



CAIR
MASSACHUSETTS



Fighting Back. Moving Forward.

The Council on American-Islamic Relations - Massachusetts

2018
civil rights report

Fighting Back. Moving Forward.

2018 CIVIL RIGHTS REPORT

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Participants in CAIR-MA's 2018 Muslim Youth Leadership Program.
You can read more about the program on page 8.



CAIR-MA's Mission

CAIR-Massachusetts is a chapter of CAIR, the Council on American-Islamic Relations, which is **America's largest Muslim civil liberties and advocacy organization**. CAIR's mission is to enhance the understanding of Islam, encourage dialogue, protect civil liberties, empower American Muslims, and build coalitions that promote justice and mutual understanding.

Introduction

Asalamu Alaykum wa Rahmatullahi wa Barakatu.

Peace & Blessings be Upon You.

As a chapter of America's largest Muslim civil rights organization, **CAIR-Massachusetts grounds our defense of the Muslim community in the Quranic principle of 'Adl, or "justice."** Its pursuit has led us to challenge injustice against the vulnerable in our community in countless forms; in the pages below readers will find accounts of local Muslims who were beaten, had religious headscarves violently pulled off, were humiliated publicly at the airport, threatened, and had children placed in harm's way for no other reason than their race and religion. In taking on such cases, **CAIR chapters across the country are not just defending individual Muslims, but defending the right of our community to practice their Islam publicly, proudly, and unapologetically, without fear of recrimination or hardship.**

However, the principle of justice as defined Quranically is much broader, almost startlingly so: "O you who believe, be persistent standing firm in justice, witnesses for Allah, even if it be against yourselves or parents and relatives. Whether one is rich or poor, Allah is more worthy of both. So follow not personal inclination, lest you not be just" (4:135). In laying out this admonition, Islam enjoins us to take a broader view of justice as not simply an individual, but a communal act: a shared vision for a collective society built on equity, compassion, and sincere egalitarianism. It calls for a radical reshaping of our social contract that positions upholding the rights of others above all forms of self-interest, and elevates these virtues above even familial relationships. **The kind of community that's being created here is one in which virtue and universal justice are the highest good.**

When CAIR-Massachusetts takes on cases to defend violations of civil rights or victims of hate crimes, we do so with the conviction that **an affront to the rights of any member of our society is an affront to the rights of all** – that should we relent one inch in the pursuit of justice, we as community will have failed to uphold the most important demand that others have upon us. For this reason, we hope that you'll join us in our fight for the rights of Muslims, immigrants, and people of color, and that the pages that follow will inspire those who are battling injustice in all of its forms.



Dr. John Robbins
CAIR-MA Executive Director



Overview

CAIR-MA provides legal assistance and information on civil rights issues affecting the Muslim community in Massachusetts. **These areas are our priorities**, although we will consider compelling cases in other areas:

- ❖ **Hate crimes & harassment** – ranging from verbal slurs to physical attacks
- ❖ **Bullying** – by students or school staff
- ❖ **Travel abuses** – delays, invasive searches and property seizures at airports and borders
- ❖ **Employment** – including prayer at work and attending religious services
- ❖ **Education** – including disciplinary issues and home-schooling guidelines
- ❖ **Public accommodations** – discrimination at stores, banks or public places
- ❖ **Prisoners' religious freedoms** – including right to pray and fasting during Ramadan
- ❖ **Housing discrimination** – including harassment by landlord or other tenants
- ❖ **Elections & voting** – educating voters and protecting Muslim candidates for office
- ❖ **Law enforcement** – surveillance, treating Muslims as potential terrorists

For issues that we don't handle – such as immigration, family law, and criminal defense – we refer callers to other lawyers or legal groups, state or federal agencies, and non-legal service providers.

In 2018 we received 232 requests for legal assistance. Overall, this was a 6% decrease from 2017, when 247 people asked for help. But in early 2017, we had seen a surge of requests for help with immigration cases (which we don't handle) due to the Muslim Ban. When immigration cases are excluded, we saw a slight increase (2.5%) in requests for help.



Nazia Ashraful, CAIR-MA's Government Affairs Director, explains how Muslim voters can make a difference.

However you look at it, **these are often tough times for Muslims in Massachusetts** – and we know that the numbers don't capture the true extent of the need for legal assistance, especially among more recent immigrants. We hope that the following case summaries give a better sense of the people behind the statistics.

