

Standing Up For Our Rights Preserving Our Freedom



CAIR
CALIFORNIA

The Status of Muslim Civil Rights
in Northern California 2013



CAIR-SFBA and CAIR-Sacramento Valley are offices of the California chapter of the Council on American-Islamic Relations (CAIR-CA), a non-profit grassroots organization dedicated to presenting an Islamic perspective on issues of importance to the American public. CAIR is the largest American Muslim civil rights and advocacy organization in the United States, serving the interests of more than seven million American Muslims with over 20 offices nationwide and in Canada.

OUR VISION: To be a leading advocate for social justice and mutual understanding.

OUR MISSION: To enhance a general understanding of Islam, encourage dialogue, protect civil liberties, empower American Muslims and build coalitions that promote justice and mutual understanding.

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Executive Summary

The data for this report was collected and compiled by the Northern California offices of the Council on American-Islamic Relations (“CAIR”), CAIR San Francisco Bay Area (“CAIR-SFBA”) and CAIR Sacramento (“CAIR-SV”) respectively, in 2012.

In the year 2012, CAIR’s Northern California offices received a total of 445 complaints from members of the American Muslim community. CAIR-SFBA, located in Santa Clara received 333 complaints. CAIR’s Sacramento Valley office, located in Sacramento received 112 complaints. Of these complaints, 71 complaints fell outside the parameters of this report, as they were not concerned with civil rights, including 21 requests for referrals to attorneys in matters unrelated to civil rights. Accordingly, 374 complaints are analyzed in this report.

Northern California Muslims reported incidents in which they were scrutinized by federal law enforcement agencies and local police. They also contacted CAIR because of reported discrimination in the workplace, including harassment from co-workers and managers, denials of religious accommodation requests, and retaliation after complaining about harassment or requesting religious accommodation. Local Muslims also reported intensive searches and delay while traveling and delays when they applied for visas for overseas family members. Moreover, as a result of CAIR’s newly launched “Muslim Youth at School” Project, parents contacted CAIR-CA after their children faced bullying from peers or insensitive treatment from teachers. The reported incidents took place in various locations, including airports, the workplace, schools and private businesses.

Complaints of employment discrimination made up the largest number of complaints in Northern California, numbering 73 or 17% of complaints. The next most frequent type of complaint involved law enforcement interactions, including instances of community members approached for voluntary questioning by FBI or JTTF, as well as community members who contacted CAIR because they were concerned about the possibility of law enforcement surveillance. These complaints number 58 or 13% of the total complaints received. The remainder of the calls received involved complaints about travel, family disputes, school bullying and accommodation issues, higher education issues, criminal defense issues, issues in places of public accommodation, prison, and housing/land use issues.

Complaints received in 2012 show a sharp increase from the prior year, during which CAIR-SFBA documented 283 complaints and CAIR-SV documented approximately 50. These increases could be attributable to an increase in CAIR California staff capacity, additional outreach efforts, increased Islamophobia,¹ or other factors. CAIR’s Northern California offices remain vigilant in observing data trends that may indicate an increase in hostilities directed towards the American Muslim community.

¹ “Islamophobia is close-minded prejudice against or hatred of Islam and Muslims.” *Same Hate, New Target: Islamophobia and Its Impact in the United States January 2009-December 2010*. University of California, Berkeley’s Center for Race and Gender and the Council on American-Islamic Relations (CAIR) (2010) 11.



Definitions & Categorizations

This section gives a brief overview of the issues explored in the larger case categories to which the data in this report are applied. It also seeks to explain the legal terms and terms adopted by civil rights groups in combating the major civil rights issues which the American Muslim community most frequently encounters.

A. Hate Crime

A hate crime is a criminal offense committed against a person, property, or society that is motivated, in whole or in part, by the offender's bias against the victim's disability, gender, nationality, race or ethnicity, religion, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics.²

Hate crimes can take many forms and have included such acts as: vandalizing a mosque or place of worship, an office of a religious organization, or person's property; desecrating a religious symbol or property with the intent to terrorize; acts of violence or threats of violence against a person due to his or her perceived race, ethnicity, religion or any other protected characteristic.

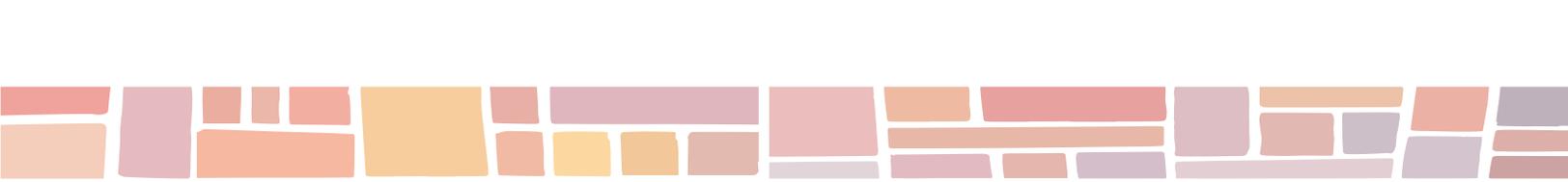
When members of the Muslim community report hate crimes, CAIR documents the facts, connects the victims with law enforcement and takes additional steps to raise awareness about safety and civil rights in the community. Occasionally, CAIR receives complaints about members of other communities who experience violence or targeting because they are perceived to be Muslim. CAIR views these unfortunate situations as an opportunity for community solidarity and for forging alliances against hatred.³

B. Hate Incident

A hate incident is an action that is motivated by bias but that does not rise to the level of a crime. A common example of a hate incident is the distribution of flyers with a racist or otherwise hateful message. Another example commonly cited is of a woman wearing the hijab who is subject to slurs and insults on the streets. Although in many instances, the First Amendment protects the elements of hate speech involved in these incidents, CAIR helps shed light on how easy and common it is to openly express hateful messages about Islam and Muslims by documenting

² California Penal Code § 422.55

³ CAIR-SV offered public support when a Sikh man was attacked outside of a Gurdwara. See The Hindu, "Elderly Sikh man assaulted outside US Gurdwara, one arrested," May 8, 2013. CAIR-SFBA offered a reward, along with two other organizations, when a San Jose Hindu man was the victim of a hate crime. See India Currents, "The Color of Justice," Anita Felicelli, July 9, 2012.



them. Documenting these incidents further illuminates the vitriol with which members of the Muslim community must contend from the general public.

C. Employment Discrimination

Title VII of the Civil Rights Act of 1964 and the California Fair Employment and Housing Act prohibit discrimination by an employer against employees on the basis of religion, race, sex, or national origin, and also provides employees with reasonable religious accommodations at the workplace.⁴ Employees who have faced discrimination have faced such issues as hostility toward their religious beliefs, race, or national origin from co-workers or managers; retaliation after complaining about discrimination; and wrongful termination.

