



CAIR
CALIFORNIA



2014 CIVIL RIGHTS REPORT

THE STATUS OF MUSLIM CIVIL RIGHTS IN CALIFORNIA

The Council on American-Islamic Relations is the largest American Muslim civil rights and advocacy organization in the United States. CAIR-California is the organization's largest and oldest chapter, with offices in the Greater Los Angeles Area, the Sacramento Valley, San Diego, and the San Francisco Bay Area.

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

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

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Table of Contents

1	Executive Summary
2	Definitions & Categorizations Employment Discrimination FBI Visits & Interactions with Law Enforcement Hate Crimes Hate Incidents Islamophobic Media Prison School Bullying & Accommodation Public Accommodation Travel
6	2013 Civil Rights Findings
8	Findings by Issue Area Employment FBI & Law Enforcement School Bullying & Accommodation Travel Hate Incidents & Islamophobia
13	Milestones Three Years of Litigation Against Abercrombie & Fitch Comes to a Close First-of-Its-Kind American Muslim Youth School Bullying Report CAIR & Allies File Suit Against the NSA CAIR & ACLU of Southern California Demand California Prisons End Discriminatory Practices Addressing the Immigration Needs of Syrian Nationals & Refugees
16	Case Highlights Airline Discrimination CBP Abuse Employment Discrimination FBI Voluntary Questioning Hate Phone Calls Hate Crime No-Fly List Public Accommodation School Discrimination
20	Recommendations
21	Partners
22	Glossary of Common Islamic Terms

Executive Summary

The data for this report was collected and compiled by the California offices of the Council on American-Islamic Relations (CAIR-CA), CAIR Greater Los Angeles Area (CAIR-LA), CAIR Sacramento (CAIR-SV), CAIR San Diego Area (CAIR-SD), and CAIR San Francisco Bay Area (CAIR-SFBA) respectively, in 2013.

In the year 2013, CAIR-CA's offices received a total of 933 complaints from members of the American Muslim community. CAIR-LA received 444 complaints. CAIR-SV received 115 complaints. CAIR-SD received 92 complaints. CAIR-SFBA received 282 complaints.

California Muslims reported incidents to CAIR-CA where they were scrutinized by federal law enforcement agencies and local police and where they faced 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 delays while traveling and delays when they applied for visas for family members overseas. Moreover, as a result of CAIR's newly launched Muslim Youth at School Project, parents contacted CAIR-CA after their children were bullied by peers or harassed by teachers. All 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 California

numbering 141 or 15.1% of complaints. The next most frequent type of complaint involved immigration issues, including visa and naturalization delays and refugee and asylum issues. The CAIR-LA office decided to invest in a full-time immigration attorney due to the large amount of immigration cases coming into their office. The third most frequent type of complaint involved Federal Bureau of Investigations (FBI) and law enforcement, including instances of community members approached for voluntary questioning by the FBI, Department of Homeland Security (DHS), or Joint Terrorism Task Force (JTTF) agents, as well as community members who contacted CAIR-CA because they were concerned about the possibility of law enforcement surveillance. These complaints numbered 101, or 10.8%, of the total complaints received. The remainder of complaints received were issues about travel, family law, school bullying and accommodation, higher education, criminal defense, public accommodation access, prison, housing, land use, and zoning.

Complaints received in 2013 show an increase from the prior year during which CAIR-CA received a total of 854 complaints. This increase could be attributable to an increase in CAIR-CA's staff capacity, additional outreach efforts, increased Islamophobia,¹ or other factors. CAIR-CA's 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." Univ. of Cal., Berkeley's Ctr. for Race and Gender and the Council on American-Islamic Relations (CAIR), *Same Hate, New Target: Islamophobia and Its Impact in the United States January 2009-December 2010*, at 11 (2010), <http://crg.berkeley.edu/sites/default/files/islamophobiareport2009-2010.pdf>.

Definitions & Categorizations

This section gives a brief overview of the issues within the larger case categories. It also seeks to explain the legal terms and terms adopted by civil rights groups in combating the major civil rights issues which American Muslims most frequently encounter.

Employment Discrimination

Title VII of the Civil Rights Act of 1964 (Title VII) and the California Fair Employment and Housing Act (FEHA) prohibit discrimination by an employer against employees on the basis of religion, race, sex, or national origin and also provide employees with religious accommodations at the workplace.² Employees encountering 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.

Religious Accommodation: An employer must accommodate an employee's sincerely held 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 example, by working extra time at the end of the day.

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.

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. The law protects complaining employees from such retaliation to ensure workplace violations are properly reported.

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.

² 42 U.S.C. § 2000e-2(a)(1)-(2) (2014); Cal. Gov. Code § 12940 (2014).



^ CAIR-LA Immigration Attorney Farida Chehata (right) discusses the organization's new Immigrants' Rights Department with CAIR Arizona Board Member Neekta Hamidi (left).

FBI Visits & Interactions with Law Enforcement

Voluntary Questioning: CAIR-CA receives many complaints from individuals who have been approached by federal law enforcement for voluntary questioning. These interactions most often consist of law enforcement agents from the FBI, JTTF, DHS or another agency visiting the individual at their home or office to ask broad-based questions on a variety of topics including community activism, friendships, and religious beliefs. 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-CA attorneys provide individuals in this situation with legal representation, advice, and information.

General Law Enforcement Concerns: CAIR-CA offices also receive complaints from individuals who have never been approached for voluntary questioning, but who fear that they are being followed or targeted. CAIR-CA documents these cases to better understand the emotional and

psychological effect broad-based law enforcement investigations and profiling have on community members.

Interactions with State and Local Law Enforcement: When community members accuse law enforcement agents of excessive force,³ 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 reporting⁴ have on some occasions been subjected to additional law enforcement scrutiny.

Federal Crimes Scam Calls: Possibly due to the widely known fact that American Muslims are disproportionately targeted by federal law enforcement, they also receive calls from scammers pretending to be law enforcement officials. The scammers will ask for identifying information, money, and even threaten imminent arrest if the person does not comply or call back. CAIR-CA recommends anyone who receives these phone calls to hang up immediately, not provide any personal information, and report the incident to CAIR-CA for further action.

³ 42 U.S.C. § 1983 (1996).

