

The Camp

A Place Where Law Has Declared That the Rule of Law Does Not Operate

A Muslim man, Kazim Ali, sent his story over the internet recently,¹ one of several posts that make their way into my email inbox every week. Ali, a professor at an American university, was in the process of throwing out some old poetry manuscripts when he noticed that a young man was watching him. Ali thought that perhaps the black flower decals on his car were attracting the attention. Within minutes, however, the bomb squad arrived. The young man had reported to the police that a man of Middle Eastern descent was engaged in suspicious activity. When, after considerable negotiations, the matter got sorted out, the university's president would concede only that, in the interest of collective security, an "honest mistake" had been made, and that race had nothing to do with the incident. The police undertook to instruct the professor that he had an obligation to be more careful about his activities in the current climate. The story bears two hallmarks of our age: the profiling of Muslims, and their socially and legally authorized harassment. Perhaps the only thing that makes the story atypical is the fact that the matter ended relatively quickly after several university colleagues intervened.

Italian philosopher Giorgio Agamben suggests that a concentration camp is created every time a structure gives rise to a place where the rule of law does not operate. Bodies become camps when they are cast into a state of indeterminacy that is simultaneously inside and outside the law. For such bodies, judicial protection no longer applies as the law itself determines that they are to be deprived of fundamental rights. What happened to Ali illustrates the ways in which the camp is constructed and the important role that race plays in its constitution. The professor was racially profiled as someone engaging in suspicious activity. The profile, however, was only the beginning of his troubles. Marked as a threat, he soon incurred legal and social sanctions. In the end, it was he, and not the young man who alerted the police, who was upbraided for what we might now call 'putting out the garbage while Muslim.' If the professor had been a non-citizen, and someone who had gone to Afghanistan or Pakistan in the early nineties (or more recently), the profile could easily have led to his

incarceration as a terror suspect, an indefinite detention in which he would lose his right to habeas corpus — the right to know with what he has been charged, why he is being held, and what evidence is against him. All of this would be legal.

I suspect that few Canadians would easily believe that such things happen here. The national security exception that permits the detention of terror suspects indefinitely, without charge, without the right to a public hearing, and without the right to see the evidence against them, has been much strengthened in the *Immigration and Refugee Protection Act (IRPA)* since the events of 9/11, but its everyday effects remain hidden. It is true that terror suspects incarcerated under security certificates have made headlines. The names of Hassan Almrei, Adil Charkaoui, Mahmoud Jaballah, Mahamed Harkat and Mohammad Mahjoub, if not exactly household names, have come to our attention as men who were held in solitary confinement for varying periods of time, and who still do not know what the state's evidence is against them.

I have written of these cases elsewhere, but in this article, I want to focus on more hidden, everyday instances of the camp, and expose the minutiae of places where the law determines that there shall be no law, where due process is suspended and Muslims are expelled from political community. Muslims have become what Hannah Arendt long ago described as a community without the right to have rights. This is a more serious problem than racial profiling or racial discrimination.

Deportations

Although exact numbers are hard to determine, there have been several deportations of Muslims who, initially suspected of terrorism, are ultimately deported on the basis of minor immigration violations. As one activist group has alleged, the RCMP arrest only the “Muhammeds.”² Project Thread, an RCMP/Citizenship and Immigration Canada initiative, offers a typical example of the “force of law without law” in the everyday world of Muslims. In the early morning hours of August 14, 2003, the RCMP, dressed in battle fatigues, burst down the doors of several apartments in Toronto and arrested 23 men of Pakistani origin who were students. The drama of the raid, and the subsequent revelations that the men being held on immigration violations were suspected of being an Al Qaeda sleeper cell, would easily convince Canadians that they had miraculously averted an event similar to the attacks on the World Trade Centre and the Pentagon. News stories referred to “truckloads of evidence” against the men and the details of this evidence strengthened the impression that an imminent danger had been avoided. The public learned of “airline schematics” on the wall of one apartment, walks some of the suspects had taken near the Pickering nuclear power plant, and

even the piloting of an airplane that had flown over the plant. In the end, while all security allegations were ultimately dismissed and the evidence of terrorism shown to be without basis, 21 of the suspects were deported.³

