



# Protecting Our Community

The Council on American-Islamic Relations - Massachusetts

# 2021

civil rights report

# Protecting Our Community

## 2021 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.

# From Our Executive Director

Allah SWT says in the Holy Qur'an,

**Bismillahir Rahman Nir Rahim**

***“Verily, the steadfast shall have their reward without measure.”***

**Surah Az Zumar, Ayah 19 (39:19)**



This year we saw continued disruption around the world and at home. In the middle of it all, we did our best to remain steadfast and continue to serve the families who depend on us. We strive to be a stabilizing force.

Legal representation and counseling are the cornerstone of what we do. These services meet a vital need for the community. In fact, we reached a bittersweet milestone this year: we received more than **1,000 calls for help** in the six years since CAIR-MA created its Legal Department. It's bittersweet because though we are eager to be a champion for people when they need us, we are driven by the fact that too many people need help to secure the basic human right of freedom of religion.



Our Legal Department, led by attorney Barbara J. Dougan, provides a necessary and unique service in our state. We remain deeply committed to protecting the rights of Muslims to live without fear, to worship without penalty, and to learn without harassment. This is our expertise and we are honored to serve. MashaAllah.

Tahirah Amatul-Wadud, Esq.  
CAIR-MA Executive Director & Chief Legal Officer

# Overview: Serving Massachusetts' Muslims

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

- ❖ Hate crimes and harassment
- ❖ Bullying
- ❖ Education discrimination
- ❖ Employment discrimination
- ❖ FBI and police harassment
- ❖ Housing discrimination
- ❖ Prisoners' religious freedoms
- ❖ Public accommodations
- ❖ Travel abuses



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.

This year we surpassed a milestone: CAIR-MA has now received over 1,000 requests for help since late 2016, when we created our Legal Department. **In 2021, 163 people requested legal advice or representation.** This was the second year in a row that we saw a drop in calls compared to pre-COVID years, when we averaged about 240 calls annually. We saw these trends in 2021:

- ❖ Calls about hate crimes and harassment continue to decrease each year, from 28 in 2017 to nine in 2021;
- ❖ Requests from Muslim prisoners concerning their religious rights more than tripled, due in large part to prison policies that prevented them from paying zakat (making charitable donations – [see page 10 for details](#));
- ❖ Bullying and education discrimination cases jumped back up to pre-pandemic numbers in the fall, when many schools returned to in-person classes;
- ❖ Travel complaints were the lowest ever, no doubt due to COVID-related restrictions on international travel.

# Hate Crimes & Harassment

Most of the harassment cases in 2021 arose in the context of neighborhood or housing issues, no doubt because the pandemic kept people closer to home. There are various legal remedies that can be used in these situations, depending on our client's wishes. They include "cease and desist" letters, which tell the harasser that they are violating the law and need to stop; contacting the police if the harassment rises to the level of a crime; going to court for a harassment prevention order; and filing a housing discrimination case at the Mass. Commission Against Discrimination. Some of the cases below are useful – if unfortunate – examples of just how irrational bigotry can be.

