



CAIR
MASSACHUSETTS



Service & Empowerment.

The Council on American-Islamic Relations - Massachusetts

2019
civil rights report

Service & Empowerment.

2019 CIVIL RIGHTS REPORT

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Muslim voters – both current and future – at the State House for CAIR-MA's annual Lobby Day. See page 13.



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.

On the cover: Malika Touirtou speaks to the news media after bravely testifying in court against the man who attacked her on the subway. You can read more about Ms. Touirtou's story on page 5.

Introduction

O people, we created you from the same male and female, and rendered you distinct peoples and tribes that you may recognize one another.

The best among you in the sight of God is the most righteous.

God is Omniscient, Cognizant. [Quran 49:13]

Much of our contemporary moment's social, political, and cultural energy is being directed toward causes that had previously been considered "marginal" – the rights and values of women, children, the homeless, the earth, Native peoples, Muslims, African Americans, and immigrants. These perspectives, whether articulated through environmental activism, Black Lives Matter, or the Poor People's Campaign, are linked together by a radical leveling: that **there is no such thing as a person or issue at the margins, only a gap in our own awareness.**

For these reasons, CAIR's work centers and attempts to honor the **core Quranic principle of fundamental human equality.** This manifests



through our serving, without bias, clients from the Shia or Sunni communities, the Nation of Islam, Bohra Muslims, Ahmadiyya Muslims, or incarcerated Muslims. However, perhaps more radically, our work operates within a cultural moment in which Muslims, immigrants, and people of color more broadly are being dehumanized within the American public square and its discourse. Today, **declaring unapologetically that Muslims have equal rights to pray, fast, and travel** is itself a political declaration of the value of those who had been relegated to the end of the social line.

At CAIR-Massachusetts, we hold fast to the principle articulated in the Quranic verse above. Instead of dividing us, our plurality can serve as a source of strength and unity. By **unwaveringly insisting on the place of Muslims within the American social fabric**, not beneath but alongside all other groups, our staff, board members, and volunteers work daily to help create a society in which all are judged according to their actions and words, not their race, religion, or creed.

Sincerely,

A handwritten signature in dark ink, appearing to read "JL Robbins".

John Robbins, Ph.D.
CAIR-MA Executive Director

Overview

CAIR-MA provides legal assistance and information on civil rights issues affecting the Muslim community in Massachusetts by way of legal representation, educational materials and programs, and outreach activities. These areas are our priorities, although we will consider other compelling cases or issues as the need arises:

- ❖ Hate crimes & harassment
- ❖ Bullying
- ❖ Travel abuses
- ❖ Political & legislative engagement
- ❖ Law enforcement surveillance & harassment
- ❖ Employment discrimination
- ❖ Education discrimination
- ❖ Prisoners' religious freedoms
- ❖ Housing discrimination
- ❖ Public accommodations

In 2019, we received **239 requests for legal assistance**, a slight (3%) increase from 2018. The most noticeable change from last year was the jump in **travel abuse calls, which increased by 140%** (from 10 to 24), no doubt due to our outreach efforts to encourage more complaints. Even then, we know that travel abuse complaints are greatly under-reported. Calls about **hate crimes and harassment held steady** (21 last year; 20 this year), but those 20 cases are still 20 too many.

We conducted or participated in **nearly 40 “know your rights” events, trainings, or educational programs**. A well-informed community may be able to avoid some problems when they know their rights and how to engage with decision makers. And when problem do arise, we want Massachusetts Muslims to know when to seek help and where to turn: CAIR-MA.

Hate Crimes & Harassment

We are often asked if hate crimes are up or down, or how Massachusetts compares to the numbers at the national level. Here's what we can tell you:

- ❖ In 2019, CAIR-MA received **20 calls about anti-Muslim hate crimes, harassment, and vandalism**, one less than we received in 2018;
- ❖ Muslim **women who wear hijab** (Islamic headscarf) continue to be the most likely victims of Islamophobic violence.