A private citizen who formally complained that the RCMP had abused the rights of these men received a final report from the Commission For Public Complaints Against the RCMP that yielded a description of Project Thread, as the operation was called, from the point of view of the government. Inspector Steve Martin, the officer who investigated the complaint, began his report with a brief history of the raid, a history in which the profiling legally and socially authorized after September 11, 2001, led inexorably to the men's eviction from political community, and for most, to their deportation. Following the events of September 11, 2001, the Canadian government assessed the number of persons living illegally in Canada at approximately 53,000 persons, with 29,000 of those living in the Greater Toronto area. Intent on tracking down who, among this illegal group, had come from locations considered source countries for terrorism against North Americans, the government identified 21 countries, one of which was Pakistan. As Inspector Martin reported, the "government asked the immigration investigators from the Canadian Border Services Agency (previously known as Citizenship and Immigration Canada), assisted by the RCMP, to identify, locate and process these high risk individuals."⁴ Acting on the basis of this imperative, the CBSA and the RCMP responded to a tip that a Toronto area education institution was providing fraudulent documents that enabled immigrants to remain in Canada. A search warrant was obtained and the educational institution's files were recovered. The files revealed that 420 individuals were suspected of purchasing acceptance letters, transcripts and diplomas without ever having attended classes. Of these, 31 were on a list of illegal immigrants from the Toronto area. The CBSA issued warrants for the arrests of all 31 under the *IRPA*, and arrested 23 persons — 17 were by arrest warrant, while the other six lived in the residences that were raided. Significantly, Inspector Martin maintained that neither the CBSA nor the RCMP provided press releases of its activities and did not comment on subsequent news stories, a position contradicted in news articles that quote the RCMP as continuing to make inquiries into the possible terrorist activities of arrested men.⁵

The suspects were detained on the basis that each had misrepresented details of their status in Canada. The men were charged with falsely claiming to have attended the Ottawa Business College and/or knowing that it was a fraudulent institution. Far more serious, however, is that under Section 58 (1)(c) of the *IRPA*, "the Minister" could take the "necessary steps to inquire" as to whether or not the men were "inadmissible on [the] grounds of security." In the *Project Thread Backgrounder*, a four-page summary of its reasons for suspecting that the arrested men fell into the category of inadmissibility on the grounds of security as defined under Section 58(1)(c), the state offered the profile on which it based the raid. All members

of the group were male and between the ages of 18 and 33, and were each alleged to have purported to be students of the Ottawa Business College and to have obtained fraudulent documents from the school. Terrorist connections, the government maintained, were suspected since all but one of the group “are from, or have connections to, the Punjab province in Pakistan that is noted for Sunni extremism. Some appear to have attended the same [u]niversity programs during the same period of time. They share similar educated middle-class backgrounds.”⁶

The *Project Thread Backgrounder* further alleged that the students either did not engage in any actual studies in Canada or engaged in them “in a dilatory manner.” If the facts that they may have been poor students and had similar backgrounds do not amount to much, the government offered a portrait of what we know from security certificate cases as the profile of a sleeper cell. The men travel to other countries while maintaining temporary residence in Canada; they remain linked to each other; “they appear to reside in clusters of [four] or [five] young males and appear to change residences in clusters and/or interchange addresses with other clusters.” Perhaps most damning of all, the investigation concluded:

[A]t all of the associated addresses the residents maintain a minimal standard of living. Generally, the only items reported in the residences are mattresses on the floor and a computer. One cluster left an apartment during the night and discarded all their belongings: mattresses, clothing and computer shells, apparently taking only the computer hard drive upon vacating an apartment.⁷