⁴ The Congressional Research Service provides that "Suspicious Activity Reports (SAR) contain information about criminal activity that may also reveal terrorist pre-operational planning. These reports could be based on an officer's observation of suspicious behavior, 9-1-1 calls, or other tips and leads provided to police by citizens." Jerome P. Bjelopera, *Terrorism Information Sharing and the Nationwide Suspicious Activity Report Initiative: Background and Issues for Congress*, Congressional Research Service (Dec. 28, 2011), <http://fas.org/sgp/crs/intel/R40901.pdf>.

Hate Crimes

A hate crime is a criminal offense committed against a person, property, or community 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.⁵

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

When members of the Muslim community report hate crimes, CAIR-CA 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-CA receives complaints about members of other communities who experience violence or targeting because they are perceived to be Muslim. CAIR-CA views these unfortunate situations as opportunities for community solidarity and for forging alliances against hatred.⁶

Hate Incidents

A hate incident is an action that is motivated by bias, but does not rise to the level of a crime. Common examples of hate incidents include the distribution of flyers with a racist or otherwise hateful message and women who wear the hijab being subjected 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-CA helps shed light on how easy and common it is to openly express hateful messages about Islam and Muslims by documenting them.

Islamophobic Media

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

Prison

CAIR-CA occasionally receives complaints from Muslim inmates in prison about religious accommodation and about mistreatment by prison personnel.

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.⁷

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

Personnel Misconduct: Occasionally, CAIR-CA 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.

⁵ Cal. Pen. Code § 422.55 (2005).

⁶ CAIR-SV offered public support when a Sikh man was attacked outside of a Gurdwara. *Elderly Sikh Man Assaulted Outside US Gurdwara, One Arrested*, The Hindu (Washington) (May 8, 2013), <http://www.thehindu.com/news/international/world/elderly-sikh-man-assaulted-outside-us-gurdwara-one-arrested/article4695021.ece>.

⁷ Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA), 42 U.S.C. § 2000cc-1 (2000).

School Bullying & Accommodation

CAIR-CA's offices also receive complaints from Muslim youth experiencing difficulties at school. These complaints are categorized under school bullying and accommodation.

Bullying: California law defines bullying as:

[A]ny 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.⁸

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

Teacher Harassment: CAIR-CA also receives 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.

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 physical education classes, would cause them to violate a sincerely held religious belief by, for example, requiring attire that may not be in compliance with hijab, and allowing students to take breaks for prayers. This category includes those cases in which CAIR-CA intervene for or advise a student seeking religious accommodation at school.

Public Accommodation

According to the UNRUH Civil Rights Act, all California residents are entitled to equal access to places of public accommodation, including restaurants, retail shops, amusement parks and other businesses.⁹ This category includes those cases involving members of the Muslim community denied access to places of public accommodation.

Travel

Members of the community contact CAIR-CA on a regular basis to file complaints about treatment received at the airport, both when they travel domestically and internationally. Complaints involving excessive delays at the border and questioning about First Amendment activities by the Custom and Border Protection officers (CBP) and regular selection for secondary screening and mistreatment from Transportation Security Administration (TSA) or airline personnel are categorized here.

⁸ Cal. Ed. Code § 48900(r)(1)(A)-(D) (2014).

⁹ Unruh Civil Rights Act, Cal. Civ. Code § 51 (2012).

2013 Civil Rights Findings

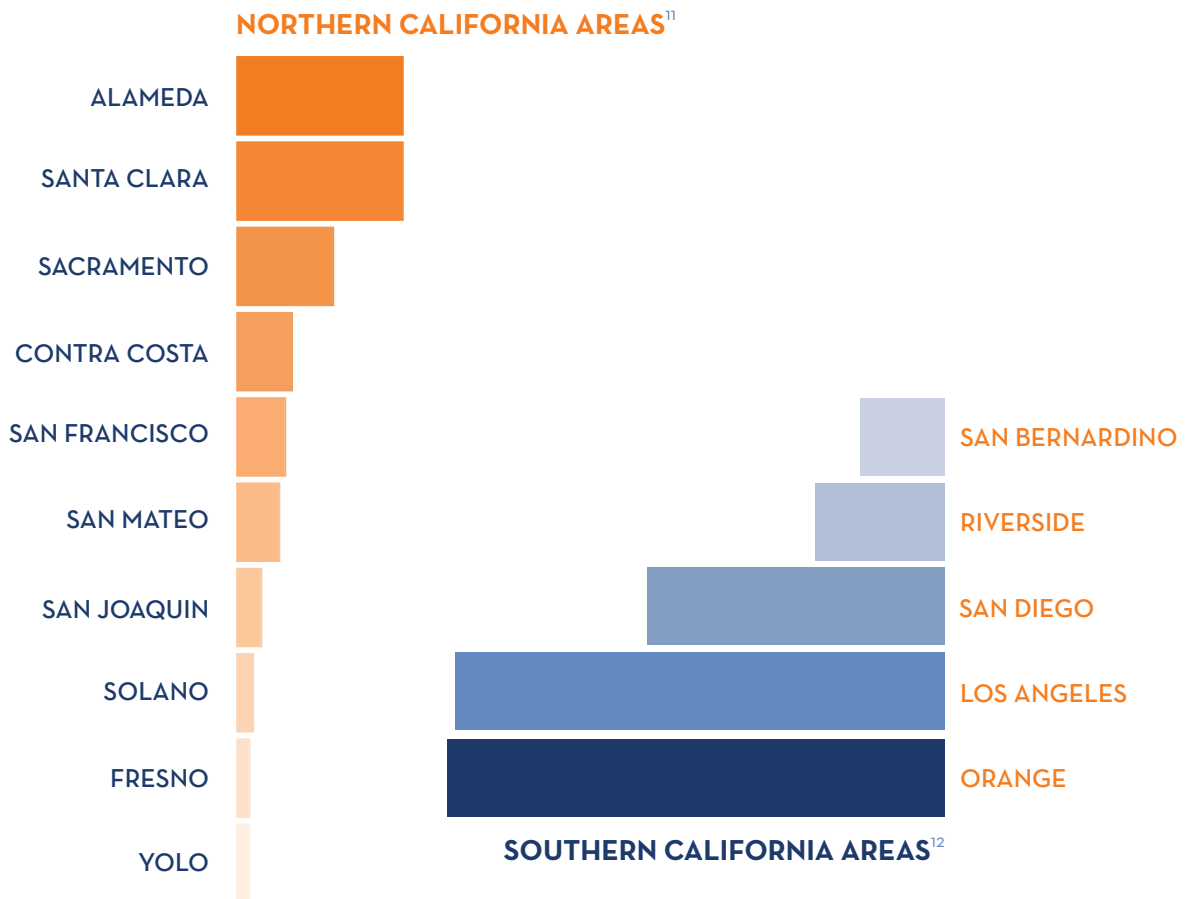
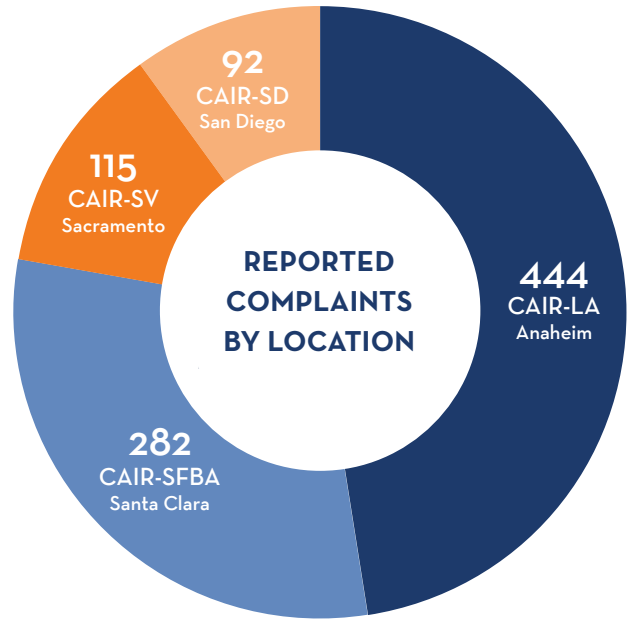
In the year 2013, CAIR-CA's offices received a total of 933 complaints from members of the community. The CAIR-LA office serves several Southern California counties, including Kern, Los Angeles, Orange, Riverside, San Bernardino, and Ventura Counties. CAIR-SD office serves the populous San Diego County. The CAIR-SFBA office serves Alameda, Contra Costa, Marin, Monterey, Napa, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano, and Sonoma Counties. Finally, the CAIR-SV office serves the remainder of Northern California from Fresno to the Oregon border, including both the Sacramento and San Joaquin valleys.

