



# The Empowerment of Hate

PHOTO: Far-right Dutch politician Geert Wilders (at podium) believes "Islam is the ideology of a retarded culture." Above, Reps. Louie Gohmert (R-Texas) and Steve King (R-Iowa) legitimize his prejudice with a Capitol Hill press event. Credit: Omar al-Saray

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## Civil Rights Report 2017

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Council on American-Islamic Relations

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CAIR is America's largest Muslim civil liberties and advocacy organization. Its mission is to enhance the understanding of Islam, encourage dialogue, protect civil liberties, empower American Muslims, and build coalitions that promote justice and mutual understanding.

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# Key Findings

Islamophobic bias continues its trend toward increasing violence.

In 2016, CAIR recorded a **57 percent increase** in anti-Muslim bias incidents over 2015.

This was accompanied by a **44 percent increase** in anti-Muslim hate crimes in the same period.

From 2014 to 2016, anti-Muslim bias incidents jumped 65 percent. In that two-year period, CAIR finds that hate crimes targeting Muslims **surged 584 percent.**

Harassment, a non-violent or non-threatening bias incident, was the most frequent type of abuse in 2016, accounting for 18 percent of the total number of incidents. Incidents during which the complainant was questioned by FBI employees or otherwise appeared to be inappropriately targeted by the agency made up 15 percent of cases, making this the second largest category. Employment issues—including denial of work, being passed over for promotion, or harassment by a supervisor or other senior staff—were the third largest category, accounting for 13 percent of the total. Hate crimes placed fourth, accounting for 12 percent of the cases CAIR documented. Denials of religious accommodation, for instance when a complainant is denied permission to wear a headscarf at work or have a Quran in their jail cell, were the fifth most frequent, accounting for 8 percent of total anti-Muslim bias incidents.

The most prevalent trigger of an anti-Muslim bias incident in 2016 was the victim's ethnicity or national origin, accounting for 35 percent of the total. 16 percent of incidents occurred as a result of a woman wearing a headscarf. Other miscellaneous Muslim activity—events such as rallies, community picnics, or a day at the state capitol visiting legislators organized primarily for Muslims—constituted an additional 11 percent. An individual's name was the next most common trigger factor, accounting for 8 percent of the incidents. The fifth trigger was the target being a place of worship. This calculated to 6 percent of the total.

Of the 2016 incidents for which Federal government entities were identified as the instigator: the FBI accounted for 62 percent, TSA accounted for 15 percent, CBP accounted for 12 percent, USCIS accounted for 4 percent, and ICE accounted for 2 percent.

## Background

From 1995 to 2009, CAIR published an annual report on the status of Muslim civil rights in the United States. This report is the successor to those documents.

CAIR has invested significant resources in improving our human resources, case intake and investigation, case management, and classification processes in the intervening years. We also decided to exclude bias directed at CAIR from this report so it more accurately reflects the experience of the community and not an institution.

Fire damaged mosque in Florida following an arson.  
Photo: CAIR-Florida



A Rhode Island mosque was defaced with graffiti.  
Photo: CAIR-Massachusetts



## The changes since 2009 come in four primary groupings:

- 1) Expanded legal staff:** Around 2009, CAIR made a strategic decision to expand our legal staff nationwide. It now has more than 35 attorneys on staff across the United States. The inclusion of more attorneys in the data gathering process has provided CAIR with a greatly expanded capacity to conduct independent investigations of the complaints we receive.
- 2) Completely revised case classification system:** To better discuss the landscape of issues the Muslim American community faces, the National office solicited input from scholars, experts, and CAIR stakeholders on how to improve and refine our case classifications. Their suggestions were incorporated to develop a more robust classification system.
- 3) Decentralized case management:** A new database launched at the end of 2014 has enabled CAIR to chart incidents of discrimination as they occur throughout the country, while simultaneously securing and maintaining the privacy of those who contact CAIR for assistance. Each chapter maintains its own case management system to which no other CAIR affiliate has access.
- 4) Decision to exclude bias sent directly to CAIR:** As part of its new system, the National office has chosen to exclude hate mail and threats received at its offices. Since 2009, and with the expansion of social media, CAIR's online presence has markedly increased. With that increase, those seeking to express their anti-Muslim sentiment and beliefs have targeted CAIR through Twitter, Facebook, and other modes of communication. As such, inclusion of anti-Muslim hate mail received at our offices in this report would have had a substantial and dramatic effect on the total number of incidents occurring in Washington, D.C. We do not believe that this would have been the most accurate way to demonstrate the experience of American Muslims in this country.

## WHY WRITE THIS REPORT

CAIR provides legal and advocacy services to people who have been targeted by bias.

The organization employs 35 staff attorneys and has a presence in 22 states. These attorneys are tasked to assist every client in obtaining a just and fair resolution to their case, free of charge.

While CAIR's focus is to win justice for each client, processing these cases provides the organization with a wealth of data. During the 2014-2016 period, CAIR staff processed a total of 11,427 incidents of potential bias.

This report assembles this data to offer a larger and more comprehensive reflection of the civil rights implications of Islamophobic bias in the United States.

CAIR is committed to protecting the civil rights of all Americans, regardless of faith. We do so with gratitude for the protections already established through the long, and often ugly, struggles of other targeted communities. As we work to help our clients, our broader goal is to set legal precedent, pass laws, and shape a social environment in which every American enjoys the basic right to be free from unequal treatment.



Protestors target Muslim participants of Texas Muslim Capitol Day, an event encouraging political engagement. Photo: CAIR-Houston.

## Methodology

Each year, thousands of complainants contact CAIR through a variety of media, including telephone, email, and the online complaint system. When possible, CAIR staff also may reach out to offer their services to individuals whose incidents were reported in news sources and not directly to CAIR.

With each case, civil rights staffers review preliminary materials and conduct extensive interviews with prospective clients as part of the confidential intake process. After gathering adequate information to determine whether a case contains an identifiable element of religious, ethnic or national origin bias, staffers then strip the case of any confidential and identifying information. This information remains in their independent case management system, and the case is entered into the national CAIR civil rights database.

Launched in 2014, this national database is used by all CAIR chapters to chart incidents of religious discrimination as they occur across the country. Prior to gaining access to the system, staffers must complete training on how to categorize cases and use the system.