Unfortunately, hate crime statistics, which would give us a sense of the larger picture, are unreliable. The role of victims – specifically, their reluctance to come forward – is often used to explain the under-reporting of hate crimes. But keep in mind that the lack of reliable data is also driven by **government policies**. In Massachusetts, there is no requirement that local police departments collect or report hate crimes data to the state; instead, it is voluntary. Even using the data that is available, as of the March 2020 publication of this report, the most recent Massachusetts report is based on statistics from 2017.¹ **It is difficult to assess the safety of our communities without current information.**

The same problems exist at the federal level, where law enforcement agencies also report their data on a voluntary basis. The FBI's 2018 report, the most recent available, is based on data provided by only about 2,000 U.S. police departments – out of over 16,000.²

But here's what we do know. Hate crimes and harassment are intended to send the message that victims aren't welcome in our neighborhoods – or even in this country. It is critical for local

communities to reply with their own message: violence, vandalism, and harassment do not reflect our values and will not be tolerated. When the public speaks up and stands up against hate, victims know they are supported. It may even prevent future hate crimes when would-be perpetrators see that their message is soundly rejected.

Subway attacker convicted

As previously reported, a **Muslim grandmother was attacked** while riding the Orange Line to Ramadan services in 2017. A man screamed slurs at her, punched the window next to her head so hard that it shattered, and jabbed her in the back with the metal tip of his umbrella, leaving bruises that lasted for weeks. Over the course of the next year and a half, our client Malika Touirtou met with police and prosecutors, testified before a grand jury, and then faced her assailant in court when the case went to trial – with CAIR-MA at her side every step of the way. Her attacker was convicted of four offenses and **sentenced to two years in prison.**

Harassment, continued on the next page >>



Malika Touirtou faces her attacker in the courtroom.

We are grateful to the **many people who helped bring her attacker to justice**: the MBTA police, Suffolk County District Attorney's Elders and Persons with Disabilities Unit, witnesses who stepped forward, and bystanders who prevented the attacker from leaving the scene. But most of all, we are grateful to Ms. Touirtou, for her courage to stand up to the coward who attacked a woman twice his age for her faith.

Lyft driver assaulted

A Muslim woman who drives for Lyft asked a female passenger and her boyfriend to get out of her car due to their threatening behavior. In response, the passenger called her a **"jihadi head chopper" and attacked her**. When the police arrived, the passenger was on top of the Muslim driver, on the side of the road, **punching her and pulling her hair**. The passenger claimed that the driver had assaulted her first so the police asked for criminal charges to be issued against both women. At a clerk-magistrate's hearing, both complaints were dismissed, leaving our client relieved but still traumatized.

College student nearly pushed into traffic

A young Muslim woman was walking on a busy sidewalk next to a major Boston thoroughfare when another woman came up from behind, **shoved her hard**, and **nearly knocked her into rush hour traffic**. The student only caught a glimpse of her angry-looking assailant as she disappeared into the crowd. Bystanders looked shocked but did nothing.

Teen bicyclist menaced

A 14-year old Muslim youth, riding his bike home from school in Brookline, feared for his safety when the **driver of a van pulled up within inches of his bike** and shouted anti-immigrant slurs and profanity. The teen tried to evade the van by using a different street but the driver **followed him home** and shouted the same slurs before driving off.



Playground vandalized

A day after the **New Zealand massacres**, where a white supremacist attacked two mosques and killed 51 people, graffiti was found at an Arlington playground that referred to the shooter's remarks during the attack. We assisted Muslim parents who organized a "reclaim our park" event.