The “cluster cell” profile was strengthened by seven “facts,” some of which were received as tips: as part of his rental application, one of the men had used an Offer of Employment letter from the Global Relief Foundation, a fundraising group that is said to provide financial support to terrorist groups; two apartments had “unexplained fires” and in one of these, the fire alarm was disconnected; one of the subjects was involved in an incident where a shotgun was fired in the air; one apartment had “airplane schematics posted on the wall, as well as pictures of guns”; one suspect is a pilot (and an unmotivated student) whose flight plan for training purposes flies over the Pickering nuclear power plant; two suspects wanted to take a walk on the beach near the power plant and requested permission to do so. Finally, in a liberal use of scientific language, the government maintained:

It is known that the subjects have associates that have access to nuclear gauges. A nuclear gauge is commonly used in construction. These devices contain a small amount of radioactive material, often cesium-137. Cesium-137 is often considered a likely source for the construction of a dirty bomb. A recent theft of a nuclear gauge in Toronto can be linked to a targeted address.⁸

Armed with this evidence, the *Backgrounder* concluded that the RCMP and immigration officers were in the process of reviewing “three van loads of evidence” and were engaged in preparing “an association link chart” showing that the group could be linked to one another through university programs in Pakistan, residences in Canada, phone calls or positive identification by neighbours, landlords, and associates.”⁹

As in security cases, the profile utilized in Project Thread was clearly one that relied on a racial argumen — all people from the Punjab province are suspect — and on a characterization of “clusters” that quickly trigger racist ideas about foreign bodies who band together in small units and who threaten, as do clusters of cancer cells, the healthy social body. That the men might have simply been poor students unable to afford more luxurious accommodation who turned to each other for economic as well as social support, is precluded by their characterization as a collective and abnormal unit. If, as one lawyer speculated of the state’s agents, “what is abnormal for them is regular immigrant life for others,”¹⁰ it is certainly racism that provides strength for the assumption of pathology. The arrested suspects were each asked questions about their religious activities. For example, I.M. was asked how many times he prayed, which mosques he attended, and what “jihad” meant to him. He was also asked whether he was ever a member of a Pakistani intelligence organization (suspected of links to Al Qaeda), whether he knew anyone who approved of the destruction of the World Trade Centre, and whether he himself believed in the violent overthrow of governments.¹¹ Once in place, the “cluster” characterization, with its potent mix of religion, collective pathology, and the prospect of Al Qaeda, lent support to evidence that would otherwise be too weak to stand on its own merits. The allegations against F.K. that he had airplane schematics on his wall turned out to be a picture belonging to the landlord’s son who worked for an airline; a picture of men with rifles was only a childhood picture of two brothers on a hunting expedition for birds.¹² The substance of the allegations hardly matters, it seems, in the face of the cluster theory.

What made the men’s situation particularly perilous was not simply the racist power of the cluster theory and its capacity to win support for the state, but crucially, the anomic zone into which non-citizens are plunged once they are profiled. Deportation is only a step away and it can be secured upon the state’s evidence that any small immigration violation has taken place. For example, those who have failed to notify immigration of a change in college programme could be held in violation. Without legal representation when they were first questioned, and unable to afford any, many of the men were terrified of their first experience of trouble with the law. They simply admitted to a variety of violations in order to be released, and were immediately issued deportation orders. As documents obtained by one of their lawyers later indicated, the deportation orders were especially expedited in the case of Project Thread, perhaps to save the government the embarrassment of acknowledging that

the men did not have terrorist connections.¹³ Project Threadbare, a coalition of activists that formed within a week of the arrests, could do little to stop the flow of events once minor immigration violations were admitted.¹⁴