1. Religious Accommodation: An employer must accommodate an employee's religious beliefs and practices, unless the accommodation would create an undue hardship for the employer or the union. For example, an employer must accommodate a worker who wishes to take a short break to pray during the day or to leave the job site to attend the obligatory Friday prayer in congregation at a mosque. The employee may be asked to make up this time, for instance, by working extra time at the end of the day.

2. Hostile Environment: Hostile work environment is either speech or conduct that is severe or pervasive enough to create a hostile or abusive work environment. Such harassment is based on race, religion, sex, national origin, age, disability, veteran status, or in some jurisdictions, sexual orientation, political affiliation, citizenship status, marital status, or personal appearance. An employer must ensure that its employees are not subjected to anti-religious insults, harassment or any unwelcome and excessive proselytizing.

3. Retaliation: Sometimes, when an employee has complained about discrimination, he or she will face retaliatory action from his or her employer. This retaliation can take the form of, among other things, cutting the employee's hours, a reduction in pay, a demotion, or termination.

4. Wrongful Termination: An employer may not terminate an employee on account of that employee's race, national origin, religion, gender or age. Likewise, if an employer retaliates against an employee who has complained of discrimination by firing the complaining employee, this violates the law and the employee has the right to sue.

⁴ Title VII of the Civil Rights Act of 1964, 42 USC § 2000e-2(a) (1) & (2); Cf. CAL. GOV. CODE § 12940

D. FBI Visits and Interactions with Law Enforcement

1. Voluntary Questioning: CAIR offices across the country receive many complaints from community members who have been approached by federal law enforcement for voluntary questioning. These interactions most often consist of law enforcement agents from the Federal Bureau of Investigation (“FBI”), Joint Terrorism Task Force (“JTTF”), or another agency visiting the community member at their home or office to ask broad-based questions. These interactions almost never result in criminal charges, indicating the extent to which American Muslims are subjected to law enforcement scrutiny without reasonable suspicion of terrorist or even criminal activity. CAIR attorneys provide community members in this situation with legal representation, advice and information.

2. Law Enforcement Concerns: CAIR offices also receive complaints from community members who have never been approached for voluntary questioning but who fear that they are being followed or targeted. CAIR documents these cases to better understand the subjective effect broad based law enforcement investigations and profiling have on community members.

3. Police Misconduct and Suspicious Activity Reporting: When community members accuse law enforcement agents of excessive force,⁵ insensitive treatment or other violations of department policies, this is categorized as a complaint about police misconduct. These complaints can arise during a traffic stop or after a report of suspicious activity. Community members who have been the subjects of suspicious activity reporting have on some occasions been subjected to additional law enforcement scrutiny.

E. Prison

CAIR often receives complaints from Muslim inmates in prison about religious accommodation and about mistreatment from prison personnel.

1. Religious Accommodation: The Religious Land Use and Institutionalized Persons Act of 2000 (“RLUIPA”) provides that the government may not impose a substantial burden on the religious practice of an inmate unless it demonstrates that the burden is:

- a. in furtherance of a compelling governmental interest; and
- b. is the most narrowly tailored means of achieving that interest.⁶



CAIR-SFBA Executive Director, Zahra Billoo, gives a ‘Know Your Rights’ presentation to Muslim students at San Francisco State University

⁵ 42 U.S.C. § 1983

⁶ Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA), 42 U.S.C. §§ 2000cc, et seq.

California law and the official policies of California Department of Corrections and Rehabilitation also allow inmates access to meals that comply with religious dietary restriction, religious garb and religious articles.

2. Guard Misconduct: Occasionally, CAIR also receives complaints about behavior by prison guards and personnel which violates correctional policy and the civil rights of inmates. Complaints from inmates about this misconduct are categorized this way.

F. School Bullying and Accommodation

CAIR's Northern California offices also receive complaints from Muslim youth who experience difficulties at school. These complaints are categorized under school bullying and accommodation.



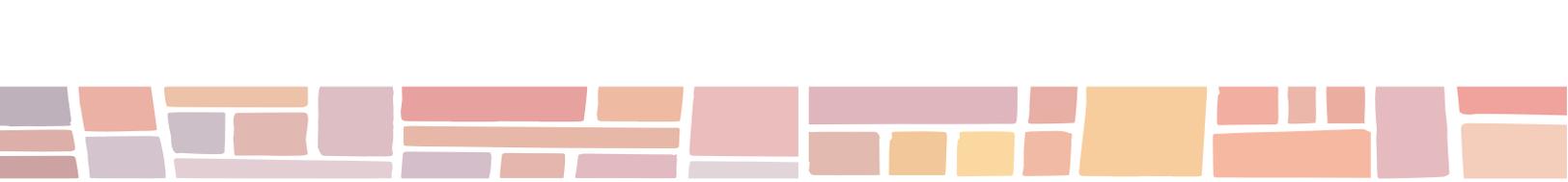
Northern California Civil Rights Coordinator, Rachel Roberts, speaks to a group of young Muslims after a youth listening session at the Muslim Community Association in Santa Clara

1. Bullying: California law defines bullying as “any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a pupil or group of pupils.... directed toward one or more pupils that has or can be reasonably predicted to have the effect of:

- a. Placing a reasonable pupil or pupils in fear of harm to that pupil's or those pupils' person or property.
- b. Causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health.
- c. Causing a reasonable pupil to experience substantial interference with his or her academic performance.
- d. Causing a reasonable pupil to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by a school.”⁷

When Muslim youth report instances of teasing at school, ostracization from peers, pulling of hijabs, and physical violence from peers, their complaints are categorized this way.

⁷ California Education Code § 48900(r)(1)(A-D)



2. Teacher Harassment: CAIR has also received several complaints about students who have been harassed, made fun of, or otherwise treated differently in the classroom because of an action taken by a teacher. This category also encompasses instances of Islamophobic statements in the classroom and other issues which present a hostile learning environment for youth on account of being Muslim.

3. Accommodation: Schools are required to respect the religious practices of students. This includes: allowing students to take excused time to observe a religious holiday, allowing students to participate in alternative activities if a school requirement, such as PE, would cause them to violate a sincerely held religious belief, and allowing students to take breaks for prayers. This category includes those cases in which CAIR needs to intervene for or advise a student seeking religious accommodation at school.

G. Travel

Members of the community contact CAIR on a regular basis to file complaints about the treatment they receive at the airport, both when they travel domestically and internationally. Cases involving excessive delays at the border, questioning about protected First Amendment activities, regular selection for secondary screening, and mistreatment from Transportation Security Administration or airline personnel are categorized here.