To enter a new incident, staff first specify the state in which the incident occurred, the date of the incident, and whether

there was an apparent element of religious discrimination. If the latter is marked, the form expands for the staffer to categorize the case based on a number of data points including, the type of abuse the complainant experienced, the location of the incident, the triggering factor that led to it, and so on. Numerous cases contain elements of many of these factors. Staff is therefore trained to only select the representative issues which best describe the complaint.

In addition to direct intake via the civil rights staff, CAIR also monitors local and national news sources and media reports to collect incidents of anti-Muslim bias. Each external report is fact-checked, verified by a third party, and vetted to exclude false cases or those which are found to have no discernible element of religious discrimination. To prevent duplicate case entry, each incident culled from the media is cross-checked with the appropriate CAIR chapter prior to its entry into the national database. Thousands of cases have gone through CAIR's system in the past few years. Irrespective of the fact that not all cases contain evidence of religious discrimination, each case still passes through the investigative stage in order to determine whether CAIR is able to assist the complainant. Assistance can include referral to an appropriate government agency, community organization, or private attorney, in addition to directing the complainant to information relevant

to their issue. In effect, this means that each case fed through the preliminary intake and categorization process requires a minimum of three to four hours of staff time to address, regardless of whether it is actionable. Therefore, it is conclusive that any case listed in this report as containing an element of religious discrimination has undergone a thorough vetting process which seeks to ensure the highest possible form of accuracy.

## Limitations

This report contains a mere snapshot of the experiences of the American Muslim community. From experience, CAIR knows that bias incidents targeting the community are vastly underreported to both law enforcement and community institutions.

Community members will often not report incidents such as harassment and bullying since there is a certain level of desensitization. CAIR staff often hear of episodes in which someone was verbally harassed and did not report it since the victim feels nothing can be done, or that such things have become normal.

Where CAIR is present, the local community is more likely to report cases to us. Thus, in states like California and Florida where the organization has multiple offices, we expect a higher numbers of cases than in states like Tennessee or Colorado where the organization does not yet have an office.

## Acknowledgments

The primary authors of this report are Corey Saylor and Zainab Arain of the Department to Monitor and Combat Islamophobia. Many thanks to Maha Sayed, Robert McCaw, and William Burgess for their contributions to the special focus sections of the report. CAIR is also deeply grateful to Dr. John Robbins for his invaluable edits.

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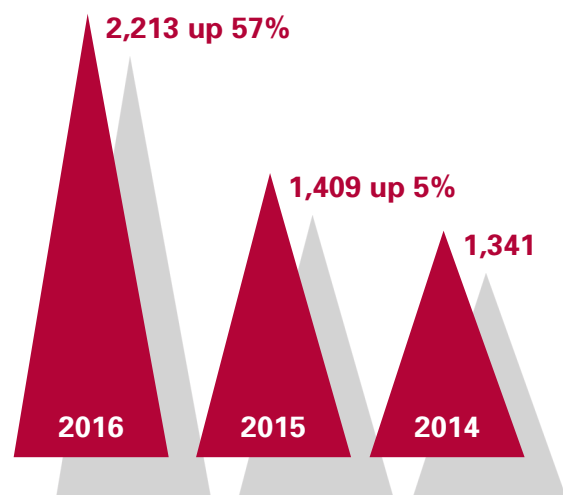
CAIR intake and legal staff are trained to expand their capacity to assist clients. Photo: Omar Al-Saray

# Bias Incident Data

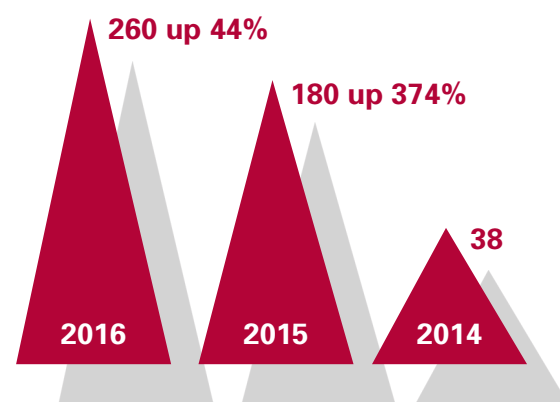
In 2016, CAIR recorded a 57 percent increase in anti-Muslim bias incidents over 2015. This was accompanied by a 44 percent increase in anti-Muslim hate crimes in the same period.

From 2014 to 2016, anti-Muslim bias incidents jumped 65 percent. In that two-year period, CAIR finds that hate crimes targeting Muslims surged 584 percent. Islamophobic bias continues its trend toward increasing violence.

## Total anti-Muslim bias incidents



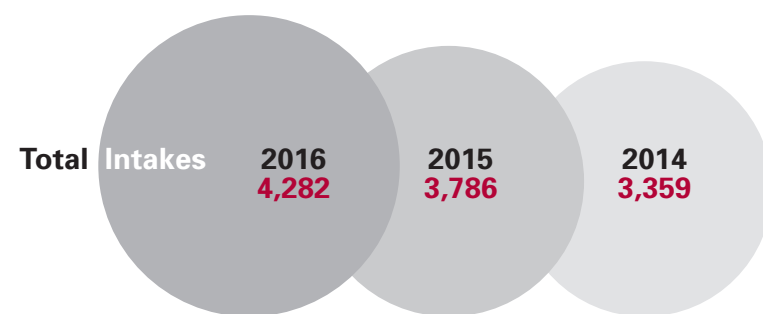
## Total anti-Muslim hate crimes



For comparison, researchers at the California State University, San Bernardino reported a 78 percent increase in hate crimes targeting Muslims in 2015 after reviewing official hate crimes data for twenty states.<sup>1</sup> In November 2016, *The New York Times* published FBI data which demonstrated that “attacks against American Muslims surged” in 2015 jumping “about 67 percent over 2014.”<sup>2</sup>

In total, CAIR received 4,282 reports of potential bias incidents cases in 2016. Staff determined that 2,213 (52%) of these reports contained an identifiable element of religious, ethnic or national origin bias.

