who called Jabara being wiretapped.⁴⁸⁷

Jabara inspired a dialogue on the sweeping nature of federal surveillance.⁴⁸⁸ In his own assessment, if he had not intersected his case with Watergate revelations, his lawsuit "would never have gotten to first base."⁴⁸⁹ In 1979, federal district court Judge Ralph Freeman declared that the NSA's acquisition of Jabara's overseas messages violated his Fourth Amendment right to be free of "unreasonable searches and seizures."⁴⁹⁰ While the Sixth Circuit Court of Appeals overturned the decision, the litigation achieved two results.⁴⁹¹ First, the Court of Appeals concluded that the NSA's activity "ha[d] great potential for abuse" and second, it paved the way for more transparency at the organization which has occurred in fits and starts over the ensuing decades.⁴⁹²

480. Letter from Norman Dacey, to Abdeen Jabara (July 19, 1974) (discussing potentially intercepted communications) (on file with the *Wayne Law Review*).

481. *Id.*

482. *Id.*

483. *Id.*

484. *Id.*

485. *Id.*

486. Letter from Norman Dacey, to Abdeen Jabara, *supra* note 480.

487. *Id.*

488. Additionally, Dacey had consulted with Jabara about pursuing a Freedom of Information Act claim with the backing of the Arab League.

489. Interview with Abdeen Jabara, *supra* note 53.

490. David Burnham, *The Silent Power of the NSA*, N.Y. TIMES, Mar. 27, 1983.

491. Martin Kohn, *Pro-PLO Attorney Loses Suit Against Government*, DET. FREE PRESS, Oct. 4, 1983.

492. Burnham, *supra* note 491. *See, e.g.*, Am. C.L. Union v. Nat'l Security Agency, 438 F. Supp. 2d 754, 758 (E.D. Mich. 2006) (rejecting application of state secret privilege to NSA's warrantless surveillance program) (holding "[a]lthough this court is persuaded that Plaintiffs have alleged sufficient injury to establish standing, it is important to note that if

3. *Jabara and Immigrants' Right to Free Speech*

Just as civil rights activity generated surveillance and targeting from intelligence and police enforcement agencies, so too did political activity by those seeking permanent residence in the United States.⁴⁹³ “Detroit’s prominence as a center of Arab immigration and cultural activity attracted the attention of multiple federal agencies interested in locating threats to national security. . . .”⁴⁹⁴ Jabara regularly represented immigrants of Arab background in removal and asylum hearings.⁴⁹⁵

Two representative examples stand out. “On January 26, 1986, FBI agents, the then-named Immigration and Naturalization Service (INS), and local police arrested eight Palestinians and the Kenyan-born wife of one of them.”⁴⁹⁶ They were: shackle[d] on their arms, legs and waist . . . denied food and water for nine hours, placed in cells with lights glaring round the clock and not allowed to shower.”⁴⁹⁷ “Two days later [they] were led—still shackled—before an immigration judge (and the media) for their initial hearing on charges of distributing subversive literature.”⁴⁹⁸

Many of those arrested were long-term U.S. residents.⁴⁹⁹ Khader Musa Hamide, thirty-two, was born in Bethlehem and came to the United States in 1971.⁵⁰⁰ “He was part of a newly-formed Arab-American Democratic Club and had served as a delegate to the Rainbow Coalition.”⁵⁰¹ Those also arrested were Aiad Barakat (twenty-six), a construction-firm partner

the court were to deny standing based on the unsubstantiated minor distinctions drawn by Defendants, the President’s actions in warrantless wiretapping, in contravention of FISA, Title III, and the First and Fourth Amendments, would be immunized from judicial scrutiny. It was never the intent of the Framers to give the President such unfettered control, particularly where his actions blatantly disregard the parameters clearly enumerated in the Bill of Rights. The three separate branches of government were developed as a check and balance for one another. It is within the court’s duty to ensure that power is never ‘condense[d] . . . into a single branch of government.’” (internal citations omitted)), *rev’d*, 493 F.3d 644 (6th Cir. 2007).

493. Robert Reinhold. *Federal Judge Bars Expulsion of Aliens for Political Views*, N.Y. TIMES, Dec. 23, 1988.

494. WAYNE BAKER & ANDREW SHRYOCK, *CITIZENSHIP AND CRISIS: ARAB DETROIT AFTER 9/11* (2009).

495. See, e.g., Joe Swickard, *Immigration Judges Bars Secret Evidence Case Over; Egyptian Wins Asylum*, DET. FREE PRESS, July 31, 1999 (exemplifying one such representation).

496. Judith Gabriel, *Palestinians Arrested in Los Angeles Witch Hunt*, 145 MIDDLE EAST REP. (Mar./Apr. 1987), <https://merip.org/1987/03/palestinians-arrested-in-los-angeles-witch-hunt> [<https://perma.cc/UKP7-44J7>].