Muslim business owner endangered by malicious claims

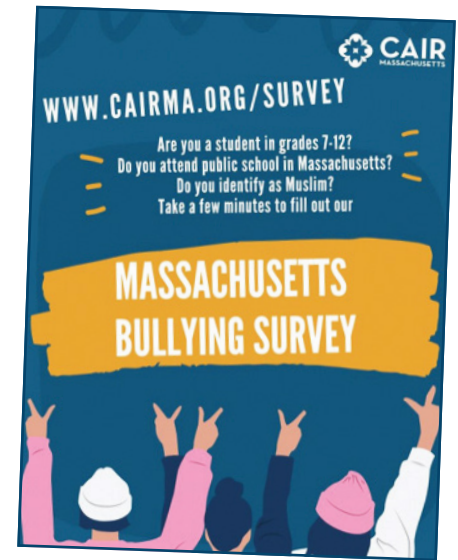
A Muslim businessman and father of three was shocked when two women he'd never met posted **baseless claims on Facebook** that he was a pedophile. They also posted photos of his business. When a right-wing website republished the claims, our client **lost business and received threats**. Fortunately, the website owner agreed to take down the article after CAIR-MA contacted him and explained how our client was being harmed.

Bullying survey

Although we often hear about incidents where Muslim youth are harassed, bullied, or even assaulted in school, there is no reliable data on the extent of the problem in Massachusetts and its impacts. So we designed a **survey for Muslim public school students in grades 7 to 12** and are currently gathering data from across the state. Our goals are to understand the sources of Islamophobia and to recommend **legislation and best practices** that better protect our communities and young people.

Teaching Islamophobia

A Metrowest family contacted CAIR-MA about an assignment for a Dystopian Literature class that **labeled Sharia as an “ideological extreme wing” of Islam** and an example of “horrifying ways women are treated by groups or social movements.” In fact, Sharia is an incredibly complex Islamic concept, developed over the course of 14 centuries. Sadly, the assignment reduced that rich and complex history to a single misleading bullet point. The family’s 17-year old daughter was told she could opt out of the assignment. Instead, she bravely used it as an opportunity to educate her classmates – although that forced her to defend her religion on her own. After **CAIR-MA contacted the school, the assignment was modified** for future classes.

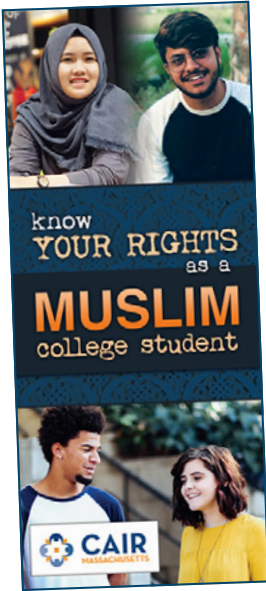


Sumaiya Zama, CAIR-MA Director of Community Advocacy & Education, trains other CAIR chapters on how to create a successful Muslim youth leadership program.

Muslim Youth Leadership Project

In August, we welcomed our second cohort of **35 high school students** from across Massachusetts for CAIR-MA’s annual Muslim Youth Leadership Program. The four-day program was filled with **storytelling, civic engagement, coalition building, media literacy, social justice, and community organizing**. Our participants go on to make an active difference in their communities by implementing their skill sets.

Youth advocacy, continued on the next page >>



Guide for Muslim college students

With over 100 colleges and universities in Massachusetts, there is a large community of Muslim college students who need access to good information. That's why we created a new brochure, "**Know your rights as a Muslim college student**," (www.cairma.org/college) which covers both on-campus issues (educational discrimination, harassment, religious accommodations, political activism) and off-campus topics (hate crimes, voting, workplace rights, and housing).³

School trainings

CAIR-MA continues to provide **trainings, workshops, and guest lectures** to school districts that are committed to the values of mutual understanding and inclusion. At the same time, teachers give us a better sense of the issues they see in their schools. This year, we also **partnered with the Muslim Justice League** to

develop a new set of tools for educators that explores systemic, structural, and interpersonal Islamophobia and the relationships between all of these themes.