H. Public Accommodation

According to the UNRUH Civil Rights Act, all residents of the state of California are entitled to equal access to places of public accommodation, including restaurants, clubs, retail shops, and other businesses.⁸ This category includes those cases involving members of the Muslim community who are denied access to places of public accommodation.

I. Islamophobic Media

Occasionally, CAIR receives complaints from members of the community who have viewed or read content in the media which they deemed to be offensive to Islam or Muslims. In most instances, the First Amendment protects the offensive speech and CAIR will take action limited to enhancing the understanding of Islam or raising awareness about Islamophobia. However, CAIR documents these incidents as they can be instructive in understanding community attitudes and reactions to portrayals of Islam and Muslims.

⁸ Unruh Civil Rights Act, CAL. CIV. CODE § 51, et seq.

2012 Civil Rights Findings

In the year 2012, CAIR's Northern California offices received a total of 445 complaints⁹ from members of the community. The San Francisco Bay Area office serves the nine Bay Area counties, Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma while the Sacramento Valley office serves the remainder of Northern California from Fresno to the Oregon border. CAIR's San Francisco Bay Area office, located in Santa Clara received 333 complaints. CAIR's Sacramento Valley office, located in Sacramento received 112 complaints. Of the complaints received, 374 complaints involve issues related to CAIR's mission. A total of 71 complaints are documented for non-civil rights related matters or for attorney referrals not within CAIR's scope. The analyzed complaints, when taken together, present the primary issues for which members of the Muslim community sought services from CAIR offices in Northern California.

Type of Civil Rights Complaint

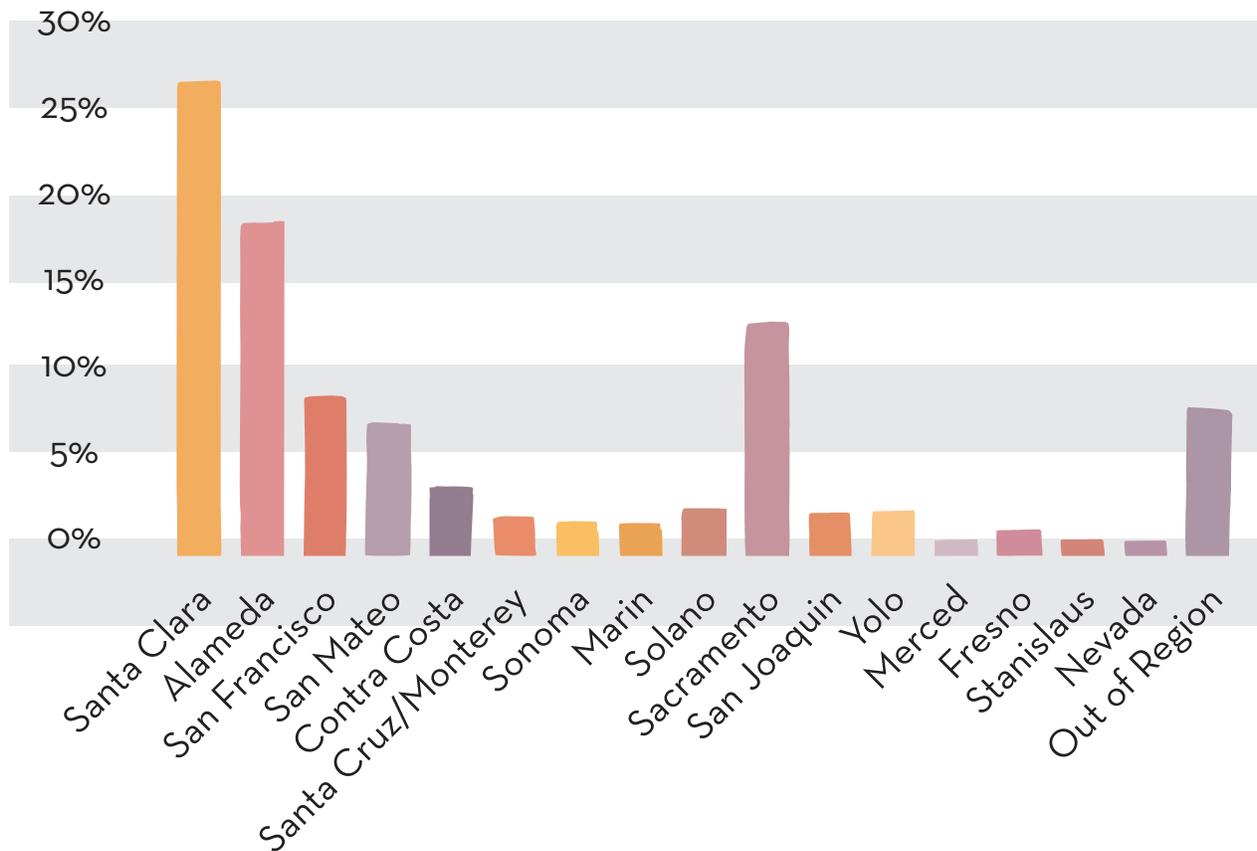
Categories of Complaints

Case Category	Number	Percentage
Criminal Defense	14	3%
Employment	73	17%
Family Issue/Domestic Violence/Custody	19	4%
FBI and Law Enforcement	58	13%
Hate Crime/Incident/Vandalism	17	5%
Hate Mail/E-mail/Fax	57	12%
Higher Education Issue	6	1%
Immigration/Naturalization/Visa Inquiry	46	10%
Islamophobic Media	2	0%
Landlord/Tenant/Land Use	15	3%
Other	39	9%
Prison	12	3%
Public Accommodations	15	3%
Out of Scope Referrals	21	5%
School Bullying/Accommodation	22	5%
Travel	16	4%
Total	445	100%

⁹ The 2011 report was created only for the San Francisco Bay Area office.

Data Analyzed By Geographic Area

The majority of complainants came to CAIR from Santa Clara, Alameda and Sacramento counties, the areas closest to CAIR's Northern California office locations. Complainants from other areas of California also contacted CAIR offices for services, however, indicating that CAIR's reputation for providing services to Muslims facing discrimination is known widely throughout the California Muslim community.



Findings by Issue Area

Employment

The largest number of complaints--73--received by CAIR's Northern California offices dealt with problems in the workplace. A plurality of complainants alleged facts that would amount to a hostile work environment, usually from co-worker harassment about terrorism, politics, or religion. A large number of complainants also alleged that they were retaliated against through negative job actions (such as a reduction in hours or pay) or through wrongful termination after complaining to supervisors about discrimination. Several complainants alleged that they experienced hiring discrimination or a refusal to accommodate their hijab or religiously mandated beard. The remainder of the complaints in this category came from individuals who expressed a belief that they had been discriminated against but who were unable to allege discriminatory facts. This category also includes those who alleged a violation of employment law not related to discrimination, such as worker's compensation issues or wage and hour disputes.