## Total potential bias incident intakes and documented incidents by year



## Types of Abuse

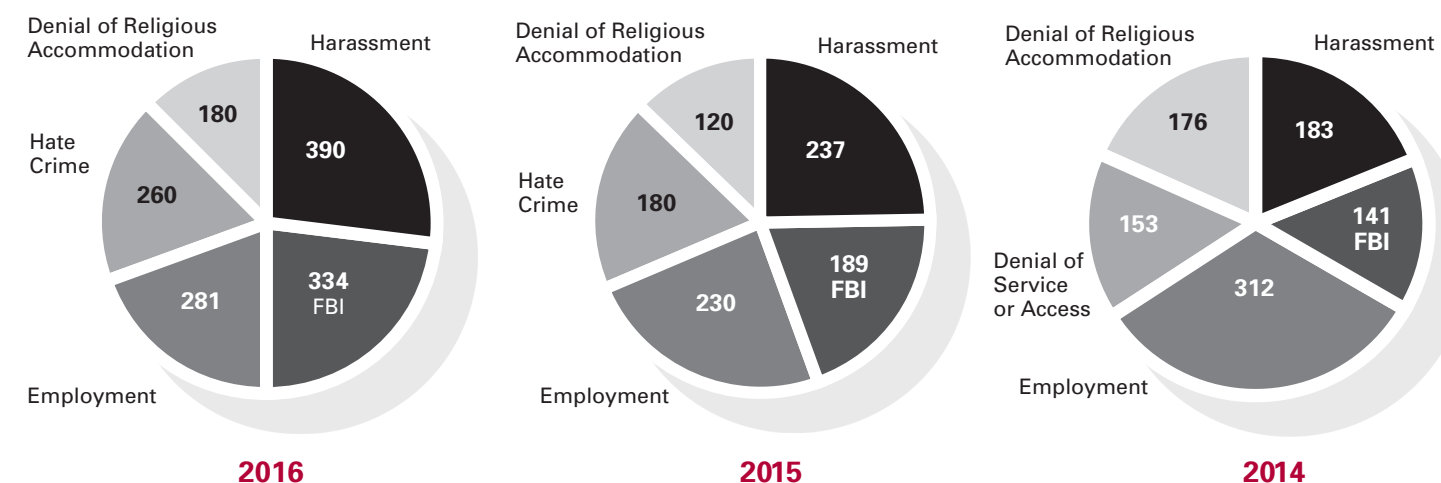
All cases are classified by three criteria in CAIR’s database: type of abuse, location of incident, factor that triggered the incident.

Harassment, a non-violent or non-threatening bias incident, was the most frequent type of abuse in 2016, accounting for 18 percent of the total number of anti-Muslim bias incidents.

Incidents during which the complainant was questioned by FBI employees or otherwise appeared to be inappropriately targeted by the agency made up 15 percent of cases, making this the second largest category. Employment issues—including denial of work, being passed over for promotion, or harassment by a supervisor or other senior staff—were the third largest category, accounting for 13 percent of the total.

Hate crimes placed fourth, accounting for 12 percent of the cases CAIR documented. Denials of religious accommodation, for instance when a complainant is denied permission to wear a headscarf at work or have a Quran in their jail cell, were the fifth most frequent, accounting for 8 percent of total anti-Muslim bias incidents.

## Top five types of anti-Muslim bias incidents



## Location

Seventeen percent of anti-Muslim bias incidents occurred in a residence or home in 2016, making this the most likely place where an incident to take place.

Schools, colleges, and universities were the second most common location at 12 percent. This was followed by commercial buildings accounting for 12 percent.

At 10 and 7 percent respectively were air, bus, and train terminals, and highways, roads, alleys, and streets.

## Top five locations of anti-Muslim bias incidents

	2016	2015	2014
1	Residence/Home (385)	School/College (192)	Commercial Building (196)
2	School/College (273)	Commercial Building (189)	School/College (153)
3	Commercial Building (266)	Residence/Home (186)	Residence/Home (140)
4	Air/Bus/Train Terminal (213)	Mosque/Islamic Center (127)	Air/Bus/Train Terminal and Jail/Prison (128)
5	Highway/Road/Alley/Street (148)	Air/Bus/Train Terminal (97)	

Note: Cases with location “unknown/not relevant” were not ranked.

## Trigger Factor

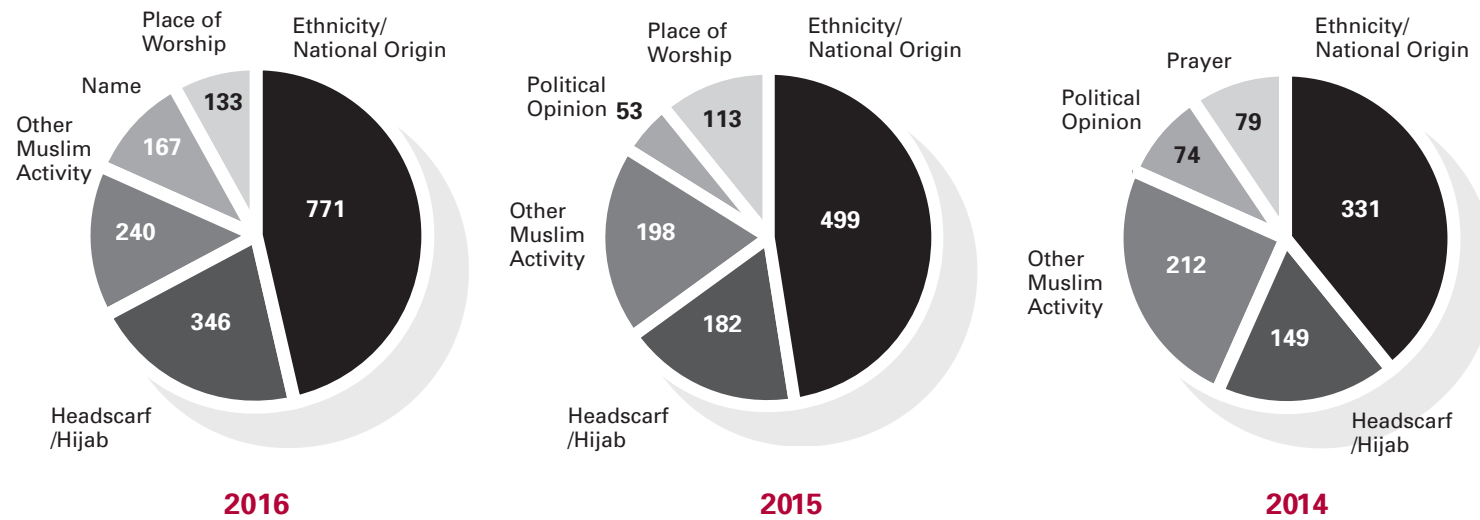
The most prevalent trigger of an anti-Muslim bias incident in 2016 was the victim's ethnicity or national origin, accounting for 35 percent of the total.

