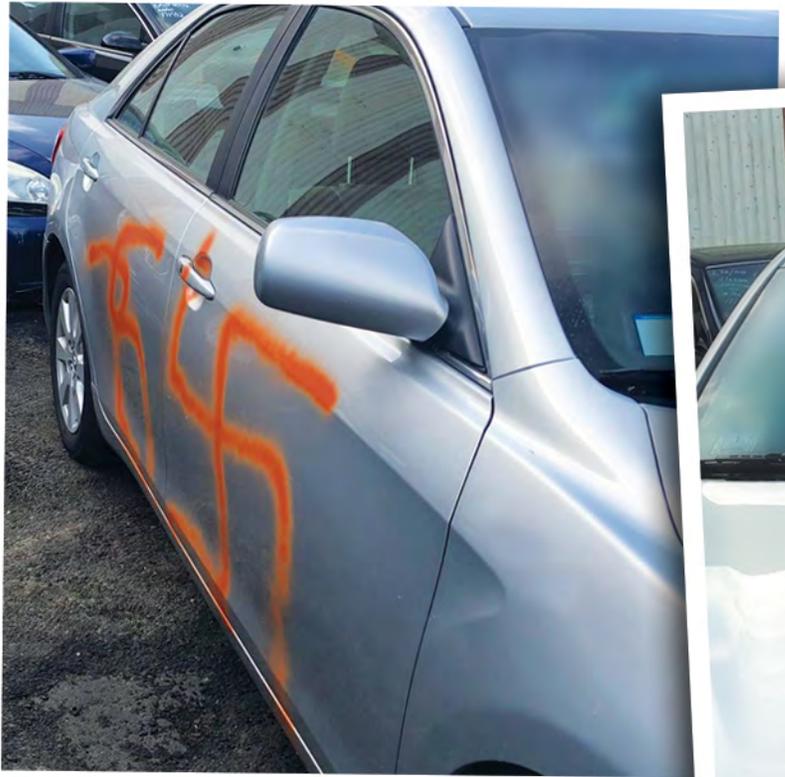




CAIR
MASSACHUSETTS



*Staying the Course
during a Year of Change*

The Council on American-Islamic Relations - Massachusetts

2020
civil rights report

Staying the Course during a Year of Change

2020 CIVIL RIGHTS REPORT

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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: A Muslim woman woke to find her car defaced on all four sides with the universal symbol of hate, Nazi swastikas. [Read more on page 5.](#)

From Our Executive Director

***Asalamu Alaykum wa Rahmatullahi wa Barakatu,
Peace and Blessings be Upon You.***

This past year has upended many of our ideas about what constitutes a society: the value of physical proximity, who dictates authority about how we engage in our daily lives, where simple disagreement ends and deeper division begins, and who is truly “essential.”

Like virtually every other group and organization, COVID-19 forced our chapter to undertake a drastic — and rapid — transformation to pivot into a new way of engaging with our community and our own work. Meaningful client meetings to build trust among victims of horrendous abuse had to be replaced with impersonal Zoom calls. Sipping tea at mosques to better understand the needs and struggles of Moroccan grandmothers became a distant memory.

Yet the **core challenges of our mission have remained the same: to empower, to serve, and to defend.** And our legal department rose to the challenge, working tirelessly to stand up for those who have no other voice. Tragically, the populations we serve often feel set apart, isolated from the rest of society. It’s a feeling taken advantage of by those who would do them harm, and one that’s only been exacerbated by the pandemic’s effects. However, we are proud that our office has been able to provide each person who calls for help with the knowledge that they are not alone: that they have defenders, and that we will hear and help them.



During these times of uncertainty and distress for so many, I take comfort in what are, to me, two of the most profound verses in the Quran: “So, surely with hardship comes ease; surely with hardship comes ease” (94:5-6). The conviction of the repetition is critical here: **challenges are perennial, but so are their easements.** The original Arabic of the verses is also telling: “hardship” is presented in the definite article (i.e. “the hardship”), while “ease” is indefinite, abundant, and unrestricted. In the same spirit, I find myself confident, even with the challenges of the past year behind us and those of the current year ahead, that they will not be without their reliefs, and that **we will be able to use these difficulties to build a stronger organization, and community, in the time to come.**

Sincerely,

A handwritten signature in black ink that reads "John Robbins".

Dr. John Robbins,
CAIR-MA Executive Director

What We Do

CAIR-MA's legal department provides assistance and information on civil rights issues affecting the Muslim community in Massachusetts by way of legal representation, educational materials, and outreach activities. The areas listed below are our priorities, although we will consider other compelling



cases or issues as the need arises. For instance, in 2020 we responded to several COVID-related requests for help.