The situation in which one of the suspects, I.M., found himself, reveals the anomalous legal zone into which non-citizens are plunged when race, immigration, and security combine to form a legal and social black hole from which there is no exit.¹⁵ While most of the men who were held admitted to the fraud allegations in connection with the Ottawa Business College and immediately received deportation orders, I.M. was able to secure a lawyer's advice before he admitted to anything. His case is instructive. He came to Canada legally in 1999 on a visa to study at a legitimate educational institution. He immediately discovered that he had to upgrade his English and write an English language test in order to begin his program. He changed to a college where he could get the upgrading, interrupted his studies to go to the U.S. to care for a sick father, and then discovered that he had no money left to continue study for the language test at his institution. He then registered at the Ottawa Business College after applying to Immigration for a permit to do so. When he discovered that the college was not really teaching anything, he demanded his money back and was offered, instead, a certificate attesting to his English language competence. Although he accepted the certificate in lieu of his money, thereby giving rise to the allegation of fraud, I.M., as his lawyer pointed out, "was also scammed" and was the victim of a fraud by a college that the province itself had failed to regulate, and which, to date, has still not been charged for its illegal activities. Although the college's director admitted to issuing false letters, he was never charged. The college itself was deregulated after September 11, 2001, but Immigration continued to issue visas for students to attend the school long after.¹⁶

Another detainee, F.K., was issued a removal order in September 2003, one month after Project Thread. At a hearing to determine whether or not he could be released from immigration detention (and pending the outcome of a Pre-Removal Risk Assessment), the government argued that he not be released since he had such a strong desire to remain in Canada that he was willing to lie to do so. Such a person would be unlikely to obey a removal order, the government's lawyer argued, in the event that his risk assessment determined that he could be deported. F.K., who did not know of the detention hearing and so had arranged neither legal counsel nor bail, broke down on the stand when describing the conditions under which he was being detained. Begging the Immigration and Refugee Board of Canada (IRB) member to let him have the two weeks he needed to complete his diploma at the legitimate institution he was currently attending, and in the very least, send him to an immigration detention centre rather than to a maximum security jail for convicted criminals, F.K. described the humiliation of being suspected of terrorism. In a rare moment in hearings, a member of Project Threadbare spontaneously offered to post bail for F.K., whom he did not know, an offer the

government's lawyer disparaged on the ground that it came from a "special interest group."

F.K.'s detention hearing revealed another rare moment when a legal official, in this case the presiding IRB member, suddenly rejected the government's argument that F.K. should not be released. Taking the government to task for quietly dropping its security allegations where F.K. was concerned, but providing no explanation whatsoever of why it had done so, the IRB member then reviewed what the security related evidence had been in F.K.'s case. Unimpressed by the *Backgrounder*, and noting its "very suggestive language," adjudicator Vladimir Tumir considered the government's case to have been a tenuous one from the start. The claim, for instance, that the Punjab province was a hotbed of Sunni extremism was never a solid one, and evidence from those knowledgeable about Pakistani politics confirmed that the government did not appear to know even the most "elementary" of things. Finding it strange that the owners of the Ottawa Business College were never charged, nor was the Immigration Department aware that the college was in fact fraudulent yet it expected immigrants to know this, the board member chose to find F.K. and Project Threadbare highly credible by comparison. Releasing F.K. he declared that while it is clear that one should not lie to immigration officials, people "shouldn't be locked up for lying either."¹⁷

The decision to release F.K. is one of the very few moments when the government is called to account for the spuriousness of its claims, and even here, it is able to sidestep the issue by simply making altogether different claims. Although the adjudicator's decision resulted in F.K.'s release from detention, there is no final justice to be had for the men who are branded as potential terrorists. Those who were able to make a refugee claim on the grounds that they would be persecuted if they were returned to Pakistan after allegations of terrorist connections, found that their asylum claims were rejected. The asylum cases of all five Project Thread individuals were heard by the same IRB member, a situation protested by the men's lawyers, since the IRB member was able to compare and contrast their claims, while the men themselves were not allowed to hear each other's cases.¹⁸ In each case, the IRB member ruled that others who were deported to Pakistan had survived. Ignoring press articles from *Toronto Star* reporters Michelle Shephard and Sonia Verma, which described the harassment and difficult life that faced 'terror suspects' in Pakistan, and reports by international human rights organizations such as Amnesty International and Human Rights Watch, the IRB ruled that these experiences did not amount to persecution.