Travel Abuses

We believe that travel abuses may be the most under-reported type of discrimination experienced by American Muslims. Too often Muslim travelers are subjected to **lengthy delays and humiliating searches** by the Transportation Security Administration (TSA) on domestic flights or when leaving the country, only to face frightening **interrogations and seizures of their electronics** by Customs and Border Protection (CBP) when returning home.

Some travelers appear to be on the federal government's **secret terrorism "watch list,"** despite no history of wrongdoing. Other incidents result from the federal government's desire to know

every bit of information about a Muslim traveler's life, including their religious and political views. And sometimes, it seems like certain security officers just feel the need to **insult and degrade Muslim travelers.**

Complaints to the U.S. Dept. of Homeland Security may improve how a traveler is treated or alert the government to problems at a particular airport or border crossing. But some complaints can also serve as the first step in challenging the constitutionality of the watch list itself, a priority for CAIR chapters across the country. In 2019, CAIR's national office won an historic victory when **a federal court in Virginia ruled that the watch**

list is unconstitutional on due process grounds: travelers are not told if or why they are placed on the list, let alone allowed to defend themselves, despite wide-ranging consequences that go far beyond travel.⁴ Our goal is to win similar rulings in other federal courts, leading to the dismantling of the watch list itself.

Here are a few of the cases where CAIR-MA filed or is preparing complaints to be filed with the Dept. of Homeland Security.

Mother repeatedly grilled about events from 15 years ago

A Muslim woman has endured lengthy and humiliating interrogations for well over a decade due to **crimes believed to have been committed by her son overseas 15 years ago**. Although she was never accused of any involvement in her son's actions, she is still delayed for hours as Customs agents ask the same questions, year after year, to which she gives the same answers. As she stated in her complaint, "I worry that this nightmare will continue for the rest of my life."

Three-month old baby flagged as possible terrorist

A Muslim businessman has been subjected to lengthy delays and questioning for over 10 years. On one occasion, when he and his family were leaving the U.S. to visit relatives, they were pulled aside because his three-month old baby had been flagged as a security risk. On their return trip, the airline **would not let them board their flight** until officials in the U.S. approved, even though they are U.S. citizens with the right to return to their own country. When the father returned from a recent business trip, he was pulled aside by **Customs officials who admitted they did not know why**

he was deemed a security threat – which surely illustrates the problems with a watch list based on secret information that cannot be contested.

Woman questioned about traveling without husband

A young Muslim mother was interrogated by CBP agents **upon returning to the U.S. with her 4-year old child**, after visiting relatives overseas. Among other things, she was grilled about her attendance at prayers, why she was traveling without her husband, the subject of his dissertation, and her conversion to Islam.



Children watch as hostile Customs agent harasses parents

When a Muslim couple and their two young children re-entered the U.S. after a family vacation, a hostile Customs officer questioned the validity of their U.S. passports, rummaged through their suitcases and **left their belongings scattered about**, and became defensive when the husband suggested religious bias. "Hey," the officer retorted, "Muslims aren't the only ones who wear veils, ya know!" A supervisor at the scene backed up the offending employee.

Travel abuses, continued on the next page >>

Airport questioning followed by home visits

Intensive questioning by federal agents can continue long after a Muslim traveler leaves the airport. A Muslim graduate student was first questioned at the airport for hours by Customs officials upon arriving back in Boston. When the student cooperated and gave the password to his laptop, a Customs agent **browsed through his research**, claimed to have an interest in the student's complex field of study, and suggested following up with him to "see how your research is going." A few months later, the agent showed up at the student's home, asked him more questions about his research as well as those who attend his mosque. When the agent contacted the student yet again, **CAIR-MA intervened**. We explained that the student's research is considered confidential by his university and asked that any further questions come through us.