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

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 2020, we fielded **174 requests for assistance**. For the three prior years, we averaged 240 calls each year, so that is a 27% decrease. Calls started to taper off in March, as COVID-19 forced schools and offices to move online, and many people stayed home. The impact was clear in certain areas: we received only one school bullying call the entire year and travel abuse complaints dropped off.

Even as numbers fell, the percentage of calls for the other areas of law that we handle were fairly consistent. For example, cases concerning **hate crimes and harassment** made up 7% of our cases, continuing a decline of one percentage point each year for the past four years — a welcome decline, if only a slight one. This year, however, the location of an incident was more likely to be at or near the victim's home, where people were spending much of their time.

Hate Crimes & Harassment

Court order obtained to protect Muslim family

A Muslim family rented a unit that was next door to a man who waged a campaign of harassment and intimidation for over a year, including driving toward them in their parking lot. The parents rarely let their three young children play outside, fearing for their safety. Matters came to a head when the neighbor made **obscene remarks to the mother and one of the children, then swung a ladder at the father**. When the police arrived, the neighbor continued to make Islamophobic and anti-immigrant remarks (even though our clients are U.S. citizens), and even went so far as to menace officers with a pitchfork. We went to court to get a harassment protection order that is in effect until early 2021. Even with a court order, the family still did not feel safe and moved to another town. Criminal charges against the neighbor are pending.

Woman's car spray painted with swastikas

In a case that received wide media attention, a Muslim woman's car was vandalized on all four sides with huge swastikas (see cover photos). In addition, "white power" was spray painted on the street next to the car. CAIR-MA offered a [\\$1,000 reward](#) for information leading to the conviction of



Barbara J. Dougan, CAIR-MA's Civil Rights Director, speaks on behalf of the Muslim victim of a hate crime at an anti-racism rally.

the vandal, coordinated our advocacy on behalf of the victim with the police and District Attorney's office, confirmed that her insurance company would not increase our client's premiums, and spoke on behalf of the family at an **anti-racism rally organized in response to the crime**. A 38-year old white male was arrested after police found evidence in his home.

Uber driver attacked, injured

A Black Uber driver was repeatedly punched in the head by a hostile passenger after asking him to tone down his drunken rowdiness. The passenger was one of a group of people that our Muslim client picked up. Fortunately, the passengers were still on the scene when the police arrived so they were identified. The driver became dizzy while speaking with the police and was taken to the hospital by ambulance, where he was treated for a head injury.

The **police made no arrests at the scene** so we are helping the victim seek criminal charges and possibly other civil remedies.

Heavy police response to Black man storing legal firearm

A white woman who had previously been hostile to her Muslim neighbor called the police when she saw him storing his legally-owned and registered gun as he arrived home from work. Our client carries a gun for

Hate Crimes, continued on the next page >>

safety due to the nature of his job. He was **stunned when four police cruisers showed up**. Fortunately, the police took no action against him but, for reasons that are not clear, reported the incident to his landlord. The landlord, in turn, demanded a meeting with our client. We are monitoring the situation in case the neighbor's actions have jeopardized our client's tenancy.

Another Muslim woman's car vandalized

A Muslim woman who ran for public office found her car bizarrely vandalized by someone who tore off part of the undercarriage and **stuffed the area with shredded cheese**, presumably to attract rodents to do more damage. Her license plate was also broken. The vandal has not been identified.



Mechanics found shredded cheese inside the undercarriage of a Muslim woman's car.

Islamophobic graffiti left in mosque by electrician

The Imam at an area mosque was shocked to find Islamophobic graffiti in an electrical closet after an electrician finished working there. Although there are **criminal penalties for defacing a house of worship**, the Imam chose instead to speak with the business that had been hired to perform the electrical work. The business owner was appalled and said that the assistant who was probably responsible no longer worked for him. Mosque leadership was satisfied with the outcome.

Bullying

What's wrong with this picture? Bullied autistic youth hauled into court

A terrified 12-year old Muslim boy, who is autistic, found himself in Juvenile Court as the result of a neighbor boy's ugly rumors and too many adults who were willing to believe them. The neighbor boy, who attends a different school, bullied the Muslim youth due to his religion and disability. He also told a classmate at his school, perhaps to get her attention, that the Muslim youth had made sexually explicit remarks about her. The girl, in turn, told her school and her parents, who then notified

the police and the Muslim boy's school. Even though **no one claimed that the Muslim youth had ever contacted the girl**, the girl's parents were advised to apply for a harassment protection order. We were very grateful that the law firm of Sasson, Turnbull, Ryan & Hoose agreed to go to court with the family and were able to get the case dismissed. Afterwards, the girl's family apologized to the Muslim youth and his parents.

Even as international travel has decreased, we continued to file complaints on behalf of Muslim travelers who experienced abuse when leaving or returning to the U.S. All complaints filed in 2020 concerned actions of **U.S. Customs and Border Protection** agents (previously, we had also filed complaints concerning screening practices by the U.S. Transportation Security Administration). We now have a new President and are grateful that the Muslim Ban has been repealed. However, it remains to be seen if the treatment of Muslim travelers will improve, as Customs agents seem to have been given free rein in recent years to indulge their biases.