16 percent of incidents occurred as a result of a woman wearing a headscarf.

Other miscellaneous Muslim activity—events such as rallies, community picnics, or a day at the state capitol visiting legislators organized primarily for Muslims—constituted an additional 11 percent.

An individual's name was the next most common trigger factor, accounting for 8 percent of the incidents. The fifth trigger was the target being a place of worship. This calculated to 6 percent of the total.

### Top five triggers of anti-Muslim bias incidents



Note: Cases with trigger "other/unknown" were not ranked.

## Federal Agencies

Of the 540 total incidents in 2016 for which Federal government entities were identified as the instigator: the FBI accounted for 62 percent, TSA accounted for 15 percent, CBP accounted for 12 percent, USCIS accounted for 4 percent, and ICE accounted for 2 percent. In 5 percent of cases, multiple federal government agencies were involved.

### Total number of federal agency incidents

	2016	2015	2014
CBP	67	35	34
FBI	334	189	141
ICE	10	3	2
Multiple Federal Government Agencies	28	37	56
TSA	80	31	48
USCIS	21	19	12
<b>Total #</b>	<b>540</b>	<b>314</b>	<b>293</b>
<b>Percentage of Total Anti-Bias Incidents</b>	<b>24</b>	<b>22</b>	<b>22</b>

## Totals by type, location and trigger

Type of Abuse	2014	2015	2016	Location	2014	2015	2016	Trigger Factor	2014	2015	2016
Bullying	23	67	115	Air/bus/train terminal	128	97	213	Ethnic Attire	16	14	90
CBP	34	35	67	Bank/Savings & Loan	41	18	29	Ethnicity/National Origin	331	499	771
Citizenship	5	4	25	Commercial Residential Building/Complex	16	41	40	Hajj	7	2	1
Damage/Destruction/Vandalism*	11	44	87	Commercial Building	196	189	266	Headscarf/Hijab	149	182	346
Denial of Religious Accommodation	176	120	180	Department/Discount Store	31	41	78	Islamic Beard	31	27	21
Denial of Service/Access	108	94	153	Doctor's Office/Hospital/Pharmacy	36	31	61	Islamic Holiday/Eid	18	12	18
Employment	312	230	281	Government/Public Building	89	88	91	Kufi/Turban	7	4	8
FBI	141	189	334	Highway/Road/Alley/Street	57	54	148	Language	5	7	17
Harassment	183	237	390	Hotel/Motel	8	9	16	Muslim Business	23	25	28
Hate Crime*	5	108	101	Internet/Online	1	19	47	Name	56	48	167
ICE	2	3	10	Jail/Prison	128	63	96	Other Muslim Activity	212	198	240
Intimidation	1	29	85	Mosque/Islamic Center	39	127	139	Other Muslim Institution	15	17	26
Islamophobic Propaganda	67	36	62	Other	51	56	51	Other/Unknown	219	96	119
Multiple Federal Government Agencies	56	37	28	Other-Islamic	2	0	4	Place of Worship	29	113	133
Other	52	35	17	Parking Lot/Garage	11	16	38	Political Opinion	74	53	89
Physical Violence*	22	28	72	Residence/Home	140	186	385	Prayer	79	49	82
State/Local Police	67	54	91	Restaurant	20	18	30	Prayer (Friday)	32	27	22
TSA	48	31	80	School/College	153	192	273	Quran/Other Islamic Literature	13	14	25
USCIS	12	19	21	Service/Gas Station	20	30	38	Ramadan	25	22	10
Zoning	16	9	14	Shopping Mall	18	21	29				
				Unknown/Not Relevant	156	113	141				
*Sum of Hate Crime Types (DDV + Hate Crime + Physical Violence)	38	180	260								

The most prevalent trigger of an anti-Muslim bias incident in 2016 was the victim's ethnicity or national origin, accounting for 35 percent of the total.

# Case Studies

Examples of the human experience of bias are offered throughout this report. The below case summaries are collected in one section to offer added depth.

To the children of Satan,

You muslims are a vile and filthy people. Your mothers are and your fathers are dogs. You are evil. You worship the devil. But your day of reckoning has arrived.

There's a new sheriff in town -- President Donald Trump. He's going to cleanse America and make it shine again. And, he's going to start with you muslims. He's going to do to you muslims what Hitler did to the jews. You muslims would be wise to pack your bags and get out of Dodge.

This is a great time for patriotic Americans. Long live President Trump and God bless the USA.

Americans for a Better Way

Following election day, around 30 U.S. mosques received a letter asserting that President Trump "will do to you Muslims what Hitler did to the Jews." Photo: Omar Al-Saray

## Hate Crimes

**Kansas:** Federal authorities charged three militia members for conspiring to bomb a Kansas mosque. The men belonged to a group named "the Crusaders," and planned to murder primarily Somali Muslim immigrants, whom they referred to as "cockroaches," just after the 2016 U.S. presidential election.<sup>3</sup> The men believed that their "bloodbath" would "wake people up" and hoped it would inspire similar acts.<sup>4</sup>

**New York:** Mujibur Rahman was walking with his nine-year-old niece in the Bronx borough of New York City when he was attacked from behind by two men who yelled "ISIS, ISIS." The victim, who is of Bangladeshi heritage and was wearing traditional Muslim attire, was reportedly punched several times in the head and kicked after he fell to the ground. He was taken to a local hospital where he was treated and released.<sup>5</sup> Police later arrested two teens after a parent heard one of them bragging about the attack. The suspects were charged with "misdemeanor assault and harassment as a hate crime."<sup>6</sup>

**Texas:** Zaza Bar & Bites, a Muslim-owned restaurant in Galveston, was vandalized with bacon twice in one week. In the first incident, bacon grease was smeared over the door handles of the restaurant. In the second, bacon pieces were strewn across the front of the establishment.

**Missouri:** Leonard DeBello yelled "You Muslim? All of you should die" at a Muslim couple who were shopping for a home in his neighborhood. He subsequently pointed a gun at them. DeBello was charged with "unlawful use of a weapon motivated by discrimination."<sup>7</sup>

**Ohio:** An armed man shot a sixteen-year-old Lakewood High School student who was walking home from his part-time job. According to the victim, who was wearing an Islamic head covering called a "kufi" at the time of the alleged attack, the perpetrator called him a "terrorist" and a "Taliban b\*tch" before the shooting. The student was struck in the shoulder and was left bleeding at the scene. Denzel Johnson was subsequently arrested and charged with felonious assault.