Hate Crimes & Harassment

It has been widely reported that hate crimes against religious and racial groups and the LGBTQ community have increased over the past few years. [FBI statistics](#)¹ show that nationally, hate crimes are up for the third straight year, based on 2017 data (2018 data is not yet available). [In Massachusetts](#),² **427 incidents were reported in 2017, the most since 2003 and a 10 percent increase from 2016.**

We believe that there are far more instances of harassment or hate crimes against Muslims than reported, for several reasons. Many victims, especially those who are immigrants, don't know how the legal system works or are afraid of the police. In addition, some police departments fail to recognize an incident as a hate crime. Finally, there is no requirement for local law enforcement agencies to report their data to either the state or the FBI; it's voluntary on their part.

Here are some the cases we worked on in 2018. The victims range in age from a toddler to a great-grandmother. Most involve women wearing the hijab. Because the role of law enforcement is critical in the prosecution of hate crimes, we have included information (when available) on how local police responded.

Attack on great-grandmother

A white female approached two Muslim families in a Braintree park, shouted slurs and obscenities, and then **grabbed a 72-year-old woman's hijab, nearly knocking her to the ground**. We acted as a liaison with the Norfolk County District Attorney's office, explaining the legal process to our client and helping her submit a victim impact statement. The assailant pleaded guilty and was sentenced to two years in prison, with one year suspended if she stays out of trouble. The Braintree police were responsive, quickly arrested the assailant and charged her with the appropriate crimes. The D.A.'s office made sure the victim's needs were considered at sentencing. **To the right is an excerpt from our client's Victim Impact Statement.**

“ On the day I was attacked, my knee was hurting, so I had to use a cane to walk ... When she attacked me, I didn't even realize what was happening. I didn't understand why I started to fall down ... **Afterwards, I felt like I wanted to leave the U.S. & go back to Syria.** It's hard to explain, but it was like a deep emotional assault against the things we believe in so deeply – why we wear the hijab, our religion & our culture. **It was a wound that hurts the soul more than a wound to the body.** ”

Mother with toddler attacked

A young mother who was pushing her 18-month old daughter in a stroller was attacked from behind by a white female **who screamed at her and grabbed her hijab so violently that she tore a clump of hair from the mother's scalp**. The mother lost control of the stroller but an older woman walking nearby was able to grab it, preventing injury to the child. She then escorted the shaken victim and child back to their home. The police officer who responded was sympathetic but dismissed the attack as the actions of a “crazy lady,” rather than a possible hate crime. He did not include in his police report that the victim is Muslim and wears hijab, which might have flagged the case for follow-up investigation.

Family assaulted at mall

A couple from overseas came to Boston for medical care for their young daughter. The day before returning home, they stopped at a coffee shop where a white male became furious about a chair that he wanted to use. **He swore at the family, told them to “go back to your own country,”** and started to film them with his phone. When the mother held up her hand to block his view, **he grabbed her arm and tried to kick over the stroller in which the child was sitting. He also shoved and kicked the father.** When the police arrived, the assailant denied everything while the other customers claimed they hadn’t seen what happened. We later went to the scene to check for surveillance cameras that might have captured the incident. It appears that the police were correct – there were no cameras at that location.



Muslim woman’s car vandalized.

Woman’s car vandalized

A Muslim woman awoke to find that her car had been **smeared with an unidentified substance during the night.** She is the only Muslim resident at her apartment complex and the only resident whose car was targeted. The local police declined to investigate the incident or even consider the possibility of a hate crime. The good news? **Other residents were appalled and helped the victim clean off her car,** while the landlord agreed to install security cameras.

Family at mosque threatened

A Muslim family was entering their mosque in Wayland on Eid Al-Adha (the Islamic holiday honoring the prophet Ibrahim) when **a white woman driving by screamed, “Behead them all!”** We advised the family on their options. The mother chose an educational approach: explaining to her Facebook friends that Islamophobic incidents really do happen – and happen right here in Massachusetts.

Disabled woman accosted

A young Muslim woman whose disability makes it difficult to walk for more than a short distance was **confronted by an angry white man** at a store in Easton, after she parked in a handicapped space (she has a handicap placard). In front of other shoppers and employees, he accused her of being able to “walk just fine.” When the young woman explained her disability, he then told her to **“go back where you came from.”** The Easton police were both kind and diligent but unfortunately the store no longer had surveillance video of the incident, which might have identified the man.