Employment

Subcategory	Number	Percentage
Hostile Work Environment	21	29%
Retaliation/Wrongful Termination	24	33%
Hijab Issue	4	5%
Beard Issue	12	16%
Hiring	5	7%
Employment-Other	7	10%
Total	73	100%

FBI and Law Enforcement

In 2012, CAIR's Northern California offices received 58 complaints from community members involving concerns about law enforcement, comprising roughly 13% of all complaints documented. These complaints include:

- Individuals approached by FBI for voluntary questioning
- Individuals who express concern about surveillance or targeting
- Individuals who claim police misconduct due to profiling or a report of suspicious activity

As these numbers indicate, CAIR frequently receives complaints from American Muslims who have been approached for a voluntary interview related to counterterrorism. Because these interviews are undertaken liberally, sometimes with no indication of wrongdoing according to the interviewing agents themselves, very few of these complainants face criminal charges after being approached. However, many complainants have reported increased searches while traveling and other similar hardships, such as immigration delays for them or for their family members. In the same vein, members of the community contact CAIR because they fear law enforcement targeting and want a better understanding of the warning signs. On rarer occasion, CAIR receives complaints from members of the community who allege misconduct about a local law enforcement interaction.



FBI and Law Enforcement

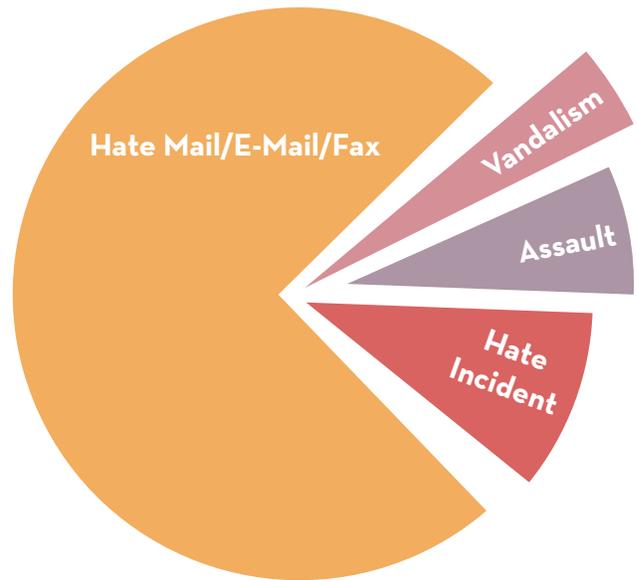
Subcategory	Number	Percentage
FBI Voluntary Questioning	34	58.6%
Law Enforcement Concerns	19	32.8%
Police Misconduct	5	8.6%
Total	58	100%

Hate Crime/Hate Incidents/Vandalism

CAIR's Northern California offices received 21 reports of hate assaults, incidents and vandalism. Muslim men and Muslim women were the victims of alleged hate crimes. Many of the hate incidents, 7 of the total number reported, involved women who wear the hijab. The reports of hate vandalism consisted of either hateful graffiti or property destruction. Hate incidents consist of person-to-person encounters in which bias against Islam or Muslims is invoked, but which does not rise to the level of a crime. CAIR also documented 53 cases of hate mail sent to a Muslim institution or individual. Finally, CAIR documented two reports from members of the community about Islamophobic media content, such as advertisements, internet videos or television programs, which disparage Islam or the American Muslim community and which the complainant found to be offensive.



CAIR-SV Chapter Coordinator, Mohamed Ali, addresses community members and media at a press conference after the sentencing of a man who vandalized the Madera Islamic Center

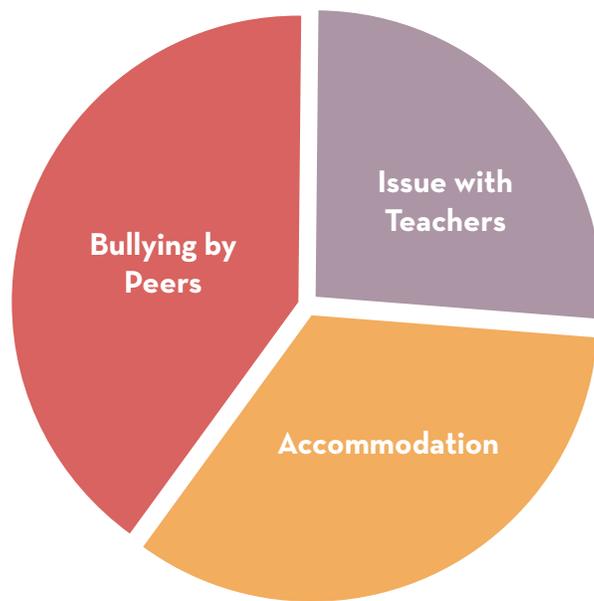


Hate Crime/Hate Incidents/Vandalism

Subcategory	Number	Percentage
Assault	6	8%
Hate Incident	8	11%
Hate Mail/E-Mail/Fax	57	77%
Vandalism	3	4%
Total	74	100%

School Bullying/Accommodation

In 2012, CAIR's California offices launched a large scale project to assess the needs of Muslim youth in the school environment. In Northern California, we received 22 complaints from Muslim families and from youth themselves regarding issues that arise in the course of youth pursuing their primary and secondary education. This category encompasses student issues that arise with a teacher, such as a teacher making fun of a child's name or making an Islamophobic remark in class. It also encompasses issues of Muslim students who are bullied by their peers. Finally, issues students face in asking for religious accommodation at school were included here, such as taking the day off for the Eid holiday or asking to be excused from school activities which might conflict with a student's religious beliefs.



School Bullying/Accommodation

Subcategory	Number	Percentage
Issue with Teacher	6	27%
Accommodation	7	32%
Bullying by Peers	9	41%
Total	22	100%

Projects and Cases

Anti-Muslim Activists Place Hateful Bus Ads in San Francisco

In August of 2012, CAIR-SFBA learned that Pamela Geller, deemed an anti-Muslim extremist by the Southern Poverty Law Center, planned to place advertisements on San Francisco's municipal transit buses. The ads intended to insult and distort Islam and cast all American Muslims in a suspicious light.

City officials were compelled to place these offensive advertisements after a federal court decision in New York which determined that Geller has the right, under the First Amendment, to publicize her views even if they are demeaning to community members of a certain race, ethnicity or religion. Geller and her group, which calls itself the American Freedom Defense Initiative, went on to place their advertisements on buses in Washington, D.C. and Chicago. When the Supreme Court ruled in 2010 in *Snyder v. Phelps* that a fanatical Christian group had the right to picket the funerals of fallen American soldiers, it became highly unlikely that any case which attempted to suppress speech, even racist speech, would succeed.