**Illinois:** A Muslim mother and daughter were harassed and physically attacked in West Rogers Park. Video footage of the incident shows the attacker shouting obscene and Islamophobic slurs such as "f\*\*king b\*tch" and "f\*\*k you ISIS b\*tch" at the women while they were sitting in a vehicle. The attacker tried to enter the vehicle, but upon finding the doors locked, kicked the vehicle and smashed the side view mirror while the women inside sat terrified and screaming. As the attacker walked away, she continued to yell derogatory, misogynistic and Islamophobic slurs at the Muslim women. The mother and daughter reported that the same individual had also spat on, harassed, and yelled at them repeatedly while they were walking to their vehicle that morning.<sup>8</sup>

## Harassment

**Texas:** Syed Ali was under consideration as a precinct chair for the local Republican Party. Trevor Gordon, chaplain for the Harris County Republican Party, challenged Ali's nomination, saying "Islam and Christianity do not mix" and Islam "is the total opposite of our foundation." After one man cited party rules against religious discrimination, Mike Robertson is reported to have asked "Has there been any factual information provided that Islam is a religion?" The majority in the room voted against Gordon and Robertson's bid to block Ali, who later expressed gratitude for the number of people who supported him in the face of bias.<sup>9</sup>

**California:** Mohamed Abbas, a disabled U.S. Army veteran working at the Department of Defense's Marine Department Maintenance Command Production Plant, discovered his restroom locker vandalized with the words "terrorist" and "raghead." Abbas, who served in Iraq, has worked as a tools and parts attendant at the base since 2010 and alleges that harassment directed toward him began four years ago. He scratched the graffiti out and did not report it out of fear of retribution. He says he would routinely receive comments from co-workers who would ask questions such as "When are you going to blow the place up?"<sup>10</sup>

**Maryland:** A U.S. military veteran and his wife, who wears a headscarf, were shopping for a home in Frederick. According to their realtor, when he showed the couple a neighborhood clubhouse, a woman at the pool yelled, "We don't want Muslims in our clubhouse. Take off that robe over your head."<sup>11</sup>

## Intimidation

**Arizona:** A threatening letter was posted to the door of a recently resettled Syrian refugee family while the husband was at work and the wife and their young children were home alone. It read, "Go away killers," "We do not like you living here!" "Please move before danger can happen," and "America hates terrorist like you!" CAIR reported the incident to the Tucson Police Department and the family moved to a new apartment out of fear for their safety.

**California:** Hundreds of letters inciting mass violence were left on the front windshields of cars parked in Midtown, Sacramento. These letters said, "kidnap, rob, torture for information, and execute all Muslims and Latinos. Leave no survivors." Shortly following this, a neo-Nazi rally occurred in downtown Sacramento. The rally turned violent and some in attendance were stabbed. In response to these incidents, CAIR participated in a community-wide rally for unity at the state capitol and spoke at a press conference alongside ally organizations to promote unity within the community.

**Ohio:** A Muslim woman and her children and elderly parents were threatened and verbally abused in their car by a man when the woman stopped at a traffic light. The man allegedly approached the car and started banging on the window. He then reportedly started yelling slurs and obscenities at the woman including, "C\*\*t, you don't belong in this country," and "Go back to your f\*\*king country." The man also allegedly took pictures of the children in the car.<sup>12</sup>

## Employment

**Colorado:** Cargill Meat Solutions, a meat distribution service, informed its employees that it would no longer accommodate prayer break requests.

When impacted employees did not call in or show up to work for three days in order to protest the change of the plant's prayer accommodation policy, Cargill fired about 150 Somali Muslim employees for violating the company's attendance policy. In collaboration with another civil rights law firm, CAIR filed discrimination complaints with the Equal Employment Opportunities Commission on behalf of the over 130 employees. Shortly thereafter, the Colorado Department of Labor and Employment ruled that the Muslim workers fired from Cargill were eligible for unemployment benefits because a company cannot force workers to choose between their religion and their jobs. An investigation by the Equal Employment Opportunity Commission is still pending.

**Pennsylvania:** State Correctional Institution-Mahanoy terminated an employee from his job because he performed prayer during work hours. CAIR sued SCI-Mahanoy for infringing upon the man's religious rights and failing to provide religious accommodation. The case went to trial and the Judge ruled that the prison's policy unfairly burdened Muslim inmates' right to pray. As a result of the lawsuit, SCI-Mahanoy is now required to allow all Muslim kitchen workers the right to perform prayer during their shifts.

### Denial of Service

**Arizona:** Two recently relocated Iraqi refugees were banned from the premises of Westgate Entertainment District because, according to the police report, mall security noticed that "two Middle Eastern males [were] walking through the mall taking pictures." The men were at the mall on New Year's Eve and took several photographs of themselves and their friends around a large Christmas tree. When they returned to the mall in January, they were confronted by mall security and Glendale police officers, and removed from the mall's vicinity. CAIR filed a formal complaint with the Arizona Attorney General's Office.

**Arizona:** A pregnant woman was denied service by the in-house tailor at Nordstrom Rack because of her headscarf. The woman asked to have a private

fitting room because she did not feel comfortable having her measurements taken in the open. The tailor responded, "You can cover up where you came from. You can't do that in America" and refused to fit the woman. CAIR filed formal complaint of public service denial with the Arizona Attorney General's Office.

### Anti-Mosque Incidents

**California:** Police arrested Mark Feigin, who had called in threats to the Islamic Center of Southern California, after they found a stockpile of rifles, shotguns, handguns, several modified high-capacity magazines and thousands of rounds of ammunition in his home. Police stated that he had the means to carry out his threat.

**Florida:** The Islamic Center of Fort Pierce sustained extensive damage after it was deliberately set on fire. A male arrived on a motorcycle carrying paper and a bottle of liquid. He approached the northeast side of the building and ignited the fire before running away.

**Oklahoma:** A pickup truck pulled into the parking lot at the Islamic Center of Lawton, and dropped a pig carcass from the tailgate into the lot. The perpetrators have not yet been identified.

**New Jersey:** The Bernards Township Planning Board denied the construction of mosque proposed by the Islamic Society of Basking Ridge. Township officials involved in the decision routinely disparaged Muslims and Islam in emails from their personal accounts. The U.S. Department of Justice opened a civil rights investigation into the decision and subsequently filed a federal lawsuit over the township's denial of the mosque.