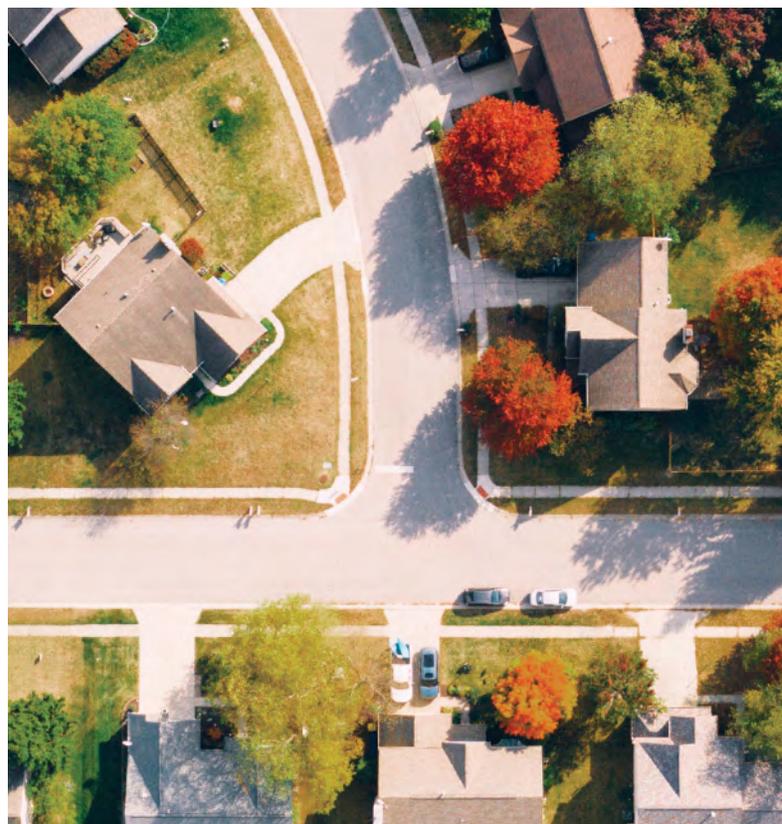
## Islamophobic neighbor loses in court

For years, a Muslim couple has been subjected to hostility by a neighbor at their condominium. The neighbor refused to enter the couple's home for a homeowners' association meeting and **harassed visitors during Ramadan.** He also made unfounded complaints to the police. For example, after the neighbor had work done on his roof, he found leftover nails in his yard. A more rational person would have asked the contractor to clean up, but the neighbor instead accused the Muslim couple of throwing the nails into his yard to hurt his child. In 2021, the neighbor went to court seeking a harassment prevention order based on many of the same complaints that the police have refused to act on, only to lose yet again. (Note the similarities to the [housing case described on page 10.](#))

## Yet another Islamophobic neighbor makes bizarre claims

A Muslim family at a different condominium moved out in response to chronic and unfounded noise complaints by the next-door neighbor, even when the family was out of town. Rather than selling the unit, they rented to another Muslim family. The neighbor then filed a noise complaint with the homeowners' association, putting the owner at risk for penalties and attorney's fees. We obtained a copy of a police report, which we shared with the condominium's attorney, in which the neighbor summoned the police in the middle of the night, insisting that the **Muslim family had hacked into her electrical appliances** in order to harass her – because "people like them" know how to do such things.

*Hate Crimes & Harassment, continued on the next page >>*



## Book attacking Islam left at Muslim family's home

Anonymous harassment can be just as frightening as some of the incidents previously described. Those who are targeted are forced to wonder who in their community is responsible for hateful acts, and what else the perpetrator may do. We advised a Muslim family after someone left a copy of a self-proclaimed **Islamophobe's book at their home, with slurs** written on the cover. The family presumes that this is the same person who periodically leaves racist or antisemitic flyers around their town. Fortunately, the local police have been responsive to all such incidents.

## Educating the public

CAIR-MA Legal Director Barbara J. Dougan was one of the speakers at a **program on hate crimes** organized by the Diversity Council at the state Dept. of Revenue for its employees. She described the kinds of cases that we typically see in Massachusetts – low-level assaults against women and children, vandalism, and threats – as well as the ways in which we can show support for those who are targeted.



# Bullying & Education Discrimination

## Muslim students assaulted

As many schools returned to in-person learning this fall, we saw a spike in calls about bullying by both students and instructors, including:

- ❖ An egregious bullying case where a **disabled Muslim teenager was punched,** causing her to fall down the stairs at her suburban high school. We felt that disability-related laws would afford her the greatest protection and arranged for the family to speak with lawyers who specialize in that area of law.
- ❖ A Muslim college student was **shoved twice by an instructor** who was often hostile toward her. The instructor acknowledged the physical contact but claimed he had only “tapped” her. The school placed the instructor on paid leave while investigating the student’s complaints, but decided there was no discrimination involved.

*Bullying & Education Discrimination, continued on the next page >>*

## Muslim instructor faces harsh overreaction by students

A Muslim instructor found herself on the defensive after asking grad students to redo an assignment. The disgruntled students were allowed to **bypass the usual complaint procedure** and meet with school officials without first contacting the instructor. For their part, school officials seemed to assume the students' complaints were valid, even without reviewing the classroom video. (Classes were being held remotely, so every class was taped.) If they had watched it, they would have seen that the instructor was reasonable and respectful. Remarkably, one student even claimed to feel "unsafe" as a result of the instructor's feedback. Unfortunately, this was not a unique event as there is a growing body of research on **student harassment of female instructors, especially women of color.**

## Prayer space at high school

We advised a Muslim student who contacted us about the lack of prayer space at his high school. It appeared to us that the school allocates the space available for student activities on an equal basis. However, we noticed a related issue: students did not feel comfortable **asking for time to pray.** We suggested ways to approach school officials about the need to reassure Muslim students.