There are two kinds of complaints that can be filed with the U.S. Department of Homeland Security to address travel abuses: a **Traveler Redress Inquiry Program (TRIP) complaint**, when the traveler may have been confused with someone on the anti-terrorism “watch list,” and a **Civil Rights complaint**, when a traveler has been treated poorly due to religion, race, ethnicity, or other factors. We typically file both types of complaints for our clients. Unfortunately, Homeland Security does not tell the traveler what action, if any, it took after investigating the complaint. Instead, travelers can only wait to see how they are treated the next time they travel overseas.

For clients who appear to be on the government’s secret anti-terrorism watch list – with no information as to why and no way to contest it – we will consider including them in **CAIR National’s lawsuits challenging the watch list**. In 2019, a federal court found the watch list unconstitutional and we intend to obtain similar decisions from other federal courts.

Family of five questioned for hours, cellphones searched

A Muslim couple and their three children, all U.S. citizens, were subjected to extra security checks as they left the U.S. to visit relatives overseas. When they arrived back home, exhausted from their long flight, they were delayed for hours as Customs agents tried (unsuccessfully) to find some dirt on them, a **humiliating experience in full view of other travelers**. Customs agents took their passports, questioned them about who they had visited, a relative’s business, and their charitable donations, and searched their cell phones. When they were finally allowed to leave, a Customs supervisor said he would call them to explain why they had been questioned – a hollow promise, as no one ever followed up.

Muslim man handcuffed, humiliated at the border

In one of the uglier cases we have seen, Customs agents didn’t even pretend there was a security concern when our client returned to the U.S. after a weekend with friends in Canada. Instead, it seems they just needed to humiliate a Muslim man for sport. Customs agents ordered our client from his car, handcuffed him, and took him away as his shocked wife and friends looked on. A supervisor claimed that this was routine when someone’s name or date of birth matched “the list,” yet asked for no further information to confirm our client’s identity. Instead, the supervisor **complimented our client on his car** and smirked that it had been “fun to drive.”

Travel Abuses, continued on the next page >>



<< *Travel Abuses, continued from the previous page*

Islamic studies student repeatedly insulted during six-hour delay

A young man who studies Islam in Medina has been repeatedly targeted by Customs when he returns to the U.S. On one occasion, he was delayed for six hours while Customs agents **questioned him on his decision to study religion**, his religious views and practices, the views of his instructors in Saudi Arabia, his classes, his family members, and his associates. If that wasn't bad enough, the agents also denigrated his decision to study religion and insulted religion in general (apparently being careful not to single out Islam). Another time, as he was preparing to leave Boston, an unidentified agent stopped him, inserted a USB drive into the student's laptop, and downloaded all his files.

After 20 years of delays, Muslim man says enough is enough

We filed a travel complaint on behalf of an older Muslim man with health issues. For the past 20 years, he has been delayed for hours whenever he returns home to the U.S., often forcing him to miss connecting flights. At first, he was questioned about his incarceration for marijuana possession in the 1990s, even though he paid his debt to society and turned his life around. But sometimes, Customs agents didn't even ask any questions, just **forced him to sit and wait for hours**. When he married a Muslim woman who also has travel problems, the delays increased to four or more hours as he was questioned about her family members, none of whom he had ever met. On one especially humiliating occasion, Customs agents came onto his plane when it landed and escorted him off the plane, as other passengers watched.

Groom's phone and laptop seized for a month

A Muslim man and his frightened elderly aunt were questioned for four hours at the airport upon returning to the U.S. after his wedding. Customs agents claimed it was **suspicious to stay overseas for several months to be married** and spend time with his wife and her family. Even though he provided passwords for his electronics, Customs seized his laptop and phone and held them for a month. The client and his aunt decided not to file complaints at this time because they fear retaliation that could hurt his wife's visa application.

Employment Discrimination

The COVID excuse

A Muslim professional was “temporarily laid off” in March, purportedly due to a COVID-related drop in business. Although he was recruited by his company (overwhelmingly white and male) for his area of expertise, he was often **subjected to slurs and poor treatment**. Assignments were also shifted to younger white co-workers. As of the end of 2020, the company claimed it still had no work for someone with his qualifications. We will be filing with the Massachusetts Commission Against Discrimination in early 2021. We are delighted that attorney Rizwan Huda has agreed to co-counsel the case.



University grants religious accommodation to employee

A custodian at a local college called CAIR-MA because he was afraid to wear a kufi at work, given **past harassment and slurs by co-workers**. We contacted college officials on his behalf and the accommodation was promptly granted. Too much time has elapsed to take action over the past acts by co-workers, but the college is now on notice that any further harassment will not be tolerated.