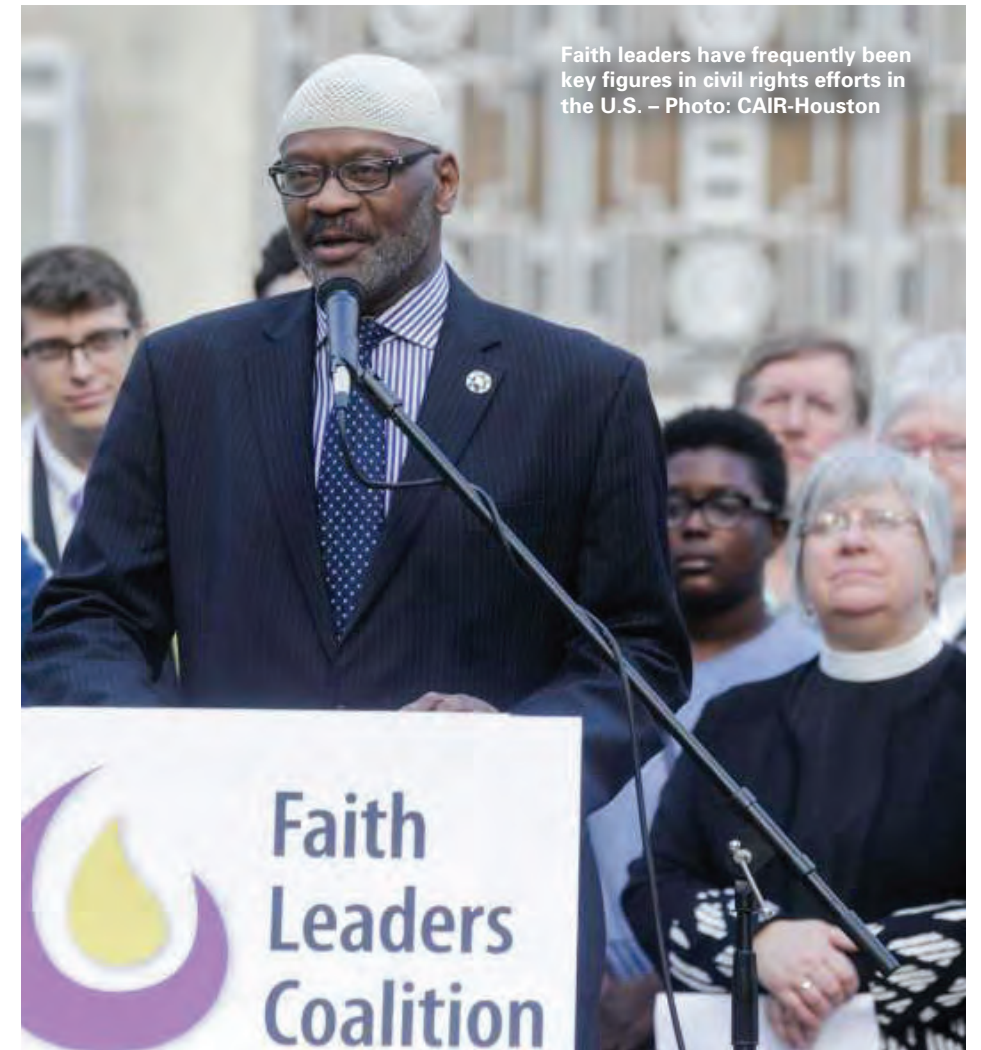
**Florida:** Palm Beach Supervisor of Elections Susan Bucher removed the Islamic Center of Boca Raton as a polling station in an apparent response to complaints from voters who felt "uneasy casting their ballot at a mosque." Some of the complaints were described as vulgar and threatening. It is common practice to use places of worship as polling places.<sup>13</sup>

### Bullying

**Texas:** A Muslim 7th grader was called a terrorist by his teacher at First Colony Middle School in Fort Bend County. The student laughed at a scene from a movie

that was being screened for the class, and the teacher said "I wouldn't be laughing if I was you." Asked why, the teacher responded, "because we all think you're a terrorist." Other students then began adding their own jokes implying the twelve-year-old was a terrorist such as, "You have bombs" and "I can see the bombs."<sup>14</sup> The teacher was placed on paid administrative leave pending an investigation.<sup>15</sup>

**California:** On her first day at school in a headscarf, 10-year old Yasmeen was called a "terrorist" and told that she came from "a family of killers." She was sent home in tears. The next day, when a helicopter flew over the school at recess, one of her peers told Yasmeen that the helicopter was coming to take her because she didn't belong in America. Yasmeen's family contacted CAIR, who met with the school and school district to ensure Yasmeen would not face any more hate going forward. Yasmeen then became the face of CAIR's efforts to pass AB-2845, a bill to protect Muslim and Sikh students from school bullying. Her testimony at assembly hearings left assembly members in tears. With Yasmeen's help, AB-2845 passed the State Assembly and Senate and was signed into law.



Faith leaders have frequently been key figures in civil rights efforts in the U.S. – Photo: CAIR-Houston



Title VII of the Civil Rights Act prohibits employment discrimination. Photo: Omar Al-Saray.



A group of young individuals learn their civic rights and responsibilities. Photo: Omar Al-Saray.



# Special Focus Sections

## Priming the Pump: The Dangerous Political Environment.

Dangerous political rhetoric combined with deeply negative views of Islam and Muslims throughout 2016. This brew, mixed with the erroneous placement of collective blame on every individual Muslim for the acts of a noxious few, contributed to a significant and distressing rise in incidents of Islamophobic bias.

CAIR first reported on the emergence of more violent Islamophobic activity in the United States in August 2015.<sup>16</sup> At the time, CAIR noted how anti-Islam acts targeting mosques had shifted from efforts to block expansion or construction, to more direct destruction and vandalism.

The tone public figures adopt can either incite or defuse the social environment. For instance, former President George W. Bush's speech at a Washington, DC mosque is often cited as playing a key role in defusing anti-Muslim backlash following the 9/11 terror attacks.