# Employment Discrimination

## The COVID excuse

We filed an employment discrimination case at the Mass. Commission Against Discrimination on behalf of a Muslim professional who was "temporarily laid off" in March 2020, purportedly due to a COVID-related drop in business. Our client was insulted and excluded from assignments during his employment, so apparently the company thought COVID would provide an excuse to finally **get rid of its only Muslim employee.** Despite stringing him along with assurances that he would be called back, the company eventually told him they had no work for him. As a final insult, it appears that the company destroyed his personal belongings, even after promising to return them to our client. (Attorney Rizwan Huda co-counseled the case through 2021; Shaun Khan is now serving as co-counsel.)

## Religious exemptions to Governor's vaccine mandate

We provided information to Muslim employees who work for the state on the rapidly-evolving legal landscape following Gov. Baker's August 2021 vaccine mandate. We prepared a **summary of recent court decisions** in response to challenges by various unions and others. In the fall of 2021, regardless of whether the cases were heard in state or federal court, all challengers were denied preliminary injunctions, which would have put on hold the vaccine requirements while the cases are being litigated. This information allowed our clients to make informed decisions about their jobs.

*Employment Discrimination, continued on the next page >>*

## Religious accommodation reinstated by employer

The restaurant and food service industry has been especially hard hit by the drop in business due to COVID. A long-time restaurant employee was relieved to be called back to work after over a year of unemployment. Previously he had been granted a religious accommodation – when an employer grants an exception to the workplace rules that usually apply – that allowed him to

**avoid contact with alcohol.** But his employer told him that when he returned to work, the accommodation would no longer be allowed. At first the employee reluctantly agreed, but then decided he would rather lose his job than violate his religious beliefs. Fortunately, we were able to resolve the situation by contacting his employer, who agreed to maintain the accommodation.

## FBI & Police Harassment

### The right not to speak with the FBI

Most of the people who contacted us in 2021 about FBI visits didn't appear to be targets of any criminal investigation, but were instead seen as possible sources of information about others. Here are a few of those cases:

- ❖ FBI agents came to the home of a Muslim couple, claiming to be worried about their “security” and hinting that there was some sort of threat to them from foreign sources. But it became clear that the FBI was actually interested in a member of a WhatsApp group the couple belonged to. The agents planned to return to **download information from the couple's phones.** We advised our clients that while the FBI had the right to ask them for information, our clients had the right to decline the FBI's request – especially when they would be handing over all the personal information on their phones. The couple chose not to volunteer any further information.
- ❖ A Muslim scholar, who specializes in the politics of a particular region overseas, was contacted by FBI agents as part of what the agents **claimed was merely “outreach”** to certain communities in his area. The FBI had first contacted his university, apparently hoping that school officials would pressure him into speaking with the FBI. Fortunately, the university refused to get involved. We contacted the FBI on our client's behalf and explained that he chose not to speak with them.
- ❖ Members of his mosque urged a Muslim man to call CAIR-MA when the FBI wanted to speak with him about an **online group that agents were monitoring.** Our client had voluntarily spoken with the FBI a few years ago about people he had known overseas, although he could offer very little information at the time. At this point, our client's only concern was providing for his family; he wanted no involvement in any FBI matters. We advised the FBI that our client declined to speak with them.

*FBI & Police Harassment, continued on the next page >>*

## Police insult Muslim family during medical emergency, file neglect complaint when family pushes back

Who among us hasn't gone to bed after a long, busy day, leaving household chores for the morning? When a Muslim couple with three young children did just that, it led to an ugly encounter with the police and an accusation of child neglect. The wife called 911 during the night because her husband was having a medical emergency. After the husband was taken away by ambulance, two police officers looked through the house, waking and frightening the family's young children in the process. One officer **berated the wife, as her distraught children clung to her, about dirty dishes** left in the sink from the night before. He also threatened to report the family to the Dept. of Children and Families (DCF).

The officer returned a few days later and asked to come into our clients' home to "look around." The father declined (as was his right), given how the officers' conduct had upset his family. The officer angrily left and followed through on his threat to **report the family to DCF.** It appears that he may have included demonstrably false statements in his report to make the family look worse. Fortunately, DCF found the complaint to be "unsupported" but only after making the required calls to the children's teachers, caregivers, doctors, and relatives.