Northern California Civil Rights Coordinator, Rachel Roberts, speaks at a rally against the National Defense Authorization Act of 2012 in San Francisco

Despite this, CAIR-SFBA, along with its partners from the Asian Law Caucus, Jewish Voice for Peace, American Muslims for Palestine and others, wrote to city officials in San Francisco calling on the city implement its policy of issuing disclaimers on all bus advertisements. We further insisted that city officials

roundly condemn the advertisements and devote the proceeds from the advertisements to a community forum and an impact study, which would give community members the opportunity to articulate the effects of Islamophobia on their lives. 75 organizations and 35 community leaders signed on to the letter.



Supervisor Jane Kim addresses community members at the signing of the Safe San Francisco Civil Rights Ordinance

CAIR has worked tirelessly to use Geller's attempt to marginalize Muslims in San Francisco as an opportunity to strengthen ties between the Muslim community and elected officials. The issue of the advertisements has proven to be an educational moment and has resulted, ultimately, in more sympathy and interest in the experience of the Muslim community. This, ironically, is the very thing Geller is trying to prevent with her negative messages.



CAIR-SFBA Executive Director, Zahra Biloo, speaks at a press conference introducing the Safe San Francisco Civil Rights Ordinance

Coalition for a Safe San Francisco Passes City Ordinance

On May 9, 2012, Mayor Edwin Lee signed the Safe San Francisco Civil Rights Ordinance. The Ordinance was passed unanimously by the San Francisco Board of Supervisors on Tuesday, May 8. The Mayor was joined by the Ordinance sponsor Supervisor Jane Kim, Board President David Chiu, Supervisor Christina Olague, Police Chief Greg Suhr, and members of the Coalition for a Safe San Francisco, of which CAIR-SFBA is a founding member along with other community and civil rights organizations.

The Ordinance requires the San Francisco Police Department (“SFPD”) to adhere to San Francisco and California legal standards when it works with the FBI through the JTTF. Under the Ordinance, before any new agreements are entered into between the SFPD and the FBI regarding JTTF work, those agreements must be subject to public review and comment before the Police Commission. The Ordinance further requires yearly reports to the Police Commission of the SFPD’s work with the FBI JTTF.

The signing of the Ordinance is a step toward protecting AAMEMSA¹⁰ communities, as well as all San Franciscans, from racial and religious profiling, and requiring transparency and oversight within local law enforcement agencies. CAIR-SFBA will continue to work with partner organizations to ensure that the Ordinance is fully implemented and that all steps are taken to protect communities that face increased scrutiny in times of crisis.

The Workplace Religious Freedom Act

On September 8, 2012, Governor Jerry Brown signed the Workplace Religious Freedom Act (AB 1964) into law. AB 1964, which was sponsored by Assembly Member Mariko Yamada (D-Davis) in April of 2012, clarifies the responsibilities of California employers with respect to religious accommodation in the workplace.

The Sikh Coalition, led the effort to draft the legislation. CAIR-CA was among the organizations that worked with community members alongside the Coalition and fellow civil rights and interfaith allies to mobilize support for AB 1964 during the year. CAIR-CA rallied community members to advocate in support of it at the first-ever Muslim Day at the Capitol (MDAC), where dozens of Muslims came together from across the state to hold 40 meetings with their legislators in Sacramento.



CAIR-SV Executive Director Basim Elkarra addresses lawmakers and community allies at a hearing on AB 1964, the Work-place Religious Freedom Act

¹⁰ AAMEMSA stands for African, Arab, Middle Eastern, Muslim and South Asian. This descriptor was developed by civil rights advocates to unify and build bridges between those communities implicated in and targeted by post-9/11 discrimination.

Lawsuit Against Abercrombie & Fitch Ongoing

On June 27, 2011, CAIR-SFBA along with the Legal Aid Society-Employment Law Center intervened in a lawsuit filed by the Equal Employment Opportunity Commission against Abercrombie & Fitch, on behalf of Hani Khan. In 2010, Ms. Khan, a San Mateo Muslim woman, reported she was fired from her job at a Hollister Co., a subsidiary of Abercrombie & Fitch, location for refusing to remove her hijab while at work. When Ms. Khan was initially hired in 2009, she was told her hijab would not be in conflict with the company's 'Look Policy' so long as she wore it in company colors. In 2012, Ms. Khan's legal team continued efforts on her behalf. An encouraging sign came in a similar case against Abercrombie & Fitch in 2012, when an Oklahoma Muslim woman who was not hired because her hijab purportedly did not conform to the company's Look Policy, won a judgment from the company after filing suit.

Ms. Khan's case is scheduled to go to trial in September of 2013.

Vandalism of West Sacramento Mosque

On March 24, 2012, CAIR-SV called on the FBI and local law enforcement authorities to investigate a possible bias motive for vandalism targeting a West Sacramento mosque. Vandals reportedly threw three rocks through a window of the almost-completed Masjid Aisha (formerly the West Sacramento Islamic Community Center) as two board members prayed inside. In 2009, vandals broke into the back door of the previous mosque on the site, and damaged religious wall hangings and a bookshelf that held Qurans. The vandals also stole items from the mosque. CAIR-SV also met with mosque leadership to share safety guidelines and support them in making the incident public.

Several other Islamic institutions across the country also experienced vandalism and violence, most notably in the summer of 2012, when an Islamic Center in Missouri was targeted by an arsonist, an Islamic cemetery was desecrated in Illinois, and the limbs of a dismembered pig were left at the site of a proposed Islamic center in Ontario. These incidents occurred shortly after six Sikh worshippers, who are often mistaken for Muslim, were killed at a Gurdwara in Wisconsin when an extremist white supremacist opened fire there.¹¹

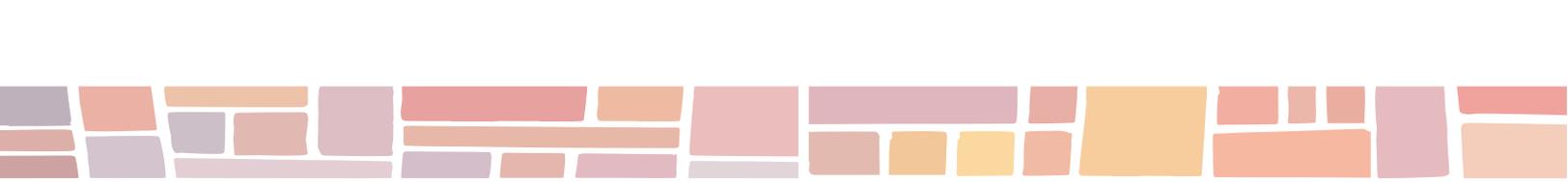
Muslim Youth at School Project and Survey