Update on subway attack

As we reported in 2017, [a 61-year old Muslim woman was attacked³ while riding the Orange Line to Ramadan services.](#) We continued to provide victim advocacy in 2018 by accompanying her to meetings with the Suffolk County District Attorney's office. Her attacker's trial is scheduled for 2019. Both the MBTA police and the DA's office have taken this case very seriously, which we greatly appreciate.

First Islamophobia workshop at civil rights conference

CAIR-MA organized the first-ever workshop on Islamophobia for the annual Fair Housing / Civil Rights Conference sponsored by federal, state and local civil rights agencies. Our panel addressed [civil remedies that can be used against hate crime perpetrators](#), in addition to criminal prosecutions. Barbara Dougan, CAIR-MA Civil Rights Director, explained how fair housing laws apply to anyone who uses threats or violence to interfere with housing rights (not just landlords who discriminate), making such laws a useful tool to address neighborhood-based hate crimes.



Panelists Tahirah Amatul-Wadud, CAIR-MA Civil Rights Director Barbara Dougan, & Dr. Kamal Ali.

Bystander intervention training

In response to the growing demand for techniques that allow bystanders to assist those targeted for hate crimes and harassment, [CAIR-MA organized the first-ever interactive training session on bystander intervention for the Fair Housing / Civil Rights Conference.](#) The training was conducted by Quabbin Mediation, which pioneered its ["Training Active Bystanders"](#)⁴ (TAB) program over a decade ago. Quabbin Mediation now uses a list of [incidents and responses](#)⁵ prepared by CAIR-MA.



Detective Veritta Pitts (*standing*) & Detective Bernadette Stinson (*sitting to her right*), from the Boston Police Department's Civil Rights Unit, at the Islamophobia workshop.

Community response to hate crimes

[Barbara Dougan organized and was part of a panel at the 2018 symposium, "Anti-Racism Organizing in the Suburbs,"](#) sponsored by [Community Change, Inc.](#)⁶ and Regis College. The workshop also included representatives from GLBTQ Legal Advocates & Defenders ([GLAD](#)⁷) and Quabbin Mediation's "training active bystanders" program.



Letters of support for a Muslim 5th grader who received death threats.

Bullying & Youth Issues

When bullying becomes criminal: death threats against 10-year old girl

As was widely reported,⁸ **a Muslim 5th grader received a written death threat** at her Framingham public school. **The week before, someone left a note calling her a terrorist.** The perpetrator was never identified. We acted as the family's liaison with the school and also launched a media campaign that resulted in over 1,000 letters of support⁹ for the girl from across the U.S.

“Punish a Muslim Day”

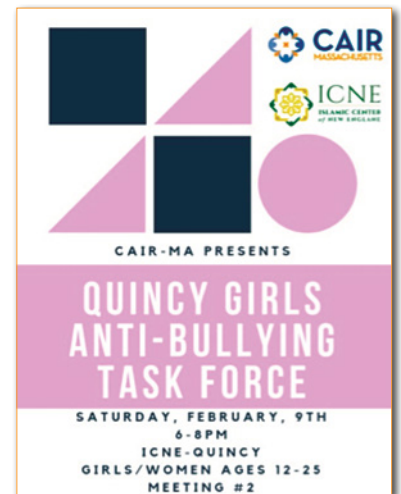
Not surprisingly, the British-based “Punish a Muslim Day”¹⁰ campaign made its way via social media to Massachusetts. **Anonymous letters described a point system for harassment and violence against Muslims**, including “butcher a Muslim.” We were notified by the Boston Public Schools and the Boston Police Department that **a 13-year old Muslim girl was threatened by a**

classmate, who posted a message saying, “I’m going to get points and I think it’s funny.” The classmate then **assaulted the victim** and tried to pull off her hijab. Due to the confidential nature of school discipline and juvenile court proceedings, we do not know what disciplinary action was taken.