Deportation for immigration violations becomes something much more perilous when it is connected to suspected involvement in terrorism. Although the security allegations quietly disappeared against all of the suspects, the allegations have not been formally dropped and the men have yet to receive apologies or be publicly cleared. On the contrary, documents obtained through freedom of information requests reveal that then Minister of Immigration, Judy Sgro, was advised by her office to refuse to meet with Project Threadbare because the

government was still investigating the students and discussing the matter with foreign agencies such as the U.S. Department of Homeland Security and other governments.¹⁹ These actions contradict the assessment that the men faced no risk upon their return home since they reportedly did not carry the status of 'alleged terrorist.' As the co-accused's lawyers argued, their situation upon their return is a perilous one, given the Pakistani state's cooperation with American authorities, and the Canadian state's cooperation with American authorities, in handing over terror suspects to be tortured. Pakistani families, seeking to find out what has happened to their "disappeared" sons, discover that under oath, even government officials admit to having no knowledge of where suspects are taken or held, or what happens to them in detention.²⁰ Amnesty International has documented "the stigma of being an international terrorist," a stigma that has had disastrous consequences for detainees released from Guantanamo Bay. Several have been re-arrested and tortured in their home countries, and they and their families have been subjected to constant harassment and surveillance.²¹

The dimensions of a "securitized" world in which secret prisons exist, information is shared across borders, and no government can be easily called to account, is one that has not made an impression on Canadian courts. Federal Court Justice Dawson, for example, called upon to consider a judicial review of the IRB decision that one of Project Thread's men would not face persecution upon his return to Pakistan, could accept that the IRB appeared to have incorrectly inferred that Pakistan was simply the kind of place where bribes had to be paid to police. She concluded, however, that such a state of affairs did not amount to persecution.²²

Permanent Suspicion

Pursuing data about the extent to which Muslims and Arabs, and those culturally, politically, or racially associated with, or mistaken for, them is an enormous task. Surprisingly few empirical studies exist concerning the status of Muslims and Arabs in Canada, and their experiences of racism. Among Muslims, Arabs and other racialized peoples, stories of racial profiling and experiences of discrimination abound, as the above studies indicate. For example, many racialized peoples have "airport stories" where they describe routinely being detained and interrogated.²³ It is, however, when reports of these practices indicate a legal incapacity, that they might be taken as signposts to the camp. For example, a Canadian graduate student, whose parents are of Pakistani origin, was prevented from boarding a plane after airline officials noticed that her name appeared on a no-fly list. The student has the name of a known terrorist and it is perhaps this that has earned her a red flag. Significantly, airline officials could not say what the trouble was and the student has no recourse available to her to clear her name.²⁴ The data banks and sharing of information authorized by the *Anti-Terrorism*

Act arranges what Anthony Farley has described for Black bodies as the “tryst,” in which an official encounters a Muslim or Arab looking person in the game of racial humiliation and white pleasure.²⁵ These are not stories of racial profiling alone, but more specifically, stories of a legally authorized tryst. In the post-9/11 period, we may well have come to the sinister moment of Eichmann, so clearly identified by Hannah Arendt:²⁶ when individuals need not feel racial animus in order to send Arabs and Muslims to their doom.

Interviews conducted with lawyers whose client base includes many Muslims and Arabs reveal the contours of the tryst between law and Muslim and Arab experiences.²⁷ Lawyers described several practices by security officials that left clients in a grey zone of surveillance and suspicion from which there was no easy exit. Some of these practices have diminished since the days immediately following 9/11, while others have remained or intensified. The practices described in the 2005 CAIR-CAN (Canadian Council on American-Islamic Relations) study, for example, of CSIS (Canadian Security Intelligence Service) agents showing up at workplaces, failing to inform people of their right to legal representation and in some cases, discouraging it altogether, using improper business cards with fake names, and so on, seem to have diminished. The difficulty that individuals have in clearing their name remains.

