

Transcript
CAIR Plans to Continue Suing John Doe Passengers
July 25, 2007

Carlson: *The alert to American airports coincides with a battle in Congress over what is being called the "see something, say something" amendment to the new homeland security bill which passed today. The provision would protect people who report suspicious activity from being sued by those they identify as suspicious. But some Democrats oppose that amendment because they say it increases the probability of racial and religious profiling. Question is, where does the balance between security and civil liberties lie? Well, the most recent notable terror bust, May's arrest of six would-be attackers on Fort Dix, New Jersey, resulted directly from a citizen's tip of behavior he found suspicious. What if that tip hadn't happened for fear of a lawsuit? Joining me now to discuss is Ibrahim Hooper, he is the spokesman for the Council on American-Islamic Relations. Mr. Hooper, thanks for coming on.*

Hooper: *Thanks for having me.*

Carlson: *Now, the reason I want to talk to you about this is because you have supported a lawsuit that stems from an incident last fall in Minneapolis, on a U.S. Airways flight in which I believe six imams were identified by passengers and the airline as suspicious and they were taken off and questioned by the FBI. They are now suing the airline, but they are also suing -- and I have a copy of the suit right here -- the John Does, the unnamed passengers who believed they were exhibiting suspicious behavior.*

Hooper: *And by the way, I do not think this new legislation would prevent that lawsuit because there is a good faith provision in the legislation and to determine whether the reports are made in good faith, you might still have to ask them in a court of law.*

Carlson: *OK, I have a number of questions. Here's the first one: How do you determine good faith?*

Hooper: *First of all, we do not have a problem with legislation that has a good faith provision.*

Carlson: *But how do you determine it? You said that, but how do you determine a person of good faith?*

Hooper: *Exactly. That is...*

Carlson: *You're supporting a lawsuit that is suing people who did nothing but, apparently, make a cell phone call saying these people are acting suspicious. What should they be punished for that?*

Hooper: *It's yet to be determined whether that was in good faith or was malicious and intentionally discriminatory. But again, this legislation has a good faith provision. If people make a report that they believe is true, even if the report turns out to be false, that is not a problem. We believe that if you see something, you should say something.*

Carlson: *Then why are you supporting a lawsuit that would punish people for doing just that?*

Hooper: *Because we're not in support of malicious reporting.*

Carlson: *How do you now it was malicious?*

Hooper: *Intentionally -- well, that's to be determined.*

Carlson: *Well, but you are supporting, these people are being sued. Their lives are disrupted.*

Hooper: *That's how you...*

Carlson: *You are punishing them, supporting their punishment, and yet you don't know it was malicious what they did?*

Hooper: *No, all you do is you ask the question. And I think anybody, any reasonable person...*

Carlson: *With a lawsuit?*

Hooper: *Any reasonable person should be allowed to exercise their legal rights and find out whether they were maliciously targeted, targeted because of their race or ethnicity or...*

(CROSSTALK)

Carlson: *I don't know if -- well, let me just be very clear for our viewers who haven't been following this. This legislation that passed today was a direct response to this lawsuit which CAIR, your organization, is supporting. So this lawsuit matters. This has influenced...*

Hooper: *But again, the legislation would not preclude the lawsuit. Even as written.*

Carlson: *I want to ask you a question about principle. Why should someone be sued for reporting suspicious behavior?*

Hooper: *People who report suspicious behavior have nothing to worry about.*

Carlson: *What do you mean? They just got sued and you're supporting the lawsuit!*

Hooper: *Even if the report things in good faith. Again, even if the report they make is ultimately not true.*

Carlson: *I'm sorry, I don't know, Mr. Hooper, if you're not understanding my question or you're being intentionally disingenuous --*

Hooper: *No, but --*

Carlson: *You are supporting --.*

Hooper: *-- base on your premise, nobody who was ever thrown off a flight could even ask the question.*

Carlson: *I am not talking about anybody, any time. I'm talking about specific people who in this lawsuit are referred to as John Does. They are being sued.*

Hooper: *So according to your premise, they should be prevented from even asking whether the report was malicious?*

Carlson: *I have -- look, I'm not giving you a premise. I'm asking you a question. And my question is --*

Hooper: *No, but it's based on a premise.*

Carlson: *It's a very simple question. Why were these people sued?*

Hooper: *They were included as a very small part of a larger lawsuit to determine --*

Carlson: *What do you mean? OK. They're sort of pregnant. They were sued.*

Hooper: *-- to determine whether the reports were based on racial or religious profiling and whether they were malicious or not.*

Carlson: *Was there any evidence that they were?*

Hooper: *There is evidence that the attorneys put forth --*

Carlson: *No, no, the John Does. I read the lawsuit. There is not one scintilla of evidence that the ordinary citizens who reported what was suspicious behavior were motivated by racial animus or religious animus. There is no -- and yet you are supporting a lawsuit against them.*

Hooper: *That is yet to be determined and it'll come out in a court of law.*

Carlson: *You know, the bottom line—and I think most people watching this, liberal, conservative, libertarian, it doesn't matter, will conclude that lawsuits like this will discourage people from reporting suspicious behavior.*

Hooper: *OK. So it is your belief that the Grand Dragon of the Ku Klux Klan can go on a plane, single out every African-American, tell them "I feel uncomfortable..." get them off, and that should -- that those parties should have no legal recourse?*

Carlson: *You know, it is wildly offensive that you would liken the unnamed people in this suit, who, as far as we know...*

Hooper: *Do you know what their motivation was?*

Carlson: *I am not suing them. You're supporting a lawsuit against them. And you are likening them to the KKK.*

Hooper: *Do you know whether they reported maliciously or not?*

Carlson: *You haven't the faintest idea, and neither do I...*

Hooper: *And that's why...*

Carlson: *But you are supporting the lawsuit against them.*

Hooper: *That's why...*

Carlson: *I'm saying, look, you don't get an answer to a question by suing people. The effect of this, as you well know, will be...*

Hooper: *So you would grant immunity to the Grand Dragon of the KKK.*

Carlson: *The effect of this will be to squelch -- the KKK has nothing to do with this, and that's a ludicrous suggestion and you know it. This will squelch ordinary people's efforts to fight terror. And that's dangerous. And CAIR is behind it, and I think, I honestly think you should rethink what you're doing.*

Hooper: *Rights are always balanced. The passengers who are taken off the plane have rights, and the people who make the reports have rights, and those will be balanced in a court of law.*

Carlson: *But the people who called in -- I am not defending the airline or the pilot or attacking the imams. I am merely saying that the ordinary people, John Doe, on their way to get on a flight, calling in suspicious behavior, they should not be punished. You're punishing them. That's wrong.*

Hooper: *If it was made in good faith, they have nothing to worry about.*

Carlson: *They shouldn't be sued by you or people you support. That's one thing.*

Hooper: *Well, then how are you going to know if they made it in good faith?*

Carlson: *Why not find out who they are and ask them?*

Hooper: *Well, that is exactly what the lawsuit does.*

Carlson: *No, you're suing. You're suing. And you're punishing them and costing them money. And you're scaring other Americans into being silent in the face of a terrorist threat.*

Hooper: *Don't worry. Eventually, we will get to a day where you can have a Muslim-free flight, but today is not that day.*

Carlson: *You know, I don't think that's helpful. But I appreciate you coming on and trying to defend what I think is indefensible. Thank you, Mr. Hooper.*