Quincy Girls Anti-Bullying Task Force

In August, **CAIR-MA hosted its first annual Muslim Youth Leadership Program for over 30 teens** from across the state. Many of the girls described their experiences with sexist Islamophobia, including hijab-pulling and offensive comments. As a result, **we created a task force where young Muslim women can take the lead in designing a program to combat Islamophobic bullying.** Quincy was chosen for a pilot project, with monthly meetings facilitated by Sumaiya Zama, CAIR-MA’s Director of Community Advocacy and Education, at the Islamic Center of New England in Quincy. We

hope to eventually export this model into other communities that are struggling with Islamophobic bullying.



Muslim youth on the move in Boston.

Muslim youth march for their lives

Boston youth organized the local “March for Our Lives” demonstration, one of over 800 student-led marches that took place across the country following the horrific school shooting in Parkland, Florida. **CAIR-MA organized and proudly marched with a contingent of Muslim youth** in our local event.

Travel Abuses

Muslim travelers too often describe abusive practices at the hands of the Transportation Security Administration (TSA) or Customs and Border Protection (CBP) when leaving or returning to the U.S. They endure lengthy and frightening interrogations, sometimes concerning their religious beliefs. **Their electronics are searched or seized.** As described below, they may be subjected to **aggressive physical searches.** Many families have been subjected to these abuses for so long that they now consider it the “new normal” and don’t see any point in complaining. We encourage travelers who experience problems to contact CAIR-MA, as it’s critical to document these incidents and to challenge discriminatory practices.

Woman humiliated at airport

We filed a complaint with the federal Transportation Security Administration concerning **a 54-year Muslim woman, a U.S. citizen, who endured a search at Logan Airport¹¹ that bordered on a sexual assault.** Our client, who appears to have been targeted due to her hijab and long dress, described hostile TSA security staff who seemed intent on finding contraband on her body or in her luggage – although she had none. *Update:* In February 2019, **TSA informed us that it no longer had any surveillance videos** from the date of the incident and that none of the staff on duty that day recalled the incident. TSA suggested that our client use the TSA Cares program in which a “passenger support specialist” assists at screening checkpoints.

Pregnant woman forced to miss flight

A Muslim woman explained to TSA employees that **she was pregnant and asked to go through the metal detector,** rather than the body scanner. She was told to wait until a female TSA employee was available, even though a female TSA worker was present. The woman waited for at least 20 minutes as the female TSA worker helped non-Muslim mothers with babies go through the metal detectors. When a passenger in a wheelchair arrived at the security station, she was quickly attended to by TSA for her pat-down, even as the Muslim woman continued to wait. By the time the woman’s pat-down was conducted, she had missed her flight. **The stress triggered a severe asthma attack and she ended up in the emergency room.**

Grandfather repeatedly interrogated

A Muslim grandfather who often travels to Canada to visit relatives now encounters **delays of four hours or more** each time he leaves or re-enters the U.S. Although Customs and Border Protection refuses to tell him why he is detained, he is clearly on a “watch list” as he is always asked the same questions about his travels, family members and associates. **Sometimes he is handcuffed to a pole** in the room where he is kept waiting. As often happens, family members of those on a watch list find themselves in the same situation. The grandfather’s family members, both American and Canadian, are now experiencing the same interrogations and delays.

Employment Discrimination

It is illegal to for an employer to discriminate against Muslim workers on the basis of religion, race or national origin (or several other categories), either by refusing to hire them or treating them differently than non-Muslim workers. In addition, **an employer must accommodate a Muslim worker's religious practices** – for example, prayer breaks or wearing Islamic clothes such as a hijab or kufi – **unless it would be an “undue hardship”** for the employer to do so. Each case is different, depending on the type of job and the worker's duties. It's important to talk to your employer before problems come up. Your employer must at least try to work something out with you.

Cab driver keeps driver's license

When **a Muslim cab driver got in a scuffle with a white employee of a state agency**, the agency took no action against their employee but the state police recommended a suspension of the cab driver's license. Rather than filing a discrimination complaint with the Mass. Commission Against Discrimination, which wouldn't have addressed our client's main concern – losing his driver's license – **we helped him prepare for a suspension hearing, which he won.**

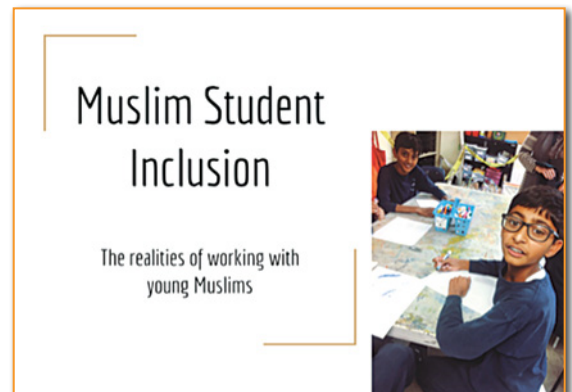


Sumaiya Zama, CAIR-MA's Director of Community Advocacy & Education, trains teachers.