Prisoners' Religious Freedoms

Ramadan Prison Project

We again sent letters to Massachusetts correctional facilities in the weeks leading up to Ramadan, advising them of the expected dates of Ramadan and **their legal obligations**. This year we used different letters for the state prisons, where Muslim chaplains ably advise the Department of Correction on needed accommodations, and county houses of correction, which often lack resources and need more information.

FBI seeks to question mentally ill young man

A Muslim family was contacted by the FBI, which had concerns about their 20-year son's online contacts. The FBI knew that the son **suffers from serious mental illness** yet still wanted to speak with him, even though he had been hospitalized for the past several months. Although we typically advise community members not to engage voluntarily with the FBI, in this case the family decided to hear what the FBI had to say about possible signs of extremist tendencies. We represented our clients at a socially-distanced meeting with FBI agents at an outdoor location. The FBI again asked to meet with the son; we again declined.

Anonymous — and false — accusation leads to hefty FBI file

In 2018, a young Muslim man was startled to learn that the FBI received an anonymous complaint that he was a radical Islamist who was likely to commit a terrorist attack. Based on the language used, he suspected a former **high school classmate and fellow Boy Scout**. He filed a Freedom of Information Act request and 2½ years later, received his heavily redacted FBI file. The initial incident was traumatizing for the young man and his family, but he was even more frightened when he saw the scope of the FBI's investigation. The local police told him that he would now be flagged as a "person of caution" and if he was ever pulled over while driving, officers would probably approach him with their guns drawn. We advised him on how to deal with any future [encounters with the FBI](#).



Police called when Muslim woman prays in parking lot

A Muslim mother drove her 15-year old daughter to the local mall to meet a friend. She stepped outside her car to pray while waiting for the other girl to arrive. When the friend arrived, both girls went inside the mall. A half-hour later, they were shocked and frightened when **two police officers approached them for questioning**. According to the officers, someone called in a report of "suspicious activity" — a Muslim woman praying while another Muslim went into the mall with a backpack. Fortunately, the officers left after the girls explained themselves. But both families were justifiably upset by the incident. We have requested a meeting with the police chief to learn more about what sort of calls require a police response and the department's policies for dealing with youth.

Housing Discrimination

Violation of COVID eviction moratorium

Although we typically do not handle landlord/tenant cases, we agreed to contact a Muslim woman's landlord because of the safety issues involved when he violated the eviction moratorium which was in effect at the time. After the volatile landlord became upset over the smell of food in the shared kitchen, he gave our client a **30-day notice**, a violation of the moratorium. A few days later, still angry, the landlord resorted to an **illegal lockout** by bolting the door, preventing our client from entering until he let her in. Fearing that the landlord could lock her out at any time, the client lived elsewhere even though she had paid rent. We sent a demand letter seeking a refund of her rent, which was refused. The tenant will now file her own Small Claims case.

MCAD rules against Islamophobic tenant

As previously reported, we filed a case at the Massachusetts Commission Against Discrimination in 2019 on behalf of a Muslim family whose Islamophobic neighbor **harassed and threatened them for nearly two years**. He falsely told the police that our clients had poisoned his dog because "Muslims hate dogs" and even took them to court — and lost — based on various bizarre claims. Near the end of 2020, MCAD issued a "probable cause" finding in our clients' favor. We are discussing a possible settlement but if that falls through, the case will continue at MCAD for a hearing on the matter.

Outreach & Education

Due to the pandemic, we were only able to take part in one outreach event, a panel discussion on hate crimes sponsored by the City of Somerville's Human Rights Commission. To ensure that the community understands their rights, we added five new flyers to our "[Massachusetts Muslims, Know Your Rights!](#)" series:

- ❖ [Massachusetts Legal Issues Related to COVID-19](#)
- ❖ [Job Discrimination and Harassment](#)
- ❖ [Rights of Parents](#)
- ❖ [Fair Housing Laws](#)
- ❖ [Discrimination in Public Places](#)



Barbara J. Dougan and Rabbi Eliana Jacobovitz were two panelists at a City of Somerville hate crimes forum.

Acknowledgments

We couldn't do it without you! CAIR-MA is profoundly grateful to the many people and organizations that make it possible for us to serve Massachusetts' Muslim community. **Thank you to:**

Volunteer Attorney



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Jack Flynn



Eiman Khan



Alexander
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Massachusetts Muslims stayed strong in their faith even in a time of social distancing.
Here, worshippers gather for Jumma prayers at Memorial Park in Mansfield.



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- ❖ All content compiled by CAIR-Massachusetts staff
- ❖ The CAIR-Massachusetts team thanks Catherine A. Wheeler (Incantare Effect, LLC) for design & layout of this civil rights report! Her design portfolio is available at: www.incantare-effect.com