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Dawinder S. Sidhu

University of New Mexico - Main Campus

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A Decade After 9/11, Ignorance Persists

By Dawinder Sidhu

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On the morning of Dec. 7, two men waited for a train in Champaign, Ill. One white, the other brown-skinned. Suddenly and unprovoked, the white man got up, said this was his country, and proceeded to choke the brown man around the neck and slash his throat. A witness intervened, stopping the attack.

The white man, identified as Joshua Scaggs, 23, was arrested and charged with attempted murder and two counts of aggravated battery. The brown man, Dhammika Dharmapala, 41, sustained a 6-inch cut on his throat and bled profusely. He was recovering in hospital following emergency treatment.

Scaggs apparently thought that Dharmapala was Middle Eastern. As it turns out, Dharmapala is from Sri Lanka, a small island situated below India. Dharmapala is also a law professor at the University of Illinois.

As I am a law professor at UNM and an Indian-American, this attack hits close to home. Dharmapala is my brethren, both in terms of our profession and South Asian homeland. The attack resonates to my core for another reason: the primary focus of my research has been on the targeting of Muslims, Arabs, South Asians and Sikhs after Sept. 11, 2001. In the past 10 years, members of these groups have been murdered, assaulted, shot at, harassed, bullied, terminated from their employment and denied service in places of public accommodation - all on account of their appearance and specifically the mistaken perception that they are linked to the terrorists responsible for 9/11.

The attack on Dharmapala suggests that, 10 years on, these groups are not free from the ignorance and hatred that enable such senseless acts to take place. More broadly, members of these groups are still subject to superficial, exclusionary and categorically wrong qualifications as to who counts as American. As a diverse border state, New Mexico is not immune from such divisive, violent action. This incident should heighten all of our sensitivities to issues implicating social and ethnic cohesion.

Just hours before I learned of the attack on Dharmapala, a colleague had sent to me a copy of a letter from Justice Robert H. Jackson to his son, then a law student. Justice Jackson - perhaps best known for serving as chief U.S. prosecutor at the Nuremberg trials and for dissenting from the Supreme Court's infamous decision approving the internment of tens of thousands of individuals of Japanese descent after Pearl Harbor - was responding to his son's apparent desire to leave law school.

Justice Jackson reminded his son that, “The philosophy of the law and the culture of the democratic order comes close to being the soul of the American people, and the services rendered to it are undramatic, but timeless.” Dharmapala is not only American, as he is a naturalized citizen, but has dedicated himself to performing a valuable public service in assisting students understand the contents of American law and its institutions, such that they can become informed and effective citizens and legal practitioners in their local communities.

Justice Jackson wrote his letter in the context of war. We, too, today persist in a state of military conflict, with our brave men and women quelling terrorist elements abroad. Yet we at home also are in a sustained struggle, internally, with stubborn forces of intolerance and bigotry that fracture our pluralistic society and marginalize the optically different in dangerous ways.

While our soldiers do their job in Iraq and elsewhere, we as members of this society possess our own solemn responsibility to eradicate ignorance and discrimination, and extend social acceptance and respect to all Americans – irrespective of skin color or ethnic origin.

The attack on Dharmapala is a painful, yet clear, reminder that collectively we have not fulfilled our obligations. We have work to do, together and across the nation, until we reach the point that a minority in America can start his or her morning, or go about his or her day, without facing the spectre of discrimination, hate, or worse.

Dawinder S. Sidhu is an assistant professor of law at the University of New Mexico School of Law. He teaches constitutional, national security and employment discrimination law and is a co-author of “Civil Rights in Wartime: The Post-9/11 Sikh Experience.”

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