Education

Educating the educators

To help teachers better understand the threat that Islamophobia poses to the well-being of their Muslim students, **CAIR-MA developed an interactive training that explores the realities of working with Muslim students.** The program, “Muslim Student Inclusion,” contextualizes young Muslims’ politically charged environment and offers a safe space for teachers to ask questions about Islam and specific scenarios they may encounter. The training has been well-received by dozens of school and after-school programs across the state, including the Boston Public Schools, Cambridge Youth Programs, and Framingham Public Schools.



Public Accommodations

Self-storage facility

A Muslim woman moved some belongings to a self-storage business, with the help of two friends, both people of color. **Months later, the manager unexpectedly and angrily accused our client and her friends of damaging the premises** – although the manager admitted she had no surveillance videos or other proof; she “just knew it was them.” When our client questioned the manager’s startling claims, she was **ordered off the premises**. We filed a complaint at the Mass. Commission Against Discrimination, alleging discrimination based on our client’s religion and ethnicity as well as her friends’ race. *(Co-counsel: Shaun Khan, DDSK Law LLC)*

Searches of prison visitors

A young Muslim woman went to visit her incarcerated husband at a state prison, accompanied by her younger sister. Despite requesting a private search, **the younger sister was searched in an inappropriate manner in front of male staff**. When the older sister argued with prison staff on her behalf, she was **banned from visiting her husband** for one year (later reduced to nine months). Both women filed complaints at the Mass. Commission Against Discrimination. The Dept. of Correction argues that the cases should be dismissed, based on the definition of a place of public accommodation under state law. To the best of our knowledge, this is the first time that MCAD has been asked to decide the issue.

“Testing” at Boston shop

When a Muslim woman came to us because she was fed up with rude treatment at a neighborhood store, **we sent “testers” to the store to better assess possible claims of discrimination** based on religion and/or race. We recruited testers from legal and interfaith organizations and trained them on testing protocols. Although testing can expose discriminatory practices, in this case we did not find a pattern of discrimination that would justify filing a complaint with the Mass. Commission Against Discrimination.

Training CAIR civil rights staff

At CAIR’s first national civil rights retreat, **CAIR-MA Civil Rights Director Barbara J. Dougan trained advocates from other CAIR chapters** on how to enforce anti-discrimination laws when Muslims face discrimination at stores, restaurants, businesses or other places open to the public.



CAIR-MA's Barbara Dougan trains other CAIR lawyers on public accommodation laws.

Prisoners' Religious Freedoms

Most prisoners fight for the right to worship as they choose using the First Amendment to the U.S. Constitution, which includes a general guarantee of freedom of religion, and certain federal laws. Massachusetts prisoners have additional protection as **the state's constitution specifically guarantees prisoners the right to freedom of religion** (Amendment XLVI, section 4). Fortunately, we didn't need to go to court for the next two cases.

Protecting prisoners' health during Ramadan

During the holy month of Ramadan, Muslims fast from sunrise to sunset. During summer months, when days are long, prisoners must be fed at hours when the prison's food service is not available. **We represented two Muslim prisoners who were not getting adequate or appropriate food during non-fasting hours.** In both cases, we were notified about the prisoner's situation by third parties. As a result, the prisoners were surprised and pleased when a CAIR-MA lawyer showed up at their prison.

❖ **The Suffolk County House of Correction took seriously the complaints of an ICE detainee**, although it appears he was getting enough food. Fortunately, we were able to coordinate with the Boston Immigrant Justice Accompaniment Network ([BIJAN](#)¹²), which deposited funds in his canteen account so he could buy extra food.