A publication produced by a United States Holocaust Museum's Simon-Skjoldt Center for the Prevention of Genocide Fellow notes that dangerous speech includes, "both speech that qualifies as incitement and speech that makes incitement possible by conditioning its audience to accept, condone, and commit violence against people who belong to a targeted group." The publication's author adds, "Dangerous speech often dehumanizes the group it targets (e.g. by calling its members rats, dogs or lice), accuses the target group of planning to harm the audience, and presents the target group's existence as a dire threat to the audience."<sup>17</sup>

Thus, the central issue is not with speech targeting deviant groups like ISIS, Al-Qaeda, or their ideological affiliates. Rather, it is about language that targets all Muslims, insidiously conditioning the public consciousness to accept that extreme, even extrajudicial, measures against all Muslims are reasonable, justified acts of self-defense.

## Toxic Political Rhetoric and the President-Elect of the United States

When Donald Trump became President of the United States on January 20, 2017, he brought an unprecedented record of conditioning audiences to fear Muslims. Trump has stated that he believes "Islam hates us,"<sup>18</sup> and alleges that there is "no real assimilation" by US Muslims, both of which ideas have been thoroughly disproven by independent sources.<sup>19</sup> Trump has also said he would "certainly implement" a database and special identification cards for American Muslims.<sup>20</sup>

After a tragic massacre in Orlando, Trump also falsely alleged that American Muslims do not report "bad" people to law enforcement, saying "They have to cooperate with law enforcement and turn in the people who they know are bad. ... But you know what? They didn't turn them in. And you know what? We had death and destruction." A Muslim had previously reported the Orlando shooter to the FBI.<sup>21</sup>

The director of the FBI, James Comey, countered Trump's false claim and stated, "[Muslims] do not want people committing violence, either in their community or in the name of their faith, and so some of our most productive relationships are with people who see things and tell us things who happen to be Muslim."<sup>22</sup> Comey's words are further reinforced by statements from former FBI Director Mueller, Former Attorney General Holder, and Former National Counterterrorism Center Director Leiter.<sup>23</sup>

Trump's dangerous proposal to ban Muslims from entering the United States is another prime example of broad-brush smears. In addition to fitting into President-elect Trump's pattern of deploying dark stereotypes of Muslims, there are three key points to know about the proposal:

- 1. It was not spontaneous.** After it was publicized, the Washington Post reported that the campaign was in fact ready to announce the ban by Dec. 2, but, "For symbolic impact, the campaign decided to wait to announce the proposed policy on Dec. 7, National Pearl Harbor Remembrance Day."<sup>24</sup> This was not an off-the-cuff moment, but a planned use of Islamophobia and bigotry to advance a political goal.
- 2. He cited a debunked poll commissioned by a key Islamophobic group in the press release announcing the policy proposal.** The debunked Center for Security Policy poll cited in the Trump announcement used a defective surveying method that is "rejected by the body that sets ethical standards for polling."<sup>25</sup> The poll itself was conducted by a polling company led by Kellyanne Conway, who later became Trump's campaign manager. This connection highlights the troubling fact that key components of the U.S. Islamophobia Network have access to the Oval Office.
- 3. Religion is a protected characteristic under the US Constitution.** Government targeting of individuals based on their choice of faith is prohibited under U.S. law. Similarly, government intrusion into religious affairs, such as the interpretation of Islamic religious principles, is strictly prohibited by the First Amendment. As an attorney for the Bible Colleges Association argued, "I don't think the state has the competence to decide what is Sharia law."<sup>26</sup>

## Toxic Speech During the Presidential Election Cycle

Other candidates for the U.S. presidency also contributed to an anti-Muslim narrative. In early 2015, Louisiana Governor Bobby Jindal adopted the discredited claim that Muslims in Europe had established so-called "no-go" zones which people of other faiths and the police were not allowed to enter. Prior to this, Fox News was forced to apologize several times for a similar "no-go" zone claim made by self-proclaimed terrorism "expert" Steven Emerson. In response to Emerson's claim, British Prime Minister David Cameron said, "Frankly I choked on my porridge and thought it must be April's Fools Day. This guy is clearly a complete idiot."<sup>27</sup>

In late 2015, former U.S. Senator Rick Santorum (R-Pa.) falsely claimed on Des Moines television station KCCI's "Close Up" program that the U.S. Constitution does not equally protect the religious liberties of Islam as it does Christianity,<sup>28</sup> and Wisconsin Governor Scott Walker declared that there are only a "handful of reasonable, moderate followers of Islam."<sup>29</sup>

On the Mark Levin show in January 2016, Ben Carson repeated the discredited conspiracy theory of "civilizational jihad," a fantastical plan about a Muslim plot to take over America.<sup>30</sup> In

a February interview with *Breitbart*, Carson said Muslims could embrace American democracy "only if they're schizophrenic" adding, "I don't see how they can do it otherwise, because they have two different philosophies boring at you [that contradict each other]. That would be very difficult."<sup>31</sup> Carson has also said that Islam is not consistent with the U.S. Constitution, and that he would not vote for a Muslim President. Even after it was pointed out that Article VI of the Constitution prohibits such religious tests for public office, Carson refused to alter his stance.<sup>32</sup>

In March, following a terror attack in Brussels, Belgium, Texas Senator Ted Cruz's presidential campaign issued a statement calling for the United States to "empower law enforcement to patrol and secure Muslim neighborhoods before they become radicalized."<sup>33</sup> In an op-ed for the *New York Daily News*, Cruz invoked the discredited claim that Muslims in Europe have set up so-called no-go zones.<sup>34</sup> Titled, "Ted Cruz Replies to Bill Bratton on NYPD's Demographics Unit and the Fight Against Jihadist Terrorism," the op-ed was written in part to defend Cruz's unconstitutional call for law-enforcement to patrol so-called "Muslim neighborhoods."