Airline forces grandmother to remove hijab in boarding area

Not all travel abuses are due to government policies. Employees of a U.S.-based airline forced a 65-year old Muslim woman – who had already cleared security – to **remove her hijab, shoes and socks at the gate, in full view of the public**, before she could board her flight from Mexico back to Boston. The woman was devastated. Despite being threatened with arrest, her daughter took photos of the incident to document what had occurred. CAIR-MA is investigating.

Prisoners' Religious Freedoms

Ensuring prisoners' well-being during Ramadan

During the holy month of Ramadan, Muslims fast from sunrise to sunset. In response to problems we saw in 2018, when some Muslim prisoners did not get enough or appropriate food during non-fasting hours, CAIR-MA created our Ramadan Prison Project to head off similar emergencies in 2019. We sent letters to **34 state and county prisons** advising them of the dates of Ramadan, explaining how Muslim prisoners will observe that period, and referring them to CAIR's materials for correctional institutions for further information. We received positive responses from several prisons as well as requests for help in locating a Muslim chaplain. Best of all, we did not receive any complaints from prisoners.

Reaching out to Muslim prisoners

CAIR-MA's executive director, John Robbins, was invited to give the **weekly khutba** (Islamic sermon) at MCI-Concord, a medium-security state prison. We recognize how important it is for incarcerated Muslims to feel connected to the outside community.

Housekeeper allowed to observe Muslim holiday

A hotel gave a Muslim housekeeper a hard time about praying on her breaks and taking off the holiday of Eid al-Adha (which commemorates the prophet Ibrahim), based on what another Muslim employee had previously requested. But religious accommodations are supposed to be based on an **individual employee's sincerely held religious beliefs**, not her co-worker's. We worked with her Iman to draft a letter that met the criteria for **requesting a religious accommodation** and spoke with the hotel's attorney to resolve the situation.

Muslim workers punished for employer assumptions

Part of CAIR-MA's mission is to educate the public about Islam. We greatly appreciate it when employers are familiar with their workers' religious practices. But as these two examples show, a little knowledge can be a dangerous thing – for the Muslim employee.

A Muslim professional was shocked when his new supervisor told him that he **couldn't attend department social events because alcohol would be served**. (Islam prohibits drinking alcohol but the decision to be in the presence of alcohol was the employee's to make.) When the employee complained to Human Resources, the supervisor retaliated by excluding him from projects and opportunities for advancement, eventually forcing him out.

On his second day at a new job, another Muslim professional was surprised to be called to a meeting with his boss and a company lawyer. Someone from Human Resources had claimed that the employee wanted every Friday off, although **the employee hadn't yet requested a religious accommodation of any kind**. (Muslims gather around noon on Fridays for *jummah* – congregational prayers and *khutba* or sermon – that lasts about an hour.) Even after the situation was clarified, the boss remained hostile and this employee was also forced out.

Public Accommodations

Disabled grandfather ousted from lobby open to public

We filed a case at the Mass. Commission Against Discrimination (MCAD) on behalf of an elderly Muslim man who was aggressively **accosted by a security guard** and then **ousted from a building** where he attends classes. Our client, who had been in the lobby area for only a few minutes and was speaking quietly on his phone, was **frightened and humiliated**. In response to our MCAD complaint, the building management claimed that our client had violated an unposted but supposedly strictly enforced 10-minute seating limit. So we sent a series of Caucasian “testers” to the building and asked them to sit in the lobby to see what happened. All of them sat undisturbed for well over 10 minutes without being approached by a security guard, let alone thrown out. *(This case is being co-counseled by attorney Shaun Khan.⁵)*

Post Office worker rages at Muslim customer

Even everyday errands can turn into frightening incidents. A Muslim woman who wears a *niqab* (Islamic headscarf that covers the lower half of a woman’s face) tried to mail a package but was angrily refused service by a female Post Office clerk in Boston. Our client, who has **never before had a problem at the Post Office**, offered to show her face to the clerk along with her ID, in case there was any question as to her identity. But the clerk **shouted and swore** at her and was so out of control that the woman’s husband called the police. The clerk was still ranting about how she was **“sick of these people”** when her supervisor sent her home.