❖ The second prisoner was being held at the Franklin County House of Correction awaiting trial because he couldn't afford bail. His Ramadan diet was both bizarre – six cold hard-boiled eggs before sunrise; egg salad sandwiches in the evening – and inadequate. **After we contacted the authorities, he received regular meals** that he could re-heat when not fasting, as well as a night-time snack.

Housing Discrimination

Islamophobic tenant sues – and loses

A frightened Muslim family came to us after their downstairs neighbor **filed for a restraining order against them**, based on various bizarre claims. Attorney Neil Berman represented the family in court, where he defeated the neighbor's case. In his court papers, the neighbor referred to police reports and animal control complaints, so we obtained copies to learn more. It turned out that **the neighbor had made explicitly anti-Muslim and worrisome statements** about our clients. The family already planned to move, but we threatened legal action against both the neighbor and the landlord if there were any further problems before the family left. There were none.

Update on discrimination lawsuit

In 2017, we filed a lawsuit on behalf of a **disabled Muslim mother who described slurs and harassment** by employees at her apartment complex, where she also endured months without adequate heat and hot water. The landlord threatened her with eviction after she complained to the health department. The case is scheduled for a jury trial in 2019. (*Co-counsel: Law Office of Mark D. Stern*)



Elections & Voting

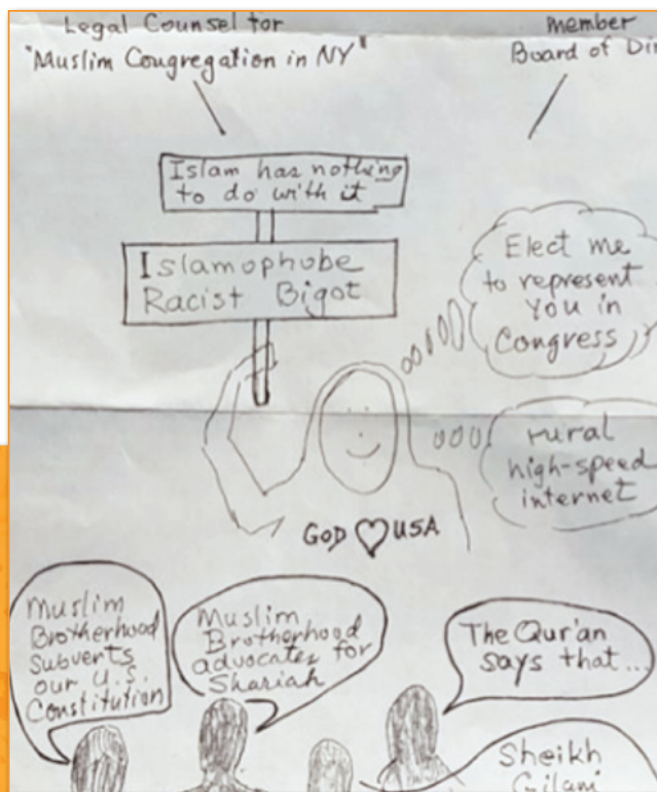
2018 voter guide for Massachusetts Muslims

CAIR-MA was excited to release its first voter guide¹³ for the 2018 election cycle. The guide provided **information about the candidates running for state and federal office**, the duties of government officials in those positions, ballot questions, voter registration deadlines and election dates. We also organized three sessions where volunteers called voters as part of our Get Out the Vote activities. We are proud to have played a role in the high national turn-out among Muslim voters¹⁴ as well as the highest voter turnout for a midterm election in Massachusetts¹⁵ since 1994.

Islamophobic flyers target congressional candidate

Many Western Massachusetts residents, Muslims and non-Muslims alike, called about anonymous flyers¹⁶ they received when **CAIR-MA board member Tahirah Amatul-Wadud was running for Congress**. Some called because they were offended while others were frightened, worrying that their families had been targeted. The mailings, which included bizarre illustrations, attacked Amatul-Wadud's legal advocacy, Islam, CAIR-MA, the media, and "U.S. liberal elites."

“It's no longer surprising, but **it's definitely unsettling – especially in Massachusetts**. In spite of wanting to believe we're all progressive & share the same values, **you see deplorable acts coming out more often** [although] these are a little more deranged than usual.”
 – Shaun Kennedy, *Jet-Pac*,¹⁷ a non-profit that recruits & trains Muslim candidates for office in Massachusetts



An anonymous flyer received by many Western Massachusetts residents.