The central feature of how the securitized world is lived is that the smallest events can be transformed into something that places an individual in the category of suspected terrorist, a category from which there seems to be no exit. As one Muslim lawyer, recalling a client he considered to be a simple, unsophisticated, and deeply religious man, ruefully commented of CSIS: “Their reading of people seems so wrong.” In this case, a Palestinian man went to the Middle East to get married but the arrangements fell apart when he arrived, ironically because the bride to be became suspicious of what her quality of life would be in Canada. Trying a second time to get married, the client set about videotaping key landmarks in Toronto,²⁸ to convey to his future wife the great city that awaited her. (He believed that photographs were un-Islamic, while videotapes were not.) When his client fell under suspicion from CSIS, the Anti-Terror Task Force, and the RCMP for his videotaping, the lawyer discovered that CSIS was also concerned that his client had once sought computer help from a fellow student who was his senior, someone who was recently killed in Iraq and whom CSIS suspected of terrorism. Together, the two events brought the man under suspicion, something which he tried desperately to resolve. He wrote a 29-page letter to CAIR-CAN. Paranoid and sickened, he drove all the way to Ottawa seeking CAIR-CAN’s help. He offered to take a lie detector test but was advised by the person administering the test to call a lawyer, who ultimately counselled against the test. Frantic about not being able to fly anywhere outside Canada, and needing to fly to the United States to take an exam, the client sought more legal help. Although in a meeting CSIS reassured the man’s lawyer that they had no real concerns left about his client, they nevertheless maintained that they could not offer any guarantees about

his safety were he to fly to the United States or anywhere else. You simply shouldn't fly, CSIS suggested.²⁹

The securitized world is one in which Muslims can find themselves at risk and unprotected, with little recourse and often no guarantee that their lives will not be forever shadowed. A student who finds his security clearance for a job is held up, may find, as one man did, that a company with whom he has once worked has passed on information to CSIS that his computer searches were suspicious. Advised to simply admit that he performed the searches and all would be well, the student maintained his innocence, noting that the computer was one used by a number of people, and that he did not do the searches. Ultimately cleared, the man has no way of knowing if these allegations will continue to dog him.³⁰

Computer stories have emerged in several cases. A Pakistani computer science student found himself charged with threatening to kill a city official, a threat apparently delivered by email from a non-secure student computer room and under the student's email address. In actions reminiscent of Project Thread, the RCMP descended upon the student's home and seized every item in his room, thereby claiming that "truckloads" of evidence existed. Although the language of the email seemed highly inconsistent with the student's familiarity with English, and there was little additional evidence, the student was nevertheless pressured to enter a guilty plea, something his lawyer rejected. Apart from the heavy handedness of the police (in whose view the Pakistani student simply fit the profile), and the Crown, as well as the pre-hearing judge, the student's lawyer noted the ease with which such allegations can now stick unless they are vigorously contested, something that depends on the inclinations of counsel available. In this example, criminal charges are at issue, rather than those of terrorism, but in the view of some of the lawyers interviewed whose clients are Muslim, the profiling of Muslims as terrorists both influences the laying of a criminal charge in the first place and affects its outcome.³¹