Political & Legislative Engagement

Get Out the Vote: local elections matter

In 2019, our work focused on local elections, which determine who will oversee public schools, how the police do their job, which local services receive funding, and many other issues. CAIR-MA issued a **non-partisan voter guide** for elections in Boston, Cambridge, Framingham, Quincy, Salem, Springfield, and Worcester. The guides included information on the electoral process, registering to vote, the candidates, and links to candidate questionnaires. We also provided questions about **Muslim surveillance** for a public safety questionnaire for Boston City Council candidates, a project led by the American Civil Liberties Union of Massachusetts.



Political engagement, continued on the next page >>



Nazia Ashraful, CAIR-MA Director of Government Affairs, welcomes participants to our annual Muslim Lobby Day at the Massachusetts State House.

Lawmakers hear from Muslim voters

In April, CAIR-MA led a delegation of **more than 100 Muslim citizens** to the Massachusetts State House for our second annual **Muslim Lobby Day**. Our theme was “Demonstration to Legislation,” as we demonstrated that Muslims have a place in the political process. We were especially pleased that many young people took part, learning early on that they can help set the state’s policies. Several speakers urged greater voter engagement, including newly-elected representative Tram Nguyen, whose parents came to the U.S. as political refugees when she was five years old. Lobby Day participants then **met with legislators**, urging them to pass bills about surveillance, civil rights, education, and the environment.

CAIR-MA weighs in on bills affecting the Muslim community

When the state legislature holds public hearings on bills (proposed laws) that affect the Muslim community, CAIR-MA makes sure that Muslim voices are heard. In 2019 we **testified before legislative committees** on three bills:

- ❖ We supported H.2681, which would require state agencies that collect **racial data** to use **more specific categories**, so that all communities get their fair share of state services.
- ❖ As part of the **Freedom to Boycott coalition**, we opposed H.2719, which would prevent state agencies from doing business with companies or individuals who join certain boycotts. Although not mentioned by name, the unconstitutional bill is aimed at the Boycott, Divestment, Sanctions movement that supports Palestinian human rights.
- ❖ We supported S.1385 / H.1538, which would put on hold the state’s use of **facial recognition technology** until it becomes more accurate and there are better rules for the storage and use of data. Studies have shown that such systems are less accurate for people of color.

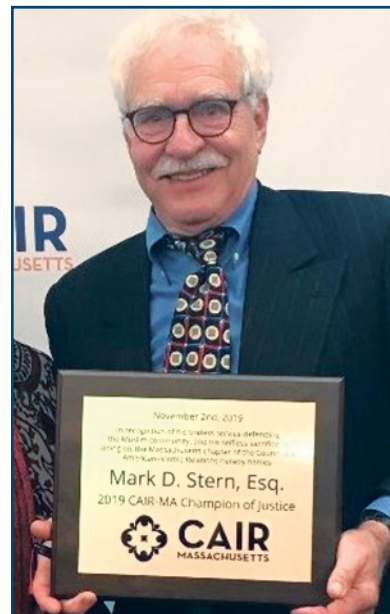
Housing Discrimination

Islamophobic tenant gets taste of own medicine

Last year we reported on the Islamophobic tenant who took a Muslim family to court – and lost – based on various bizarre claims. Fearing for their safety, the family moved from their apartment above the tenant. In 2019, we filed a discrimination complaint against the tenant at the Mass. Commission Against Discrimination, citing his **campaign of harassment** that included **false reports** to Arlington police and animal control officers (he claimed the family had poisoned his dog because “Muslims hate dogs”), **screaming and swearing at the family**, and the baseless court action.