In 2012, CAIR's California offices launched the "Muslim Youth at School" project in an attempt to better understand the issues that Muslim youth face as they grow up navigating the realities of post-9/11 Islamophobia. CAIR-CA civil rights staff began the project by conducting youth listening sessions at Sunday schools and mosque youth programs to hear directly from school age children and teens about the most pressing issues they face. Our staff heard stories of students



Northern California Civil Rights Coordinator, Rachel Roberts, gives a 'Know Your Rights' presentation for community members in Stockton

¹¹ CAIR, "Thirteen Days in Ramadan 2012," September 2012. Available at: <http://cair.com/islamophobia/islamophobe-profiles/14-islamophobia/11732-thirteen-days-in-ramadan-2012.html>



who were bullied by peers or harassed by teachers. On a few occasions, young Muslim women reported that peers had pulled off their headscarves, or teased them for choosing to wear one.

CAIR-CA then conducted a statewide survey of more than 500 California Muslim youth to determine how prevalent these issues are. Our civil rights staff also developed training materials and resources for teachers, administrators and parents so communities could make themselves aware of common problems and guard against them. This work has resulted in a community wide effort to ensure that all children in California are provided with a safe and harmonious educational environment, which is conducive to their success regardless of faith or ethnic background.

The results of CAIR-CA's 2012 survey will appear in a separate report, forthcoming in the fall of 2013.

Lawsuit Against FBI and other Law Enforcement Issues Ongoing

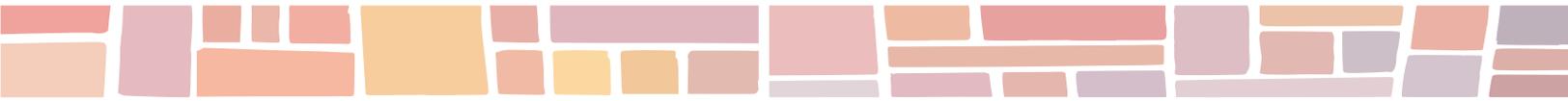
On March 2, 2011, CAIR filed a civil rights lawsuit against the FBI on behalf of a California Muslim man who found a hidden GPS tracking device that was placed on his car without first obtaining a warrant. Yasir Afifi, a Santa Clara, California student, discovered the device when he took his car in for an oil change. An encouraging 2012 Supreme Court decision in *United States v. Jones* held that attaching a GPS device to a car constitutes a search under the 4th amendment and therefore requires a warrant. Afifi's legal claims are currently pending.

Afifi's experiences reflect a pervasive law enforcement climate of overreach in response to concerns about national security and terrorism. In response to a series of articles indicating that local law enforcement officers were receiving biased trainings which cast Islam and the American Muslim community in a negative light, CAIR's California offices submitted requests under the California Public Records Acts for materials. After receiving some problematic materials, CAIR-CA was able to initiate discussions with local law enforcement leaders and obtain their commitment to exclude offensive materials from future trainings. CAIR's civil rights staff remains on the lookout for any outstanding issues with law enforcement trainings, since we continue to receive cases of community members approached for voluntary interviews.

Student Speech

CAIR has joined with attorneys from the National Lawyers Guild, The Center for Constitutional Rights, Asian Law Caucus and others in building legal support infrastructure for students who engage in pro-Palestinian political speech on campuses. Since CAIR knows of many Arab and Muslim students who have faced law enforcement scrutiny because of their campus activities, we are working to ensure that there is not a chilling effect on the political participation or civic engagement of the next generation of American Muslims.

CAIR staff members have helped develop intake protocols and have advised students who faced targeting from individuals on campus and off because of their political activities. CAIR is also working with this group of attorneys to create know your rights materials and presentations for student activists.



Case Highlights

Employment Discrimination

A Muslim woman who wore the hijab in the workplace reported that her manager had written her up and treated her rudely in front of other employees and customers. The manager would insist on giving hugs to all employees in the workplace and encouraged employees to join him in socializing for drinks. As the Muslim woman was uncomfortable hugging members of the opposite gender and did not want to participate in activities that would cause her to violate her religious beliefs, this led to tension between them. This manager also asked the Muslim woman rude questions about the political situation in her country of origin, Afghanistan, and asked about whether she felt uncomfortable wearing her hijab. CAIR helped the woman approach her human resources director, who was dismayed to learn of her situation. They allowed the woman to transfer to a new location and reprimanded the manager for his inappropriate conduct.

FBI Voluntary Questioning

A Muslim man came to CAIR after FBI approached him for a voluntary interview. The agents told the man that they had received an anonymous tip about him and asked if the Muslim man knew of anyone who had a vendetta against him. The man claimed that he knew of no one but that occasionally, he would get into business disagreements that might cause bad feelings. The agents asked the man how he felt about the political situation in his country of origin and how the Muslim man's family felt about the political situation in his country of origin. The man gave the agents his opinion. A CAIR attorney explained to the Muslim man that law enforcement agents have the right to lie to a subject in order to elicit information. The attorney helped the man assert his right to silence and to counsel. The FBI agents, subsequently, expressed no further interest in the man.

Hate Vandalism

A mosque came to CAIR because they noticed that someone had smeared dog feces over the front door of their center. As the mosque is located in an urban area, it was possible that a local transient person had done this but it was also possible that the actions were hate motivated. CAIR's civil rights department came to the mosque and presented them with safety tips and pointers on how to address issues of safety with their community. CAIR also helped them file a police report and encouraged them to install security cameras and proper lighting to increase safety.



Mistreatment by Doctor

A Muslim woman came to CAIR because her doctor, during an examination, began making anti-Muslim remarks. After having her spell her last name, he asked which country she comes from. When she answered him, he began asking rude questions about the status of women in her country of origin and in Islam. When she tried to politely push back, he stated that they should ‘shoot them all in the head.’ A CAIR attorney succeeded in getting a letter of apology from the doctor and his medical group and helped the woman file a complaint against the doctor with the U.S. Department of Health and Human Services. The doctor was sanctioned by his employer and was removed from the examination room until he underwent sensitivity training.

Naturalization Delay

A Muslim man came to CAIR because he had been approached by an FBI agent for questioning in regard to his application for naturalization. Although he came to this country as a small child and the son of an asylum seeker, he had been waiting for almost two years for his naturalization application to process but was consistently told that there would be a delay. On one occasion, he was able to schedule his naturalization interview but the interview was cancelled. A CAIR attorney contacted the agent to have him direct communication through the Muslim man’s lawyer and complained to USCIS. After several more months of waiting, the Muslim man was able to naturalize. He is now a U.S. citizen.