The journey into a place where there is the force of law without law, a place I have been calling the camp, often begins legally with extremely small infractions. In 1997, J., a Canadian of Pakistani origin, was preparing his application package to Cornell University's engineering programme.³² Included in the package were his grades as submitted by his high school counsellor, whom J. describes as being against his decision to apply to American universities. Finding that the grade sheet did not come with a reference guide on how to understand the marking scheme, J. provided one himself but did so as though it came from the counsellor. Four years later, in November of 2001, only three weeks away from graduation, J. received a visit from the FBI, a U.S. marshal, and two members of Cornell's security. He was taken to a police station and questioned about people he knew and money in his bank account, particularly a \$5000 deposit J. had made as a temporary deposit on behalf of his fraternity. Once the line of questioning over alleged terrorist connections was finished, J. was charged with mail

fraud — having submitted a fraudulent application to Cornell through the mail. Because J. had obtained both scholarships and loans from Cornell, it was also alleged that the purpose of the fraud was to obtain money from Cornell. He was charged with 13 counts of fraud, one for each semester that he had obtained money from Cornell.

At the arrest scene, one of the officers took J.'s money, and another crumpled a prayer that J. had in his wallet. At the jail, an officer spit on the sandwich J. was given to eat, and several uttered a number of racial slurs. The fact that J. drove an Audi (leased for him by his parents) was also a source of negative comments. J. was advised by a lawyer to enter a guilty plea or else bail would be set at one million dollars. At J.'s sentencing hearing, a probation officer reported that J. had bought a gun, incorrect information that actually applied to someone else altogether. Evidence introduced to show that J. was conning people included the fact that he had once bought four laptops on eBay and resold them for a profit. In April 2002, J. was sentenced to ten months in prison. The prosecutor, having advised J.'s parents to pay Cornell and all would be well, reneged on an agreement to ask for no further jail time. Upon receiving payment, Cornell released J.'s transcripts but included a page of notes about the fraud conviction. J. now has a criminal record. J. served his time in several jails, spending two months of his time in solitary confinement and enduring both physical and emotional abuse, for which he has received trauma counselling. He was deported to Canada shortly after serving his time. He finished his degree through another institution and has since gone on to do graduate work. The Cornell episode pursues him, however, since North American companies are particularly interested in the Cornell grades, which come with notice of his conviction for fraud. Attempts to address Cornell about the note have failed, as have complaints to the campus newspaper that printed false information about J.'s arrest and conviction. His parents have also complained to the U.S. Department of Justice, citing post-9/11 bias against Muslims, again to no avail.

The story of racism that J. experienced includes aspects of what many Muslims describe as their everyday experience of racism. For example, the Cornell investigator made a number of comments about deporting J. to Pakistan (rather than Canada, where J. is a permanent resident), where the U.S. would bomb him anyway. These comments, added to those about immigrants unjustly reaping the rewards of the U.S. education system, speak to the place Muslim and immigrant bodies have in the Western imaginary. As the only Pakistani Muslim graduating from Cornell's engineering program that year, and as someone who was a student activist in Pakistani and Muslim organizations, and a member of a fraternity, J. had enough of a profile to come under scrutiny. As we see with security cases, the profile, authorized by the hunt for terrorists, joins with racism to place J. in circumstances that far exceed what might have come his way for having inserted a guide to his school's grading system. Other students, guilty of actually forging grades and reference letters, have simply been expelled.

focus on the profile of an 'Islamic terrorist,' ask what appear to be straightforward questions about how many times a day a suspect prays. In the end, we become convinced that the violence through which the nation is organized is not violence but the rituals of law and bureaucracy. It is this fiction that we must address.