497. *Id.*

498. *Id.*

499. *Id.*

500. *Id.*

501. *Id.*

originally from Jenin in the West Bank; Michel Shehadeh (thirty), a journalism student at California State University, Long Beach; Naim Sharif (twenty-six), a former engineering student from Khalil (Hebron); and Amjad Mustafa Obeid (twenty-three) and his brother Ayman (twenty-four), both engineering students at Cal State Long Beach.⁵⁰² They were arrested on the basis that Hamide and Barakat were photographed holding pamphlets reading *Democratic Palestine* and the Arabic *Al-Hadaf* (*The Objective*).⁵⁰³ The ACLU declared that “they’re being prosecuted for ideas, beliefs and thoughts of a magazine for which none have been writers or editors.”⁵⁰⁴

A secret Immigration and Naturalization Service (INS) document was leaked on February 5, 1987.⁵⁰⁵ The May 1986 document, “Alien Terrorists and Undesirables: A Contingency Plan,” outlined how “suspected terrorists” could be arrested on nebulous charges, held without bond and deported on the basis of secret evidence—a paradigm strikingly similar to the Los Angeles case.⁵⁰⁶ The document was a blueprint for mass registration by nationality and expedited deportation of non-immigrant aliens “engaged in support of terrorism.”⁵⁰⁷ It listed the numbers and status of “selected aliens” from seven Arab countries: Algeria, Libya, Morocco, Tunisia, Jordan, Lebanon, and Syria.⁵⁰⁸

In 1998, Jabara represented a number of Arab Muslim men who were detained by the then-INS (now Immigration and Customs Enforcement (ICE)) pursuant to new authorities granted under the Anti-Terrorism and Effective Death Penalty Act (which was, as it happens, largely motivated by the Oklahoma City bombings perpetrated by domestic terrorists).⁵⁰⁹ The government was allowed to use information and hearsay to hold those detainees indefinitely.⁵¹⁰ From the time of their arrest, when Jabara led the ADC to 2007, to the final and full clearance of the last of the detainees, Jabara served at the Center for Constitutional Rights that represented them.⁵¹¹ In the interim, the U.S. Court of Appeals for the Ninth Circuit declared the inapplicable anti-Communist law used to hold them was

502. Gabriel, *supra* note 496.

503. *Id.*

504. *Id.*

505. *Reno v. AADC* | 525 U.S. 471 (1999)

506. *Id.*

507. *Id.*

508. *Id.*

509. See Abdeen Jabara, *Stretching the Law to Exclude Arabs*, L.A. TIMES., Apr. 12 1987.

510. Christopher Cook, *Arabs Fight Terrorism Measure*, DET. FREE PRESS., May 17, 1991.

511. *Judge Throws Out Charges in “Los Angeles Eight” Case*, CTR. FOR CONST. RIGHTS (Oct. 23, 2007), <https://ccrjustice.org/home/press-center/press-releases/judge-throws-out-charges-los-angeles-eight-case> [<https://perma.cc/BS6D-L4KW>]; Abdeen Jabara Papers, *supra* note 58.

unconstitutional, as the law was repealed by Congress and replaced with an equivalent statute targeting “terrorist activity.”⁵¹² No defendant was ever charged with a crime, and all were vindicated.⁵¹³

In a second case, after his tenure at ADC, Jabara represented Nasser Ahmed, an Egyptian national arrested in March 1996 based on the government’s assertion that he was a threat to national security because he belonged to an Islamic group in Egypt and is associated with Sheikh Omar Abdel-Rahman.⁵¹⁴ That assertion was based on secret “evidence” he wasn’t allowed to see and accusations he wasn’t allowed to confront.⁵¹⁵ When Jabara, working with the ACLU, issued a Freedom of Information Act request for the evidence, it was discovered that:

Most of the secret evidence is “double or triple hearsay,” some of it from sources whose credibility even the FBI doubts. The INS and FBI . . . abandoned their central claim that Ahmed was responsible for transporting a letter from Sheikh Omar Abdel-Rahman in prison that allegedly led to an attack on tourists in Cairo. When the immigration judge, who has a security clearance, sought to question FBI sources privately, the government refused to produce the witnesses or to answer questions about the credibility and reliability of those sources.⁵¹⁶

According to the judge’s opinion, despite the “very real danger that the Egyptian government may seek to silence Sheik[h] Rahman by persecuting” Ahmed, government officials refused to answer questions about the Egyptian government’s “role in assembling evidence and providing it to the FBI.”⁵¹⁷ “In secret testimony, an FBI agent argued that Ahmed’s detention should be continued because his incarceration has increased his potential credibility and stature as a political leader in the Egyptian expatriate community if released.”⁵¹⁸ Jabara finally secured a

512. *Disclosure of Classified Opinion in Immigrant Deportation Case Reveals Paucity of “Secret Evidence”*, AM. C.L. UNION (Nov. 10, 1999), <https://www.aclu.org/press-releases/disclosure-classified-opinion-immigrant-deportation-case-reveals-paucity-secret> [<https://perma.cc/9AAC-DPKF>].