Law Enforcement & Surveillance

Fourth-grader treated like terrorist

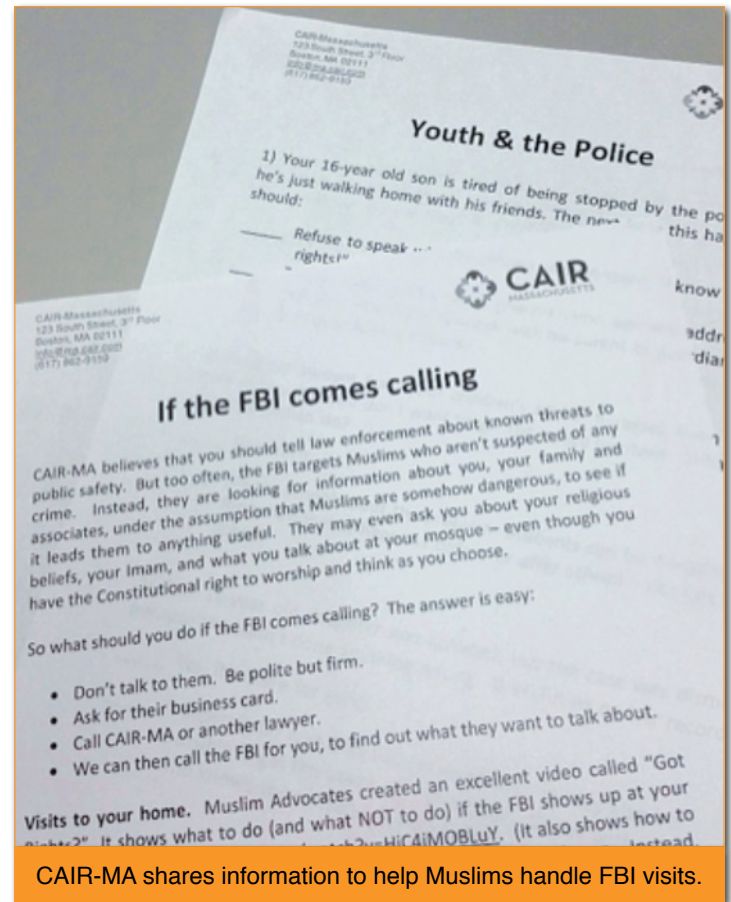
When an 8-year old Muslim boy asked a girl in his class to stop teasing him, **she told teachers he claimed to have a gun in his backpack** (he had no gun, of course, and denies saying he did). His school first suspended him for 10 days, but then reduced the suspension to 1½ days. The police, however, insisted on searching the family's home (where no guns were found) and asked the juvenile court to charge him with making a bomb threat, a felony with a maximum possible sentence of 20 years in prison. We contacted the Youth Advocacy Division of the public defender's office, which arranged for attorney Deborah Freitas to represent the boy in court. Thanks to her good work, **a judge threw out the request for criminal charges.**

Decrease in FBI visits

We received only a few calls in 2018 from Muslims who received **unexpected and unnerving visits** from the FBI or another law enforcement agency, which was a good development. We have yet to see an instance where our clients appeared to be suspected of illegal activity. Instead, they were asked about family and friends or their religious and political views. In the U.S., we have the right to believe and worship as we choose. **If the FBI comes to call, please speak with CAIR-MA first.** We will contact the FBI on your behalf to find out why they want to speak with you, so you can make an informed decision.

Safe Communities Act coalition

CAIR-MA was part of Massachusetts' Safe Communities Act coalition, led by local immigrants rights group, which advocated for a **state law to prevent state / local law enforcement from carrying out the duties of federal immigration agencies**, provide due process protections to those arrested for civil immigration violations in police custody, and prevent the state from providing information for any sort of registry tracking Muslims or other groups. The bill that was filed¹⁸ did not make it through the law-making process during the 2017-2018 session of the legislature, but **a similar bill will be considered during the 2019-2020 session.**



Endnotes

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- ❖ Malika Macdonald
- ❖ Mario Moreira
- ❖ Nichole Mossalam
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- ❖ Tahirah Amatul-Wadud
- ❖ Mouaad Lebeche
- ❖ Nadeem Mazen
- ❖ Rev. Corey J. Sanderson
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CAIR-MA staff proudly showing off our Cummings Foundation support.

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