Case Category	Number	Percentage
Criminal Defense	64	6.9%
Employment	141	15.1%
Family Law	51	5.5%
FBI & Law Enforcement	101	10.8%
Federal Crimes Scam	14	1.5%
Hate Incidents & Islamophobia	63	6.8%
Higher Education Issue	23	2.5%
Housing Discrimination	20	2.1%
Immigration	104	11.1%
Mosque Construction Issues	5	0.5%
Other	130	13.9%
Out of Scope Referrals	70	7.5%
Prison	26	2.8%
Public Accommodation	30	3.2%
School Bullying & Accommodation	35	3.8%
Travel	56	6.0%
TOTAL	933	100%¹⁰

¹⁰ All percentages in this report may not total to 100 due to rounding.

Data Analyzed by Geographic Area

The majority of Northern California complaints came from Alameda, Santa Clara, and Sacramento County. The majority of Southern California complaints came from Los Angeles County, Orange County, and the San Diego region. These numbers are not surprising as these are the areas closest to CAIR-CA's office locations. Many community members called CAIR-CA from multiple other areas across California, indicating CAIR-CA's widespread reputation for providing services to American Muslims facing discrimination.



¹¹The illustration below does not include complaints from Butte, Humboldt, Madera, Marin, Monterey, Napa, Placer, Sonoma, Stanislaus, Sutter, and Tulare Counties and from unknown/other counties where the community member did not want to share where they were from.

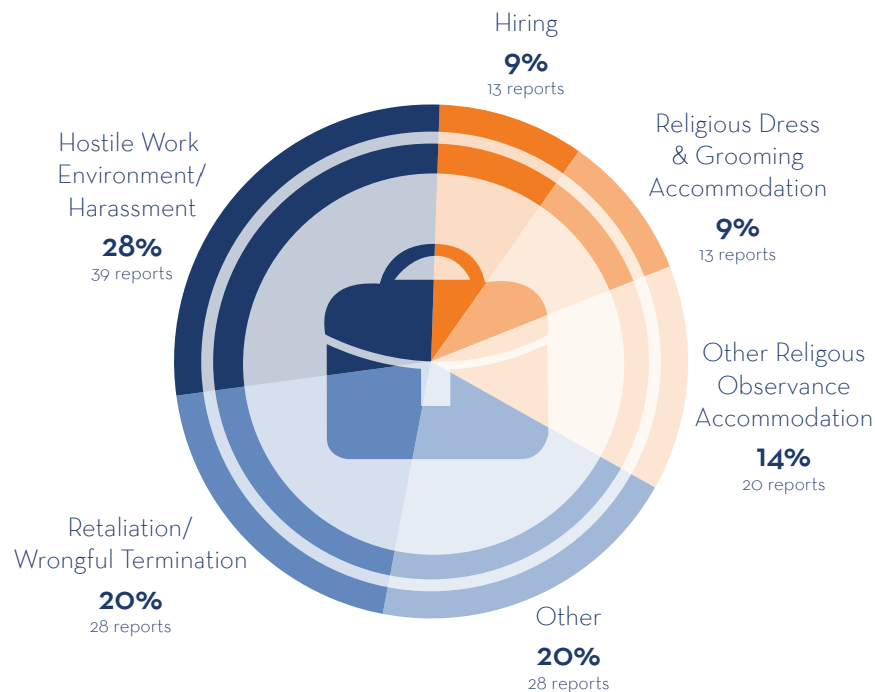
¹²The illustration above does not include complaints from Ventura, Kern, and Santa Barbara Counties and from unknown/other counties where the community member did not want to share where they were from.

CAIR-LA Senior Civil Rights Attorney Fatima Dadabhoy (left) and CAIR-LA Deputy Executive Director Ameena Qazi (right) appear with a Rehan Motiwala, no-fly list client, during a press conference following his return from forced exile in Thailand.