Disabled Muslim woman obtains settlement from landlord

In 2017, CAIR-MA filed its first lawsuit, a housing discrimination case on behalf of a disabled single mother. At her apartment complex, she and her young son were subjected to **anti-Muslim harassment** and, during the winter, **endured months without enough heat or hot water**. When she complained to the health department, her landlord threatened to evict her. After over two years of litigation in three different courts, we negotiated a favorable settlement for our client shortly before the case was set for a jury trial. *(This case was co-counseled by attorney Mark Stern.⁶)*



Mark Stern was honored with our first-ever “Champion of Justice” award in recognition of his outstanding work on behalf of a Muslim victim of housing discrimination.

Law Enforcement & Surveillance

It should go without saying that law enforcement has the duty to investigate criminal activity. Similarly, CAIR-MA believes that we all have a duty to tell law enforcement about known threats to public safety. But too often, the FBI and other federal agencies **target Muslims who aren’t suspected of any crime**. Instead, based on the assumption that Muslims are somehow inherently dangerous, the FBI engages in “fishing expeditions,” looking for damaging information about Muslims, their families, associates, and even their Imams – although in the U.S., we are free to worship as we choose. Yes, federal agents have the right to ask those questions but there is no legal obligation to answer them. **If you are approached by the FBI, call CAIR-MA.** We will ask the FBI why they want to speak with you, so you can make an informed decision.

Law enforcement, continued on the next page >>

Muslim activist's associates intimidated

CAIR-MA was contacted by a young man who, over a decade ago, had been in a gang and went to jail for selling drugs. He had been charged under Massachusetts law, not federal law, and the FBI had no interest in him at the time or in the years following his release, when he earned a college degree and turned his life around. But when our client **converted to Islam** and performed *umrah* (went on a pilgrimage to Mecca), a federal agent insisted on questioning him about events from years ago. Our client declined, feeling that the agent was harassing him, so the agent upped the pressure by visiting the young man's landlord, a friend, and even people from his mosque – casting our client in a bad light. When **CAIR-MA called the agent**, he readily acknowledged that he would keep contacting our client's associates to pressure him to meet. At that point, we referred our client to an experienced criminal defense attorney.

Endnotes

¹ Massachusetts Executive Office of Public Safety, "Hate Crimes in Massachusetts 2017" (Dec. 2018), <https://www.mass.gov/files/documents/2018/12/13/2017%20MA%20Hate%20Crime%20Report.pdf>.

² Federal Bureau of Investigation, 2018 Hate Crime Statistics, <https://ucr.fbi.gov/hate-crime/2018/tables/table-13-state-cuts/federal.xls>.

³ "Know your rights as a Muslim college student," <http://www.cairma.org/college>.

⁴ Memorandum Opinion and Order, *Elshady v. Kable*, U.S. District Court for the Eastern District of Virginia (Dec. 4, 2019), <https://int.nyt.com/data/documenthelper/1689-terror-watchlist-ruling/75cd50557652ad0bfa2a/optimized/full.pdf#page=1>.

⁵ DDSK Law, <https://www.ddsklaw.com/>.

⁶ Mark D. Stern, P.C., <http://attorneymarkdstern.com/>.

How to Support Us

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- ❖ Sign up for our **mailing list**: www.cairma.org
- ❖ Follow us on **Facebook**: www.facebook.com/cairmassachusetts
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Give Your Time

- ❖ **Volunteer** your talents: www.cairma.org/employment
- ❖ **Intern** with CAIR-MA: e-mail info@ma.cair.com

Financial Contributions

Make a general donation to support our legal & advocacy work at www.cairma.org

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CAIR-MA Interns & Fellows



David Gabriel, Huda Khwaja & Rory Brown –
Legal Interns

Fatuma Mohamed –
Research & Advocacy Fellow

Ali Kafel –
*Community Advocacy
& Education Intern*

Not pictured: Mariah Sabir, Nada Shalash & Matthew Johnson – *Government Affairs Policy Fellows*

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