The family tried to file their own complaint with the police, but were met with resistance and rudeness. So CAIR-MA filed a **formal complaint** on their behalf. In addition to flagging the officer's inappropriate behavior, we also described how every police department employee with whom our clients had contact failed to follow the department's own complaint policy. To do more than just criticize, we offered examples of other Massachusetts police departments with user-friendly webpages and complaint procedures that encourage dialog between the police and the public. We await the police chief's decision on our complaint.



## Update: Productive meeting with police chief after Muslim girls questioned at mall

As described in our 2020 report, a Muslim mother drove her 15-year old daughter to the local mall to meet a friend. The mother stepped outside her car to pray while waiting for the other girl to arrive. When someone reported this to the police as "suspicious activity," two officers approached the shocked girls in the mall to question them. We **set up a meeting with the police chief** to discuss the incident. The chief, who had previously arranged for departmental training on Islam, took the parents' concerns seriously and seemed willing to change existing policies about when parents are notified of police interactions with their minor children.

# Housing Discrimination

## Muslim family successfully settles case against harasser

As previously reported, in 2019 we filed a case at the Mass. Commission Against Discrimination (MCAD) against a man whose campaign of religiously-based harassment drove a Muslim family from their apartment in the same building where their harasser lived. He reported our clients to the police, falsely accusing them of poisoning his dog (claiming “Muslims hate dogs”), and even took them to court – and lost – based on accusations that showed his **irrational degree of animosity**. For example, he claimed that the Muslim family was somehow monitoring his

movements inside his apartment and that they wanted his large dog to bite their young children.

In 2020, MCAD issued a “probable cause” finding in our clients’ favor, which led to a settlement in 2021. In addition to paying the family for their moving expenses and emotional distress, the former neighbor also **agreed to watch a documentary on Islam** and then report on five things he had learned from the film. Our hope is that a little education may prevent future Islamophobic behavior.

# Prisoners' Religious Freedoms

## Tentative victory: Muslim prisoners allowed to pay zakat

One of the five pillars of Islam is mandatory charity to those in need, called *zakat*. The Massachusetts Dept. of Correction (DOC) allows prisoners to use their own money to send gift items to others, but they cannot send money. Unfortunately, this policy **prevents Muslim prisoners from paying zakat**, in violation of well-settled federal law. We were contacted by several Muslim prisoners who had filed all the necessary grievances that are required before a prisoner can go to court. Following up on their diligent efforts, CAIR-MA asked prison officials to change the policy to avoid litigation. We have not yet seen the final policy, but the DOC agreed to allow prisoners to send money to charities, although certain restrictions will apply.

*Prisoners' Religious Freedoms, continued on the next page >>*



## Researching issues that affect Muslim prisoners

We provide Muslim prisoners with information needed to effectively advocate for themselves. For example, prisoners who convert to Islam often wish to change their names, but CAIR-MA doesn't have the capacity to handle those cases. So we researched the requirements for **name changes** in Massachusetts and the problems prisoners may encounter if they change their names, to help them make informed choices. Our goal is to create a do-it-yourself name change kit. We also get complaints that prison guards **lose or destroy religious materials**. Unfortunately, we discovered that the Mass. Tort Claims Act does not allow a prisoner to sue correctional officers for lost belongings. Instead, a prisoner is limited to using the prison's grievance process to see if the property can be found and returned, an unlikely prospect.

## Ramadan Prison Project

As we now do every year, we sent letters to Massachusetts' state prisons (run by the Dept. of Correction) and county houses of correction (run by local sheriffs), advising them of the expected dates of Ramadan and their legal obligations. Fortunately for Muslim prisoners within the state prison system, the DOC has **Muslim chaplains** on staff. We salute them for their dedication year-round, but especially for ensuring that Muslim prisoners are able to observe Ramadan.

## Mail issues for Muslim prisoners

We recognize that the state's prisons have legitimate security needs regarding mail. However, those needs cannot be used as an excuse to violate attorney-client privilege or to target prisoners based on their religion. That's why we submitted testimony to the Dept. of Correction opposing two proposed rules for prison mail.

- ❖ Based on the fear that lawyers are somehow embedding drugs in sheets of paper (although no such cases have been reported), the DOC wanted to **copy confidential legal mail**, shred the originals, and then give prisoners a copy of letters and other documents from their attorneys. Obviously, this would almost guarantee a violation of attorney-client privilege in the process. The DOC did not follow through with this proposal, which probably could not survive a legal challenge.
- ❖ The DOC also proposed a **special monitoring program** for certain prisoners where, without the prisoner's knowledge, all mail would be read and information about the sender would be tracked. We opposed this proposal because of the DOC's history of targeting Muslims as perceived security threats. The proposal took effect but monitoring must be based on specific information that a prisoner's mail contains information which jeopardizes institutional security.