Findings by Issue Area

Employment

Problems arising in the workplace produced the greatest number of complaints to CAIR-CA offices in 2013. In total, 141 individuals contacted CAIR-CA for assistance in dealing with employment related issues. A plurality of those complainants alleged a hostile work environment, mostly stemming from co-worker harassment about terrorism, politics, or religion. Another large group of complainants alleged their employers were failing to accommodate their religiously mandated practices, such as wearing hijab, growing a beard, taking short breaks during the day to pray, or taking time off to celebrate Eid. A number of complainants alleged retaliation after complaining to a supervisor. The types of retaliation alleged include reduced work hours, reduced pay, denied promotions, increased harassment, and even wrongful termination. Several complainants alleged they were denied being offered a position all together because they were Muslim. These complainants usually wore hijab, a beard, or had a recognizably Muslim name. Finally, a number of complainants contacted CAIR-CA alleging religious discrimination in the workplace, but were unable to identify any discriminatory facts supporting those claims. The “Other” category also encompasses non-religious discriminatory employment issues such as workers’ compensation and wage and hour disputes.





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FBI & Law Enforcement

Issues related to the FBI and law enforcement made up the second largest number of complaints received by CAIR-CA in 2013. The vast majority of those complaints were from American Muslims approached by FBI agents for voluntary questioning. CAIR-CA frequently receives complaints from American Muslims approached for voluntary interviews allegedly related to counterterrorism. These interviews are undertaken liberally, often with no indication of wrongdoing according to the interviewing agents themselves. Thus, very few of the complainants face criminal charges. However, many complainants report increased searches while traveling and other similar hardships, such as immigration delays for them or their family members, immediately following or preceding these encounters. There are also occasions when individuals will reach out to CAIR-CA proactively and ask to be educated on their rights in response to learning of friends and/or family members who have been approached for voluntary questioning.

On rare occasions, CAIR-CA receives complaints about state and local law enforcement agencies engaging in misconduct and abuse of power. Finally, in 2013, our offices began to see a rise in the amount of scam calls placed to American Muslims threatening law enforcement action if confidential information was not provided over the phone and in some cases money paid to the callers. Unfortunately, these scammers likely target American Muslim and other immigrant communities because they are already reeling from targeting by federal law enforcement agencies engaging in widespread intelligence gathering.



FBI Voluntary Questioning
63%
72 reports



General Concerns
13%
15 reports

State & Local Law Enforcement
12%
14 reports

Federal Crimes Scam Calls
12%
14 reports



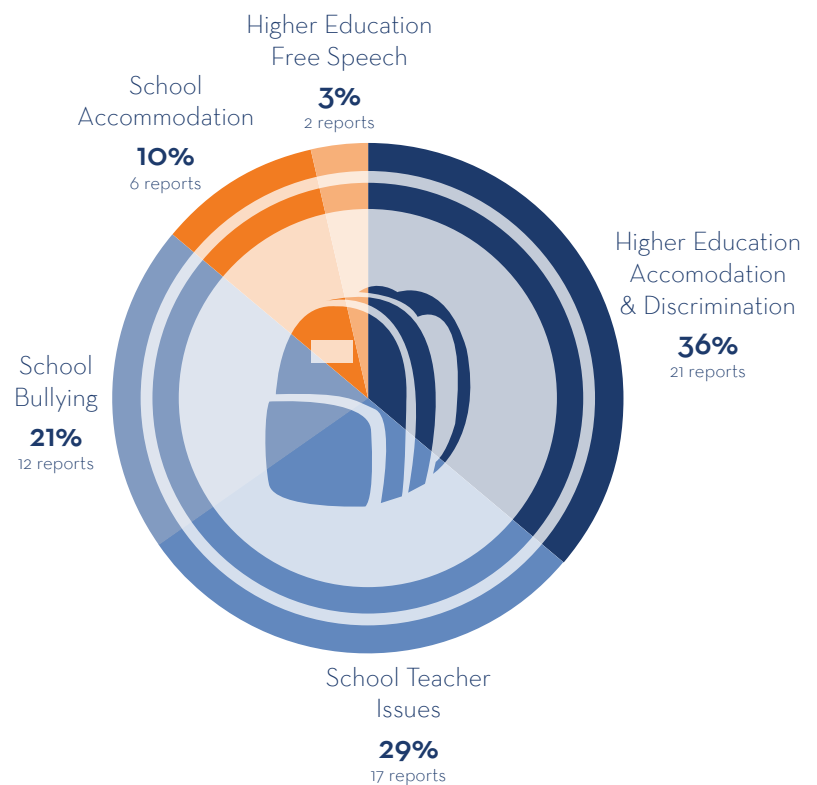
School Bullying & Accommodation

In 2013 CAIR-CA focused more resources on addressing religious based discrimination within our education system, both reactively and proactively. As discussed later in this report, CAIR-CA conducted a first-of-its-kind study on the challenges facing American Muslim youth in schools. While the number of formal complaints received is low, based on the report's findings¹³ we believe this to be an incomplete representation of the actual experiences of Muslim youth.

The formal complaints received by CAIR-CA are often quite severe in nature. Moreover, as is the case with bullying in general, most instances go completely unreported because Muslim youth fear damage to their reputations and/or retaliation. The complaints of classmate bullying received by CAIR-CA included verbal taunting, social isolation and ostracizing, and even physical acts such as pulling headscarves. Our offices also received numerous complaints of teacher harassment. These included teaching Islam in a manner leading to misconceptions and Islamophobic attitudes about American Muslims, blaming bullying victims for their abuse, and directing ignorant and Islamophobic remarks towards American Muslim youth in front of their peers.

Finally, CAIR-CA received complaints originating in the state's higher education institutions. These primarily involved college students facing accommodation issues when trying to pray on campus and students having their free speech rights restricted due to campus policies and pressure from outside influences attempting to chill political speech.

▲ Former CAIR Northern California Civil Rights Coordinator Rachel Roberts (right) appears with Pearl Abdo, the parent of a child who was bullied at school, at a press conference announcing the publication of CAIR-CA's statewide school bullying report.