No Fly List

A Muslim woman had dreamed for many years of attending the Hajj, but she did not have money to travel to Saudi Arabia. Her local masjid raised money for her to attend the pilgrimage, but when she arrived at the airport, she was told she would not be permitted to board her flight. Fearing that months of preparation and all the money raised for her trip would go to waste, she made another reservation, but was again told she would not be able to fly. She called CAIR bewildered, believing she would miss her opportunity to fulfill this deeply important religious obligation. CAIR attorneys accompanied the Muslim woman to an emergency meeting with the FBI, and advocated on her behalf. While the agents initially believed there was nothing they could do, they cleared the woman to fly within 48 hours and the woman was able to board a flight to and perform the Hajj.

Religious Accommodation at School

A Muslim mother called distraught because a school administrator told her that her daughter’s absence to observe the Eid holiday would not be excused. The administrator told her that the daughter would have to make up the time by coming to school on a Saturday. CAIR



called the school to explain that the young woman had missed school due religious observance and that the school was required by law not to penalize her for it. The school agreed and the young woman was granted an excused absence.

Secondary Screening

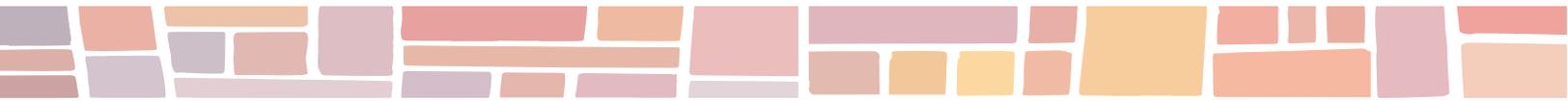
A Muslim man experienced consistent issues while traveling on airplanes for years. He was consistently prevented from checking into his flight online or at the kiosk, his boarding pass consistently read 'SSSS' and he was thoroughly searched before boarding. CAIR assisted him in filing a complaint with the Department of Homeland Security and a Freedom of Information Act request. After several months, he was eventually permitted to check in at the kiosk and was not subjected to additional screening.

Teacher Harassment

Jihad, a 5th grader, was taught one day by a substitute teacher. During class, he was misbehaving and the teacher told him to sit down. Instead of obeying her, Jihad made a face. The teacher responded by stating that she knew 'jihad' meant 'holy war' in Arabic and that he looked as though he would make holy war on the classroom. Jihad went home, distraught because this teacher made fun of his name, his ethnicity and his religion, and he told his father. His father called the school district and also called CAIR. A CAIR attorney attended a meeting with the father and school administrators, at which the parties agreed that the teacher's conduct was unacceptable. The teacher was removed from the classroom as a result of the incident and CAIR's advocacy.

Wrongful Termination

A Muslim man came to CAIR because he had been terminated from his job in a small California town. A customer made anti-Muslim and anti-immigrant remarks to the Muslim man. When he complained to his managers about this, he was told that this was unacceptable, however, the manager continued to serve the customer who made the remarks. After a few months, the Muslim employee was told that he should look for new employment. CAIR helped the Muslim man file a complaint with the EEOC. The complaint is still pending.

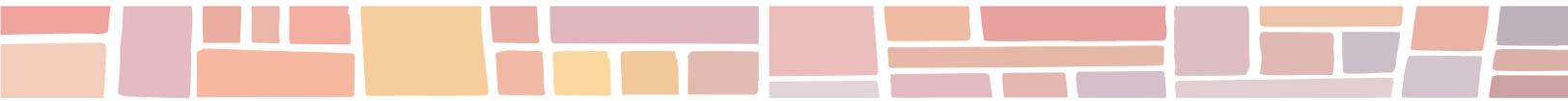


Recommendations

In order to advance the civil rights of all communities, and in light of the complaints received in 2012, CAIR's Northern California civil rights team recommends that:

1. California teachers and school administrators take steps to understand their new obligations under Seth's Law,¹² passed and implemented in 2012, to protect students from bullying and harassment in the school environment.
2. Local law enforcement agencies should continue to provide officers with cultural competency trainings to ensure that members of the Muslim community are not targeted as suspicious due to prevailing negative media images about American Muslims or their community. Law enforcement agencies at both the federal and the local level should also commit to retraining those officers who have attended biased trainings.
3. Employers should ensure that managers at all levels understand an employer's obligation to accommodate an employee's religious practices under AB 1964, the new California law which provides employees with greater protection for their religious garb, among other things, in the workplace.
4. Members of the Muslim community should learn their rights and responsibilities in the workplace, at school, and when approached by law enforcement.
5. American Muslims should make increased efforts to their fellow Americans to enhance understanding of Islam. Holding interfaith events, open houses at mosques, or inviting friends and neighbors to dinner are some examples of how American Muslims can create opportunities for interaction with ordinary Muslims. CAIR research reveals that prejudice decreases when people know more about Islam and when they personally interact with ordinary Muslims.
6. Muslim travelers should ensure that they maintain up-to-date, valid travel documents that are undefaced. They should also be aware of the signs of watch listing and know their rights in the event that they are ever stranded overseas.

¹² CAL. ED. CODE § 234(i)(b)(i)

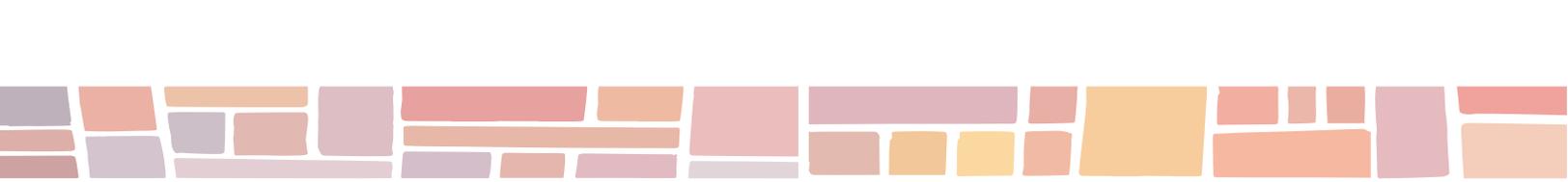


Partners

CAIR's Northern California offices would like to thank the following individuals and organizations, who have been instrumental to the success of our organization's civil rights work and who continue to contribute to the advancement of civil rights for all Americans.