513. *Immigrants Jailed, But Don’t Know Why*, DET. FREE PRESS, Feb. 1998.

514. See AM. C.L. UNION, *supra* note 512.

515. *Id.*

516. *Id.*

517. *Id.*

518. *Id.*

sweeping decision from a U.S. district court that secret evidence was not acceptable in immigration proceedings.⁵¹⁹

IV. CONCLUSION

This article is written in the shadow of yet another geopolitical episode that has placed Arab-Americans in vulnerable and dangerous circumstances both at the hand of its political leaders and those they encourage. On October 14, 2023, a landlord by the name of Joseph Czuba stabbed two of his Palestinian-American and Muslim tenants on the basis of their religion and ethnicity, killing a six-year-old boy.⁵²⁰ A month later, three Palestinian-American university students were shot for speaking Arabic and wearing traditional Palestinian scarves.⁵²¹ Before these episodes, prominent members of both Congress and the U.S. Senate made broad statements dehumanizing Arab-Americans in general and Palestinians and Muslims specifically.⁵²² Since taking office for the second time in 2025, President Donald Trump has issued orders broadly targeting Arabs and Arab-Americans both as part of his targeting of immigrants generally and for pro-Palestinian activism.⁵²³

To some extent, fulfilling the civil rights aspirations of Arab-Americans depends upon precisely the kinds of activism Abdeen Jabara exemplifies: outreach about the community's diversity and cultural richness, mobilization of political activity and awareness-raising, fighting dehumanizing depictions in media, universities, and social or religious institutions. This includes, in some cases, representing clients that are deeply misunderstood, hated, or both.

Yet Jabara's life as a civil rights advocate also illuminates a problem that may not be exclusive to Arab-Americans but is certainly most

519. *ADC Congratulates Nasser Ahmed on his Release, Victory*, AM-ARAB ANTI-DISCRIMINATION COMM., <https://adc.org/adc-congratulates-nasser-ahmed-on-his-release-victory/> [<https://perma.cc/YE7K-DVV7>] (last visited Oct. 3, 2025).

520. AP, *Illinois Man Pleads not Guilty in Killing of Palestinian-American Boy*, ALJAZEERA NEWS (Oct. 30, 2023), <https://www.aljazeera.com/news/2023/10/30/illinois-man-pleads-not-guilty-in-killing-of-palestinian-american-boy> [<https://perma.cc/KT93-UP82>].

521. Li Zhou, *What we Know About the Shooting of 3 Palestinian American College Students*, VOX (Nov. 27, 2023, at 17:25 ET), <https://www.vox.com/politics/2023/11/27/23978421/vermont-shooting-palestinian-american-college-students> [<https://perma.cc/XT28-GG74>].

522. Michael Casey, *Judge Finds the Trump Administration Unconstitutionally Targeted Noncitizens Over Gaza War Protests*, AP (Sept. 30, 2025), <https://apnews.com/article/marco-rubio-palestinian-demonstrations-universities-24561e3ee9031aad5a83b09925efd674> [<https://perma.cc/5RPE-X2MM>].

523. *Id.*

prominent among groups who share it: the inextricable connection drawn between the region of the world from which they hail and the policies of the government that nominally represents them. For the most part, after 1958 and certainly after 1967, the United States's relationship with the Arab world has been mostly violent and antagonistic.⁵²⁴ This ranges from courting and supporting unpopular and vicious regimes to openly supporting the overthrow of democratic and representative ones to undertaking military action with insufficient regard for civilian death and destruction. The implication for its citizens and their civil rights is both clear and troubled. Often demonized and the subject of arbitrary exercise of criminal or national security authority, or all of the above, Arab-Americans' fate with respect to their civil rights, at least for advocates, is inextricable from the U.S. entanglement with a vast and strategically critical territory stretching from Morocco to Iran.

Thus, the role and salience of Arab-Americans as a civil rights minority has been building since long before 2024. The first measures announced from the second Trump presidential administration appear to put the same civil rights issues—freedom of speech and religion, non-discrimination, and advocacy of state and federal governments—at the top of electoral concerns for 2026 and 2028. The aim of this article is to shed light on the roles that Arab-Americans and their mobilization are likely to play not only in these referenda but in the U.S. legal landscape more generally.

524. Jacob Mundy, *The Oil for Security Myth and Middle East Insecurity*, MIDDLE EAST REP. (June 9, 2020), <https://www.merip.org/2020/06/the-oil-for-security-myth-and-middle-east-insecurity/> [<https://perma.cc/Z46L-7ENK>] (“The very thing the United States sought to eliminate in the Middle East—insecurity—became a major consequence of America’s growing and increasingly militarized entanglement.”).