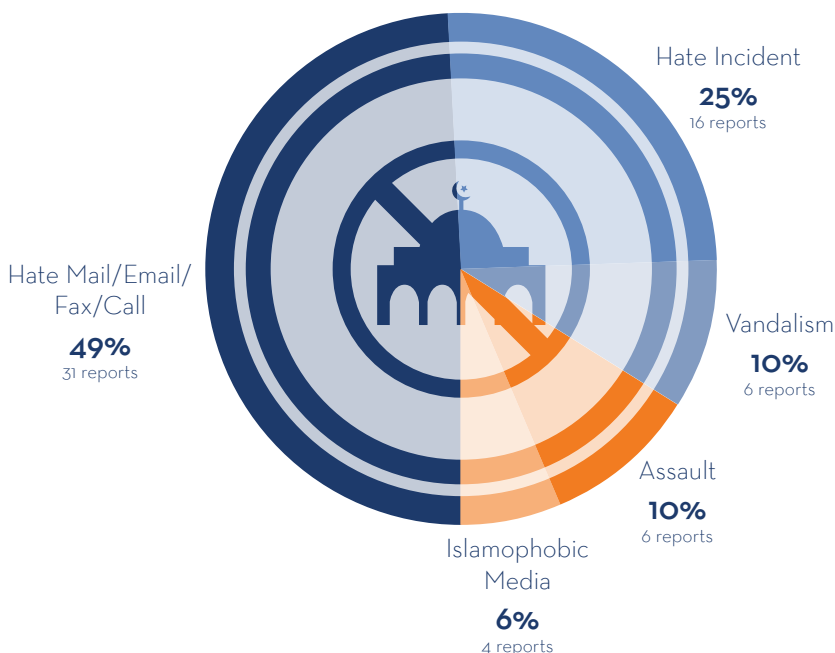
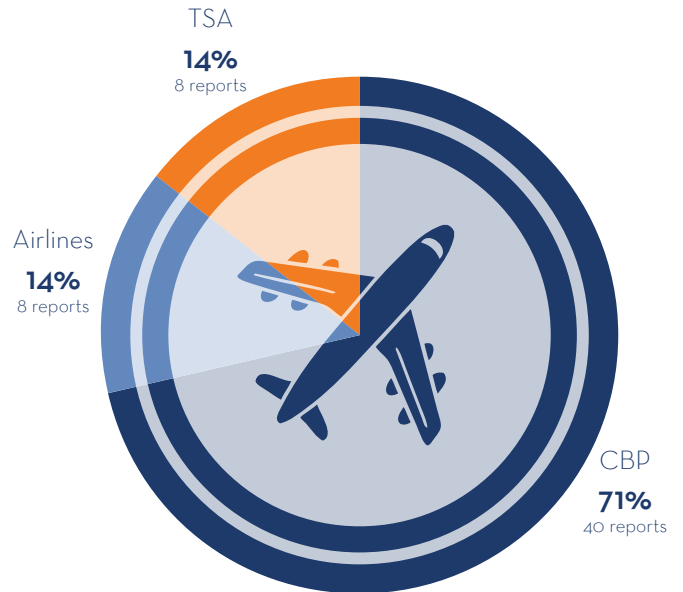
¹³ "Fifty percent of students experienced social bullying because of their religion." Fatima Dadabhoy et al., Council on American-Islamic Relations-California (CAIR-CA), *Growing in Faith: California Muslim Youth Experiences with Bullying, Harassment & Religious Accommodation in Schools 10* (2014), <http://ca.cair.com/downloads/GrowingInFaith.pdf>.

Travel

In 2013, CAIR-CA offices saw a spike in the number of complaints from individuals facing travel issues. In the Northern California offices alone—San Francisco Bay Area and Sacramento Valley—the amount of travel complaints increased 75% from 2012 to 2013.

The most commonly reported travel issues were from community members subjected to enhanced screenings by TSA officers when flying internationally. In some cases, complainants were detained for eight or more hours by CBP agents and asked extremely personal and sensitive questions infringing on their protected First Amendment activities and had all of their personal belongings, including cell phones and laptops, extensively searched. In a majority of these cases, the agents' justification was because the community member had a "common name" such as "Mohammed" or "Ali."

Most individuals subjected to enhanced screenings also commonly stated that when taken to the secondary questioning holding area, the majority of travelers detained there were Muslim. Responding to these troubling reports, CAIR-CA offices regularly hold "Know Your Rights" presentations throughout the state. These presentations educate American Muslims on their rights when traveling, empowering them to stand up against overly intrusive searches and invasive questions that chill protected First Amendment activities.

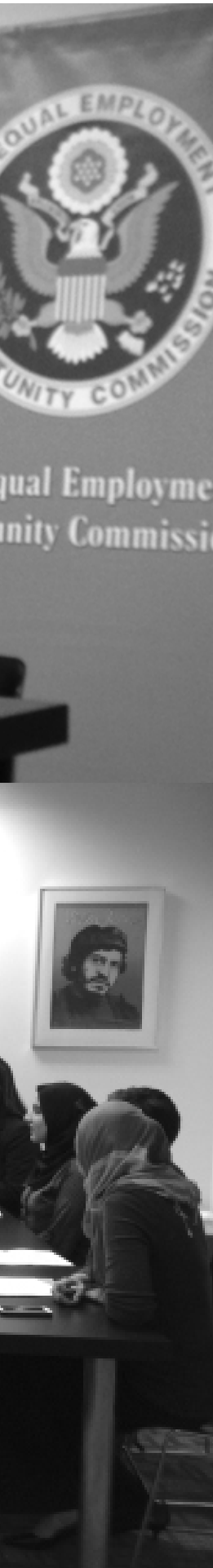


Hate Incidents & Islamophobia

The current state of Islamophobia facing the American Muslim community results not only in ignorance and misconceptions about Islam, it unfortunately also leads to outward expressions of hate directed at Muslims, people perceived to be Muslims, and property associated with the American Muslim community. In 2013, CAIR-CA offices documented 63 such outward expressions, with the understanding, that as with hate crimes against any community, many more instances go unreported.

The majority of hate acts reported to our offices involved mail, email, faxes, or phone calls relaying hateful messages about Islam or Muslims, sometimes going as far to make threats of violence. In addition, several mosques across California were vandalized in acts including defacing signage and throwing pork products on mosque grounds. However, most troubling are the reports of in person hate incidents. These include instances such as a family playing at a local park and being yelled at to go back to their country and a woman refueling at a gas station having slurs and curse words shouted at her. This climate of Islamophobia stems in part from Islamophobic media, such as the placement of hateful ads on city buses by hate groups.





