

Massachusetts Muslims, Know Your Rights! Hates Crimes & Harassment

A man tries to rip off a woman's hijab. Insults are spray-painted on a mosque. Neighbors threaten to hurt a Muslim family, or to burn down their home. These are all examples of hate crimes. Fortunately, Massachusetts has good laws to help victims of hate crimes.

NOTE: Most of the information below is about criminal laws, where the police can arrest someone. But acts that don't rise to the level of a crime may still be illegal under other laws against discrimination (treating people poorly because of race, religion, the country they came from, etc.). CAIR-MA can give you more information on discrimination in employment, education, public accommodations and housing.

What is a hate crime? A hate crime is the worst kind of discrimination, where someone wants to hurt you, damage your property, or make you afraid because of your race, religion or national origin.¹ The crime can be a threat to hurt you, property damage, a physical attack, or even murder. It doesn't matter if the person trying to hurt you is mistaken – for example, someone attacks a Sikh, thinking he is a Muslim. It's still a hate crime. It also doesn't matter if your religion, race or national origin was just one of the reasons why you were targeted. Under Massachusetts law, it's still a hate crime.

What can I do? Get to a safe place and, if needed, get medical help. Take photos of any injuries, property damage or other evidence. If you feel comfortable doing so, call the police in the town/city where the crime took place. The police should investigate by speaking with you, any witnesses and, if possible, the person who tried to hurt you. Then call CAIR-MA. If you don't want to call the police, CAIR-MA can report the incident for you.

What if I don't know if the act was a crime? Report the incident anyway – to the police, CAIR-MA, or both. The police will decide if the act is a crime under Massachusetts law. If it was, and if the police find out who did it, they should arrest the person.

Sometimes the police may decide that what happened doesn't rise to the level of a crime. But the police – and the local community – still need to know if someone is causing a problem. Those who commit hate crimes against Muslims, or harass them, usually do it more than once. Help protect yourself and other Muslims by speaking up.

¹ This fact sheet focuses on the Muslim community. However, Massachusetts' hate crime laws protect all religions, races and ethnicities. Our laws also protect people who are harassed or attacked due to their gender (including transgender), sexual orientation and disability.

Other laws to help victims of hate crimes. The Massachusetts Attorney General can go to court for a victim and ask a judge to issue a “civil rights injunction,” which orders the person to stop hurting or harassing the victim. This can be done in addition to a criminal case. Civil rights injunctions are very powerful:

- They apply to the person who hurt or harassed you, *as well as anyone helping him*;
- If several people were involved but only some of them were arrested, *the injunction can cover all of them*;
- The *punishment is severe* for violating a civil rights injunction – up to \$10,000 in fines and up to 10 years in prison if the victim is injured.

If the Attorney General’s office can’t help, you can still ask a court to issue a “harassment prevention order” if someone bothers or frightens you three different times. You don’t need a lawyer to ask for a court order like this, but please check with CAIR-MA first. We may be able to go to court with you or at least help you write up your request to the court.

What is hate speech? “Speech” includes words that are spoken or written, as well as drawings, cartoons and photos. Hate speech includes religious and racial slurs, swear words, insults and lies about Muslims or other groups.

Is hate speech a crime? Generally, no. In most cases, the police cannot arrest someone for what they say or write, no matter how nasty or offensive their words are. But here are two exceptions:

1) Threats. Someone can be arrested if all three of these are true:

- The threat is to harm a specific person or group of people, their property, or their mosque;
- The victim knows about the threat;
- It’s reasonable to believe that the person is *able to and intends to carry out the threat*. The police may need to investigate to see if this is true.

2) Words + threatening behavior. The way in which someone talks to you may be a crime if you fear for your safety. For example, if someone gets right in your face and you are afraid she may hit or push you. Or an adult harasses a child.

What about rallies or protests by hate groups? All groups have the right to use public places to make their views known, assuming they follow the rules (getting needed permits, not blocking sidewalks, etc.). Local officials cannot turn down a request to use a public place based on a group’s views. If a hate group plans to hold an event in your town, CAIR-MA strongly encourages Muslims and their supporters to hold their own event at the same time, at a different location, with a positive message. For example, when a hate group held an anti-Islam event in Atlanta, CAIR-Georgia organized an interfaith food drive across town and collected 2,000 lbs. of food for the local food bank. They did a ton -- literally! – of good while ignoring the haters.