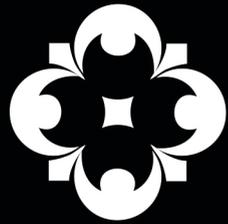
Alameda County Human Rights Commission	Japanese American Citizens League
Alliance of South Asians Taking Action	Jewish Voice for Peace
American Civil Liberties Union-Northern California	Legal Aid Society-Employment Law Center
American Muslim Voice	Mojaddidi Law
Arab Cultural and Community Center, San Francisco	Muslim American Society
Arab Cultural and Community Center, Silicon Valley	Muslim Legal Fund of America
Arab Film Festival	MyDeen
Arab Resource and Organizing Center	NAACP of Sacramento
Assembly Member Mariko Yamada	Nancy Hormachea
Asian Americans Advancing Justice-Asian Law Caucus	National Lawyers Guild
Asian Pacific Islander American Public Affairs Association (APAPA)	North American Islamic Shelter for the Abused (NISA)
Bill of Rights Defense Committee	Organization of Chinese Americans
Sacramento Central Labor Council	People Acting in Community Together (PACT)
Council of Sacramento Valley Islamic Organizations (COSVIO)	Dr. Rabab Abdulhadi
Carpenter & Mayfield	San Francisco Human Rights Commission
Defending Dissent Foundation	Sikh American Legal Defense and Education Fund (SALDEF)
Ellahie & Farooqui LLP	Sikh Coalition
Dr. Hatem Bazian	South Asian Bar Association
Illume Magazine	South Asian Film Festival
Interfaith Council of Greater Sacramento	Urban League of Sacramento
Islamic Circle of North America	Van Der Hout, Brigagliano & Nightingale
Islamic Cultural Center of Northern California	
Islamic Networks Group	

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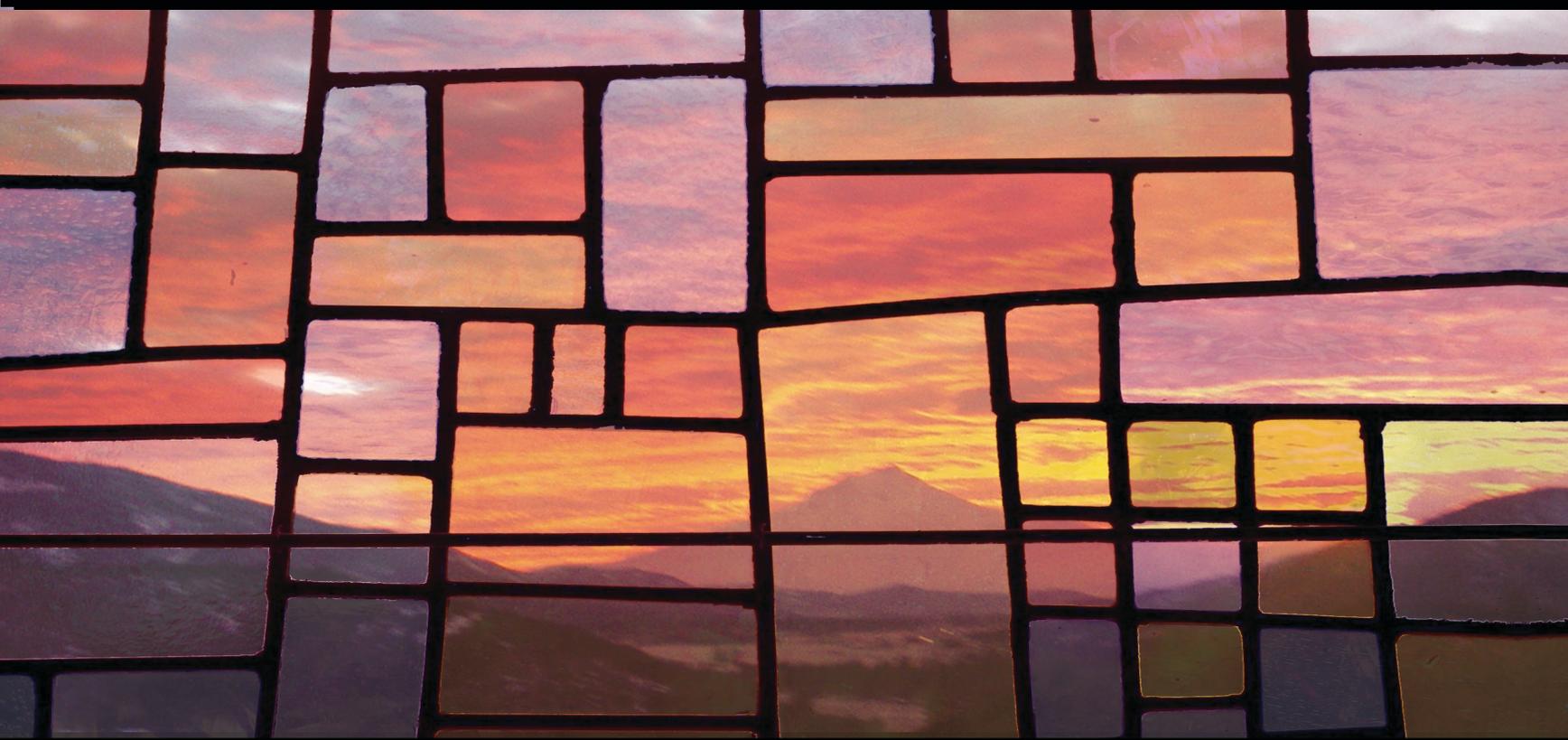


Glossary of Islamic Terms

Allah	The most commonly used linguistic term for 'God' in Arabic. Allah is the same monotheistic God of Abraham worshipped by Christians and Jews
Beards	Many devout Muslim men grow beards in observance of the tradition of the Prophet Muhammad
Eid	Islamic holiday which occurs twice a year. Eid al-Fitr is the holiday celebrating the end of Ramadan on the first day of the 10th lunar month of the Islamic calendar. Eid al-Adha, the most important Islamic holiday, commemorates the end of Hajj in Mecca, Saudi Arabia every year
Hajj	The fifth pillar of Islam. It is the annual pilgrimage to Mecca, Saudi Arabia and every able-bodied and financially capable Muslim must perform Hajj at least once in their lifetime
Halal	Permissible by Islamic law
Hijab	Modest clothing that many Muslim women choose to wear in public. Generally, it comprises of loose-fitting clothes and a head covering
Imam	A prayer leader
Kufi	A cap worn by some Muslim men
Masjid	The Arabic word for 'mosque' - an Islamic house of worship
Niqab	A face veil
Prayer	The second pillar of Islam. Islam mandates structured prayers five times a day. Muslims are also required to attend a weekly congregational prayer every Friday. During the month of Ramadan, many devout Muslims also observe extended evening prayers
Quran	The revealed text and holy book of Islam
Ramadan	The Islamic holy month of fasting and the ninth lunar month of the Islamic calendar



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