< CAIR-SFBA Executive Director Zahra Billoo (far right) speaks at a press conference
v with Hani Khan (middle left) and representatives from the EEOC and LAS-ELC.

Milestones

Three Years of Litigation Against Abercrombie & Fitch Comes to a Close

On June 27, 2011, CAIR-SFBA along with the Legal Aid Society-Employment Law Center (LAS-ELC) intervened in a lawsuit filed by the United States' Equal Employment Opportunity Commission (EEOC) 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 Hollister Co., a subsidiary of Abercrombie & Fitch, 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.

With the case scheduled to go to trial in September 2013, CAIR-SFBA, LAS-ELC, and the EEOC submitted a motion for summary judgment on the undisputed facts of the case. Ruling on the motion, United States District Judge Yvonne Gonzalez Rogers found that Abercrombie & Fitch violated federal and state civil rights laws against workplace discrimination when it fired Ms. Khan in 2010 for refusing to remove her hijab. Judge Gonzalez Rogers stated that Abercrombie & Fitch could not provide "any evidence from those four months [of Ms. Khan's employment] showing a decline in sales in the Hillsdale store; customer complaints or confusion; or brand damage linked to Khan's wearing of a hijab."¹⁴

Following the decision, the parties agreed to consolidate the settlement of this and another pending California lawsuit against Abercrombie & Fitch into one Stipulated Judgment and Decree. Under the decree, Abercrombie agreed to:

- create an appeals process for denials of religious accommodation requests;
- revise the 'Look Policy' to expressly acknowledge that Abercrombie & Fitch is legally mandated to allow exceptions in certain circumstances;
- inform applicants during interviews that accommodations to the 'Look Policy' may be available;
- provide employees with information about how to make religious accommodation requests;
- incorporate information regarding requests for headscarf accommodations into all manager training sessions;
- institute, at a minimum, quarterly reviews of all religious accommodation requests and decisions;
- post notices of the settlement and notifications of employees' right to request 'Look Policy' accommodations; and
- provide biannual reports to the EEOC and Khan for three years regarding implementation of these policy changes.

¹⁴ *EEOC v. Abercrombie & Fitch Stores, Inc. (Khan)*, 966 F. Supp. 2d 949, 963-64 (N.D. Cal. 2013) (internal citations omitted).

First-of-Its-Kind American Muslim Youth School Bullying Report

On December 29, 2013, CAIR-CA released a report documenting religious based bullying of American Muslim students in California schools. The report is titled “Growing in Faith: California Muslim Youth Experiences with Bullying, Harassment & Religious Accommodation in Schools.” The study was of almost 500 students, between the ages of 11 to 18, across 21 counties. The students were asked questions about their peer and teacher relationships and how comfortable they felt talking about Islam during class discussions.

Overall, half of the students surveyed said they had been subjected to some type of verbal harassment because of their religious beliefs, and over 21% said they had been victimized by cyberbullying, a growing concern of parents as today’s youth become more and more integrated with social media outlets. Moreover, more than 10% of American Muslim students reported physical bullying such as punching or kicking, and 17% of female students who wear hijab reported being bullied because of their head scarf.

More troubling than peer-on-peer bullying were the reports of teacher discrimination. 18% of students surveyed did not agree when asked if they felt comfortable participating in classroom discussions, and 19% said they did not agree when asked if their teachers respected their religion.

In response to these findings, CAIR-CA increased its school bullying targeted programming. This included providing workshops and educational materials for both educators and students. In addition to programming aimed at preventing religious-based school bullying, CAIR-CA civil rights staff continue to regularly help American Muslim families work with school administrators and educators to resolve bullying incidents.

CAIR & Allies File Suit Against the NSA

On July 16, 2013, represented by attorneys at the Electronic Frontier Foundation, CAIR-CA joined multiple other advocacy groups in filing a federal lawsuit against the National Security Agency (NSA). CAIR-CA was joined by CAIR-Ohio and CAIR-National as well groups from across the political spectrum, including the First Unitarian Church of Los Angeles and the CalGuns Foundation, in filing the lawsuit in United States District Court, Northern District of California. At the base of the suit is a claim that the NSA’s warrantless surveillance program—collecting, storing, searching, and analyzing the phone records of millions of innocent Americans—violates the First Amendment of the United States Constitution.

The First Amendment’s right of association is a well-established doctrine that prevents the government from interfering with “the right of the people peaceably to assemble, and to petition the government for a redress of grievances.”¹⁵ The suit outlines how the wholesale collection of the telephone records of millions of innocent Americans, and thereby the collection of their associations, is massively overbroad and has a “chilling effect” on basic constitutional rights.

The case is currently in the pre-trial stages with Plaintiffs’ filing motions to ensure the NSA properly preserves all evidence relevant to the case.

¹⁵ U.S. Const. amend. I.

CAIR & ACLU of Southern California Demand California Prisons End Discriminatory Practices

On October 22, 2013, CAIR-CA and the American Civil Liberties Union of Southern California sent a letter to the California Correctional Institution (CCI) demanding that its officers allow Muslim women to wear their hijab, a religiously-mandated headscarf, during visits. Officers at the CCI in Tehachapi ordered a woman visiting her son to remove her hijab. They told her that if she refused their demand, they would forbid her from visiting her son.

In late September, Najat Drissi traveled to the state prison in Tehachapi to visit her son whom she had not seen for six months. Officers forced her to take off her hijab in front of 100 people, walk through a metal detector and submit to a security check. She was forced to spend the entire visit without her headscarf.

The officers' actions forcing Ms. Drissi to remove her headscarf violated a California Department of Corrections & Rehabilitation (CDCR) policy, which states that Muslim headdress or Catholic habits are allowed during visitation. The letter also states that the forced removal of her headscarf violates the First Amendment, which protects religious expression.

The letter and related advocacy demanded that the practice stop immediately. CCI eventually corrected their practice and Ms. Drissi was subsequently able to visit her son without having to remove her hijab.¹⁶

Addressing the Immigration Needs of Syrian Nationals & Refugees

In 2013, CAIR-CA noticed a rise in immigration related concerns from the American Muslim community. CAIR-LA was the first to respond to this need by undertaking efforts to hire an immigration attorney. CAIR-LA also determined that there was an immediate need to assist Syrian nationals and refugees due to the humanitarian crisis created by the civil war in Syria.