NOTES

- 1 Ali, K. *Poetry is dangerous*. Accessed July 9, 2007, from <http://www.kazimali.com>
- 2 Rao, G. 'Inventing Enemies: Project Thread and Canadian "Security."' *Canadian Dimension*, 38, no.1 (1 January 2004): 9.
- 3 Shephard, Michelle. "RCMP clears itself in "terror cell" sweep: Police concludes probe was justified." *Toronto Star*, 6 October 2004, Section A: 1.
- 4 Royal Canadian Mounted Police. (20 September 2004). File # 2004-4160.
- 5 Shephard, Michelle and Peter Edwards. 'Terror suspects may be freed.' *Toronto Star*, 28 August 2003, Section A: 1.
- 6 *Project thread backgrounder, 'reasons for detention pursuant to 58(1).'* (August, 19, 2003). Prepared by W. Bell, Regional Intelligence Officer, Ontario Regional Intelligence; Reviewed by L. Stafford, Acting Director, Ontario Regional Intelligence.
- 7 *Ibid.*, 2.
- 8 *Ibid.*, 3.
- 9 *Ibid.*, 4.
- 10 A. Sherazee, personal communication, February 23, 2006.
- 11 *Ibid.*
- 12 *Ibid.*
- 13 *Ibid.*
- 14 See for example, Rao, 'Inventing enemies.'
- 15 Information on I.M.'s and F.K.'s cases has been obtained through an interview with his lawyer and through the legal documents she has provided. The names of the individuals in question have been omitted, as have citations to specific legal documents on file with the author and with A. Sherazee, in order to preserve anonymity.
- 16 A. Sherazee, personal communication, February 23, 2006.
- 17 The IRB decision quoted here is on file with F.K.'s lawyer, A. Sherazee, with his consent.
- 18 A. Sherazee, personal communication, February 23, 2006.
- 19 *Ibid.*
- 20 *Ibid.*
- 21 Amnesty International. (February, 6, 2006). *Guantanamo: Lives torn apart*. Retrieved on March 18, 2006, from <http://web.amnesty.org/library/Index/ENGAMR510072006>
- 22 Decision on file with A. Sherazee.
- 23 Bahdi, R. 'No Exit: Racial Profiling and Canada's War on Terrorism.' *OsgoodeHall Law Journal/Revue Osgoode Hall* 41 (2003): 293-317.
- 24 E., personal communication, November 24, 2005.
- 25 Farley, A. 'The black body as fetish object.' *Oregon Law Review*, 76 (1997): 493.
- 26 Arendt, H. *Eichmann in Jerusalem: A report on the banality of evil*. New York: Penguin Books, 1994. (Original work published in 1963)
- 27 I interviewed three lawyers in the Toronto region whose case files include Muslim and Arab clients. The individual cases discussed below are drawn from these interviews. Interview notes are on file with the author.
- 28 Note that this is not the only videotaping incident to surface. Kassim Mohammed became a terror suspect when he videotaped pictures of the CN tower and other landmarks for his children who attended school in Egypt. The videos were confiscated when he was detained in Athens en route to Egypt. He was sent back to Toronto where CSIS seized the video and questioned him about possible terrorist connections. When he finally flew to Egypt, he was detained in a Cairo jail for a further two weeks. CAIR-CAN and CAF. (2004). Opening statement: Commission of inquiry into the actions of Canadian officials in relation to Maher Arar, 14.
- 29 F. Kutty, personal communication, January 17, 2006.
- 30 *Ibid.*
- 31 *Ibid.*
- 32 Information on J.'s case was obtained through personal communication, February 16, 2006. Corroborating legal documents are not cited here but were consulted, and are in the possession of J.'s Lawyer, A. Raza.
- 33 Gott, Gil. 'The Devil We Know: Racial Subordination and National Security Law.' *Villanova Law Review* 50, no. 4 (2005): 1073-1134.
- 34 Siddiqui, T. 'Testimony begins for 3 in class suit against U.S.' *Toronto Star*, 5 April 2006, Section A: 4.
- 35 Volpp, L. 'Impossible subjects: Illegal aliens and alien citizens.' *Michigan Law Review* 103 (106) (May 2005): 1582.
- 36 Ahmad, Muneer I. 'A Rage Shared by Law: Post-September 11 Racial Violence As Crimes of Passion.' *California Law Review* 92, no. 5 (October 2004): 1259-1330.
- 37 Hage, G. *White nation: Fantasies of white supremacy in a multicultural society*. New York: Routledge, 2000.
- 38 Volpp, 2005, 1599.
- 39 Bahdi.