## Muslim woman berated, refused service by Post Office clerk

A Muslim woman who wears a *niqab* (a cloth veil that covers the lower half of her face) was shocked and publicly humiliated when a female Post Office clerk **angrily refused to wait on her.** Our client assumed the clerk wanted to confirm her identity so she offered to show her face and driver's license, but the clerk still refused, shouting at her to go to the back of the line and wait for a different clerk. When the police and Post Office officials arrived on the scene, the clerk ranted and swore about "these people" and said she couldn't be forced to wait on "someone like that." We filed a notice of claim with the U.S. Postal Service, a requirement before certain claims can be included in a lawsuit against a federal employee.

## That tired old ploy: adding bacon to a Muslim's food

After initially refusing to wait on a Muslim woman and her children, employees at a fast food restaurant added bacon to a 7-year-old's fish sandwich. And not just the two half-strips that can be ordered as an add-on, but **three or four full strips of bacon.** The family didn't realize what had happened until they had left the restaurant and the child started to eat his food. Adding insult to injury, employees charged them for the bacon – although that means we have a receipt to back up their claim. We will be filing a discrimination claim against the restaurant, asking for compensation and employee training.



Strips of bacon added to a Muslim child's fish sandwich

## Muslim customer ignored at store

When a Muslim professional went to a high-end Boston store to return a shirt he'd bought online, the store manager told him to stand aside so she could **wait on the white woman in line behind him.** The manager continued to ignore our client after finishing the white woman's sale. Eventually, an embarrassed and apologetic second employee handled the transaction. We sent a demand letter seeking very reasonable compensation and training for employees. Such an incident may seem like a small thing, but it's still wrong and it's still illegal – which is why CAIR-MA is willing to pursue the matter.

# Travel Abuses

We have followed with interest the calls for travel restrictions against those who took part in the January 6, 2021, insurrection at the U.S. Capitol, as well as travelers who defy facemask mandates or otherwise disrupt domestic flights. Muslim travelers have faced intense scrutiny and mistreatment for decades for nothing more than their religion or country of origin. We can only hope these conversations lead to evidenced-based policies about who enjoys the right to travel freely. In the meantime, we will continue to file travel abuse complaints for our clients.

## Human rights journalist endures years of abuses by federal agencies

We filed a Travel Redress Inquiry Program (TRIP) complaint with the U.S. Dept. of Homeland Security on behalf of a Muslim journalist. Even though he has been a U.S. citizen for 25 years, he faces lengthy interrogations when traveling both within the U.S. and internationally. Sometimes he is searched two or three times before boarding a flight. When returning to the U.S., **his electronics have been seized and held for years at a time.** Each time, our client politely answers the same questions he

has been asked for years. Sometimes he is even questioned about his U.S. college education nearly 40 years ago. But, as he wrote in his complaint, **“It is never enough. I am interrogated, searched, delayed and humiliated whenever I travel.”** Homeland Security tells us that it investigated his complaint but, pursuant to their usual policy, cannot say what, if any, action was taken. We will need to see how our client is treated the next time he travels.

## How to Support Us

### Show Your Support

- ❖ Sign up for our mailing list: [www.cairma.org](http://www.cairma.org)
- ❖ Follow us on Facebook: [www.facebook.com/CAIRmassachusetts](http://www.facebook.com/CAIRmassachusetts)
- ❖ Follow us on Instagram: [www.instagram.com/CAIRmass](http://www.instagram.com/CAIRmass)
- ❖ Follow us on Twitter: [www.twitter.com/CAIRmass](http://www.twitter.com/CAIRmass)

### Give Your Time

- ❖ Volunteer your talents: [www.cairma.org/employment](http://www.cairma.org/employment)
- ❖ Intern with CAIR-MA: e-mail us at [info@ma.cair.com](mailto:info@ma.cair.com)

### Financial Contributions

**Make a general donation** to support our legal and advocacy work at [www.cairma.org/donate](http://www.cairma.org/donate)

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**The Rahman Family Internship Fund**, created by the Rahman family from the Greater Boston area, to provide funding for our summer interns

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## Volunteer Attorney



Omar H. Kazmi, Esq.

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