On November 10, 2013, CAIR-LA, along with the Los Angeles area chapter of the Syrian American Council, held the office's first ever immigration clinic aimed at assisting Syrian nationals with their applications for Temporary Protected Status (TPS), an immigration status that permits a citizen of another country to live and work in the United States for a designated period of time. This temporary status is typically granted to citizens of other countries who cannot return home safely due to violence, war, or natural disaster.

With the help of eight volunteer attorneys and law students, CAIR-LA was able to serve more than two dozen Syrian nationals and refugees with not only their TPS applications, but with applications for work authorization, and temporary travel documents.

¹⁶ Religious accommodations at prisons and other similar institutions are an ongoing statewide and national issue. Growth of the prison industrial complex, including privatization, complicates the matter. The above milestone is indicative of what CAIR-CA has to do each time it receives a complaint from a visitor or inmate at a particular institution. While we celebrate the success of this particular case, the CDCR does not currently provide a single solution to address every visitor's and/or inmate's religious accommodation issue across the state.

CAIR-SD Executive Director Hanif Mohebi (far right) > and community members engaged with an elected official's office during Muslim Day at the Capitol.

CAIR-SV Executive Director Basim Elkarra delivers the keynote address at Orrick's Annual Diversity Day. v

Case Highlights

Airline Discrimination

Following a brief layover, a Muslim man, whose name appears on the Secondary Security Screening Selection (SSSS) list, was quietly sitting in his seat with his Quran waiting for takeoff of a domestic flight, when a flight attendant approached him. The flight attendant told him that his name was not on the flight list and he needed to immediately get off the plane. His requests for further explanation were denied. He complied, but felt humiliated being escorted off a plane full of passengers. Once off the plane, he was told by another airline worker that his name was accidentally left off the flight list and he would have to board another flight. When he asked why this was only happening to him and no one else on the flight, he received no explanation. CAIR-CA helped the community member file a complaint with the airline, and as a result, he received a refund for his flight as well as a monetary voucher for future travel with the airline.

CBP Abuse

A Muslim man was returning to the United States after traveling abroad when he was pulled aside for extended questioning. The CBP agents who interviewed the man repeatedly directed derogatory remarks at him, questioned his sexuality, asked him if he visited training camps abroad and fired guns, and subjected him to a full-body search, including squeezing his genitals and stomach so hard he nearly vomited. The man complained to a supervisor after the encounter, but found no relief. The man subsequently reached out to CAIR-CA for help. CAIR-CA attorneys advised him that his civil rights were in fact violated and offered to work with him to file an official complaint against the CBP. The man stated for personal and privacy reasons he did not wish to file a formal complaint, and out of respect for his wishes, CAIR-CA did not pursue the matter further.

CAIR-CA always respects the privacy wishes of community members in need of assistance. However, to effectuate widespread change, we encourage complainants to stand up against civil rights abuses such as this.

Employment Discrimination

A young Muslim woman was not wearing hijab when she interviewed for a job at a retail beauty supply store. Shortly after being hired, she decided to start wearing hijab while working. On her first day wearing hijab at work, her supervisor told her in front of customers and co-workers that she would need to "take the hijab off or go home." The woman asserted her rights, refused to take off her hijab, and attempted to explain to her supervisor and store manager the significance of the hijab. She was still sent home. She continued to wear her hijab to work, received a drastic reduction in work hours, and was relegated to working in the back room of the store. The woman reached out to CAIR-CA for help. CAIR-CA attorneys and law clerks advised her of her rights under Title VII and assisted as she took her complaint directly to the company's human resources division. As a result of her decision to assert her rights and seek legal advice, the young Muslim woman's hours and work duties were returned to normal.

FBI Voluntary Questioning

While at work, a Muslim man was contacted by an FBI agent. The agent stated he wanted to talk to him because someone posted on the internet that he should be placed on the no-fly list. The community member immediately contacted CAIR-CA for help navigating the situation. A CAIR-CA attorney contacted the FBI agent and discovered that an anonymous person filed a complaint against the community member on the FBI's website, saying he should be placed on the no-fly list without providing any factual justification. CAIR-CA advised the community member that since there was no appropriate basis for the questioning, he should assert his right to remain silent and not speak with the agent. Once the FBI agent was told the community member was asserting his right to remain silent, he stopped trying to question the community member.



Hate Phone Calls

On May 18, 2013, the Islamic School of San Diego (ISSD) received multiple threatening phone calls from an anonymous person. The phone calls stated in part, "I'm going to throw a bomb in your f**king school." The ISSD received similar threats following the Boston Marathon bombings earlier in the year. The ISSD contacted CAIR-CA staff and law enforcement for help. Due to the nature and frequency of the threats, CAIR-CA encouraged the San Diego Police Department and the FBI to treat the acts as hate crimes. The ISSD has since been working with law enforcement and CAIR-CA to review safety and security protocols for their school.

Hate Crime

Two teenage American Muslim girls were using the restroom at a Southern California hotel when they were assaulted by a Caucasian woman. The perpetrator who attacked the girls pulled the headscarf off one of the girls and attempted to pull off the headscarf of the other teenager. While physically assaulting them, the perpetrator yelled "I do not approve of this, this is America!" CAIR-CA civil rights staff worked with the Orange County Sheriff's Department to ensure the case was properly investigated as a hate crime.

No-Fly List

A Muslim man contacted CAIR-CA when he was prevented from boarding his connecting flight in Thailand to his home in California. He was told by airline personnel to contact the United States Embassy to resolve the problem. No other explanation was provided. This led CAIR-CA staff to believe that he had been placed on the no-fly list. He was trapped at the airport for four days until he was notified that a Department of Justice official was arriving at the airport to question him. When the man refused to be questioned without an attorney present, he was turned over to Thai authorities. He was held at the airport detention center for ten days until CAIR-CA attorneys were able to secure his right to return home to California.

Public Accommodation

A young Muslim woman and her family had been banking with CHASE for many years. However, without any warning or reason, the young Muslim woman's college checking account was closed by CHASE. The family contacted CAIR-CA for assistance. CAIR-CA attorneys advocated on her behalf, requesting from the FBI and the Comptroller of the Currency both factual and legal justification for the bank closure. Unfortunately this woman's story is just one of many CAIR-CA chapters have witnessed in a growing trend of American Muslims having their bank accounts closed by financial institutions without any reason or justification. CAIR-CA attorneys are strategizing with other leading civil rights organizations to gather more information on this disturbing practice and develop best practices to defend against it.

School Discrimination

A Muslim woman from Jordan was enrolled in an adult English as a Second Language (ESL) course. During class introductions, the ESL instructor made inappropriate remarks about women who practice Islam in foreign countries such as Saudi Arabia and Afghanistan and then mocked the woman's hijab in front of the class. The woman removed herself from the class and contacted CAIR-CA on how to navigate the situation. With the assistance of a CAIR-CA attorney advocating on her behalf, the woman received a public apology from the instructor, and the school administration utilized CAIR-CA training materials to properly provide sensitivity training to its entire staff.

CAIR-SD staff and community > members speak to the press at a news conference announcing the publication of CAIR-CA's statewide school bullying report.





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Recommendations



▲ CAIR-LA Senior Civil Rights Attorney Fatima Dadabhoy (far left) and CAIR-LA Deputy Executive Director Ameena Qazi (front middle right) appear at a hearing with members of the Islamic Center of South Bay board, and co-counsel from Hadsell Stormer Richardson & Renick LLP, after the mosque's application for construction was approved.

In order to advance the civil rights of all communities, and in light of the complaints received in 2013, CAIR-CA's civil rights offices recommend that:

1. California teachers and school administrators take steps to understand their obligations under Seth's Law,¹⁷ passed and implemented in 2012, to protect students from bullying and harassment in the school environment. In addition, CAIR-CA also recommends that parents of American Muslim youth discuss with their children what to do if they are targeted by bullying or faced with teacher harassment.¹⁸
2. Local law enforcement agencies continue to provide officers with cultural competency trainings to ensure that members of the American Muslim community are not targeted as suspicious due to prevailing negative media images about them or their community. Law enforcement agencies at both the federal and local level should further commit to retraining those officers who have attended biased trainings in the past. American Muslims should also educate themselves on their constitutional rights when dealing with law enforcement.¹⁹ They should practice asserting their rights to remain silent, to an attorney, and to be free from unreasonable searches without a warrant.
3. Employers should ensure that managers at all levels understand an employer's obligations to accommodate an employee's religious practices under state and federal law, which provides employees with greater protection for their religious garb, among other things, in the workplace.²⁰
4. Muslim travelers ensure they maintain up-to-date and valid travel documents that are undefaced. They should also know their rights in the event that they are detained for secondary questioning on returning to the United States from abroad or are ever stranded overseas.

¹⁷ Cal. Ed. Code § 234.1(b)(1)-(4) (2013).

¹⁸ CAIR-CA recently released a "Know Your Rights as a Muslim Youth at School" pamphlet. The pamphlet provides education on peer bullying and teacher discrimination and what to do if a child is faced with either. To obtain a copy, please contact your nearest CAIR-CA office.

¹⁹ For more information on what your rights are, visit our "Know Your Rights" web page at <https://ca.cair.com/sfba/what-we-do/civil-rights/know-your-rights/>.

²⁰ Cal. Gov. Code §§ 12926, 12940 (2014).

Partners

CAIR-CA would like to thank the following individuals and organizations, who have been instrumental to the success of our civil rights work and who continue to contribute for the advancement of civil rights for all Americans.

Abrahamic Faiths Peacemaking Initiative	Kizuna
ACCESS California Services and ACCESS Sacramento	Labor Council for Latin American Advancement (LCLAA)
Alameda County Human Rights Commission	Lawyers' Committee for Civil Rights
American Civil Liberties Union	League of United Latin American Citizens
American Muslim Voice	League of United Latin American Citizens
Arab Cultural and Community Center	Legal Aid Society-Employment Law Center
Arab Film Festival	Los Amigos of Orange County
Arab Resource and Organizing Center	Mexican American Legal Defense and Educational Fund
Asian Americans-Advancing Justice-Asian Law Caucus	Mojaddidi Law
Asian Americans Advancing Justice-Los Angeles	Muslim American Society
Asian Pacific Islander American Public Affairs Association	Muslim Legal Fund of America
Bay Area Association of Muslim Lawyers (BAAML)	Muslim Public Affairs Council
Bill of Rights Defense Committee	Muslim Student Association West
CA Asian Pacific Islander Legislative Caucus	MyDeen
CA Black Legislative Caucus	NAACP of Sacramento
CA Latino Legislative Caucus	National Lawyers Guild
California Council of Churches	Nehemiah Corporation of America
California Immigrant Policy Center	North American Islamic Shelter for the Abused
Carpenter & Mayfield	Northern California Islamic Council
Center for Constitutional Rights	Orange County API Community Alliance
Clergy and Laity United for Economic Justice	Orange County Congregation Community Organization
Coalition for Humane Immigrant Rights Los Angeles	Orange County Human Relations Commission
Council of Asian Pacific Islanders Together for Advocacy & Leadership (CAPITAL)	Organization of Chinese American
Council of Sacramento Valley Islamic Organizations	Pangea Legal Services
Defending Dissent Foundation	People Acting in Community Together
Dr. Hatem Bazian	Progressive Christians Uniting
Dr. Rabab Abdulhadi	Rights Working Group
Ellahie & Farooqui LLP	Roman Catholic Diocese of Sacramento
Illume Magazine	Sacramento Central Labor Council
Interfaith Communities United for Justice and Peace	San Francisco Human Rights Commission
Interfaith Council of Greater Sacramento	Sikh American Legal Defense and Education Fund
Interfaith Worker Justice	South Asian Film Festival
Islamic Circle of North America	South Asian Network
Islamic Cultural Center of Northern California	The Focal Point
Islamic Networks Group	The Sikh Coalition
Islamic Shura Council of Southern California	United Sikhs
Japanese American Citizens League	Urban League of Sacramento
Jewish Voice for Peace	Van Der Hout, Brigagliano & Nightingale

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Glossary of Common 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 (Peace Be Upon Him).
- 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 tenth lunar month of the Islamic calendar. Eid al-Adha is celebrated in the twelfth month of the Islamic calendar, commemorating 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. Some Muslims believe they are required to pray every prayer in congregation. During the month of Ramadan, many Muslims also observe extended evening prayers called Taraweeh.
- 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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