### Dangerous Speech from Elected Officials

Although presidential candidates may be the most publicly visible politicians, they were unfortunately not alone in engaging in the dehumanization of Muslims.<sup>35</sup> The list below represents a brief sampling of Islamophobic rhetoric collected by CAIR and other institutions in 2016:

- Alabama State Sen. Jason Rapert (R-Conway) falsely claimed that Muslims “wait for every opportunity to convert Americans to Islam or kill the infidels — that is what their holy book the Koran instructs them to do.”<sup>36</sup>
- In a legislative hearing in Hawaii, Thomas Friel, chief of Hawaii’s Department of Land and Natural Resources’ Division of Conservation and Resources Enforcement, implied that the agency’s law enforcement officers needed semi-automatic weapons “because people working as fishermen, specifically workers from Indonesia and the Philippines, may be Muslim.”<sup>37</sup>
- State Rep. Ken Weyler (R-Rockingham) argued that giving public assistance to Muslims amounts to treason in his testimony to a state House committee hearing on a bill he co-sponsored. In testimony supporting his bill, Weyler said, “Giving public benefits to any person or family that practices Islam is aiding and abetting the enemy.”<sup>38</sup>
- Tennessee State Rep. Susan Lynn (R-Mount Juliet) handed out DVDs of a paranoid, anti-Muslim film called “America’s Mosques Exposed! Video Evidence They Are War Factories” to her colleagues in the General Assembly.<sup>39</sup>
- Fredy Burgos, a member of Virginia’s Republican State Central Committee, posted a series of anti-Muslim tweets, in which he said that Islam is a “death cult organized by Satan.”<sup>40</sup>

Viewed in the context of the Holocaust Museum’s observations on dangerous speech, this trend and method of targeting all Muslims is chilling.

### Negative Public Perception of Islam and Muslims

In its 2015 review of two decades of polling American’s views of Islam and Muslims, the Georgetown Bridge Initiative reported that “In the decade after 9/11, Americans’ self-reported knowledge of Islam increased, but in 2010, a majority still felt uninformed about the religion. After 9/11 Americans had favorable views of Islam, but by the middle of the Iraq War their views had flipped, with more expressing negative views than positive ones.”<sup>41</sup>

American opinion in 2016 gives credence to the impression that Americans may be receptive to viewing un-Constitutional measures against Muslims as reasonable and justified.

In August, a University of Texas/Texas Tribune poll found that “seven out of ten Texas Republicans” strongly favor Muslims being subjected to “more scrutiny than people in other religious groups.”<sup>42</sup>

An April Rasmussen Reports survey found that “67% of Likely Republican Voters” supported Trump’s proposal to ban Muslims from “entering the United States until the federal government improves its ability to screen out potential terrorists from coming here.”<sup>43</sup>

According to Morning Consult, in March, 84 percent of U.S. voters supported “a temporary ban on Muslims traveling to the United States,” and 49 percent supported “additional law enforcement patrols of Muslim neighborhoods.”<sup>44</sup>

In July, *Reuters* found that “78 percent of Trump supporters and 36 percent of Clinton supporters” believe that Islam is more likely than other religions to encourage acts of terrorism.<sup>45</sup>

A survey of teachers conducted by the Southern Poverty Law Center found that “two-thirds” of teachers reported that “students—mainly immigrants, children of immigrants and Muslims—have expressed concerns or fears about what might happen to them or their families after the election” and also “more than half have seen an increase in uncivil political discourse.”<sup>46</sup>

All of the above examples serve to shape an argument that dangerous political rhetoric, negative views of Islam and Muslims, and the pattern of holding all Muslims individually responsible for the acts of a noxious few contributed to a rise in incidents of Islamophobic bias in 2016.

### Opposing the Trend

Although this report is focused on issues which cause concern on the civil liberties front in the United States, several jurisdictions deserve credit for countering the Islamophobia trend:

- In January, Albany County, N.Y., passed a resolution resolving that the community would “stand firmly with our Muslim neighbors against Islamophobia in all its manifestations.”<sup>47</sup>
- In July, the city council of Peoria, Ill. resolved “that fear will not divide us; that we recognize that the threats posed by Islamophobia to our American values of religious freedom and cultural diversity are threats against our very way of life in both the City of Peoria and the United States.”<sup>48</sup>
- Also in July, commissioners of Lake Worth City, Fla. passed a resolution supporting the local Muslim community.<sup>49</sup>
- Calling Islamophobia the latest “hazing” technique across the United States, the City of Fresno, Calif. passed a resolution in August applauding “the efforts of local Muslim organizations helping educate our community to alleviate bullying and ignorance.”<sup>50</sup>
- In September, the board of supervisors of Sonoma County, Calif. passed a resolution declared and resolved that the region will be “Islamophobia-free.”<sup>51</sup>



Texas Muslims visit their state legislators to discuss issues or concerns. Photo: CAIR-Houston

### Recommendations

- Building strong communities which will actively oppose biased speech and policy is crucial. State, local, and other jurisdictions should pass resolutions similar to the ones cited in the “Opposing the Trend” section above.
- Media and non-governmental organizations should call attention to and push back against efforts to Otherize minorities.
- Historically, some governments have used mass arrests and the surveillance of law-abiding people to assert autocratic control over their nations. Speech vilifying minorities often accompanies and is used to justify such efforts. Americans should be wary of any overbroad expansion of government power.



**Cincinnati residents Nazia and Faisal Ali were removed from a Delta Airlines flight after a flight attendant stated that she was not comfortable with their presence on the plane. Photo: CAIR-Cincinnati**

## “Flying While Muslim”: Discriminatory Airline Removals

Following the attacks of September 11, 2001, commercial airlines have increasingly subjected passengers who are, or are perceived to be, Muslim and/or Middle Eastern to profiling and discrimination by either refusing to allow them to board planes or by removing them from flights. In 2016, CAIR received numerous complaints and documented a wave of incidents in which airline personnel arbitrarily singled out and removed passengers who are, or were perceived to be, of Muslim and/or Middle Eastern descent without reasonable causes or explanations.<sup>52</sup>

### The Absence of Credible Safety Concerns

Passenger removals continue to occur despite the absence of credible or proportionate security concerns. While airlines maintain the right to refuse to transport any passenger whom the carrier determines to pose a threat to security, air carriers do not, and should not, have unfettered discretion to remove passengers based on their religious, racial, or ethnic background in violation of federal civil rights laws.

The underlying cause for each decision to remove passengers that CAIR has documented appeared to be based on the unsubstantiated fear or possible bigotry of an airline crew member or fellow passenger who felt “uncomfortable” by their presence. Such patterns of discriminatory conduct do not seem to be tied to a specific airline. CAIR documented the following discriminatory removals during 2016:

- **January 18:** Four men, including three Muslims and one Sikh, filed a lawsuit against American Airlines after being asked to leave the plane because the crew and captain reported feeling “uneasy about their presence on board” due to their appearance.
- **March 20:** A Muslim family with three young children was ejected from a United Airlines flight at Chicago O’Hare International Airport after they requested an additional strap for the youngest child’s booster seat.
- **April 6:** A college student was removed from a Southwest Airlines flight at Los Angeles International Airport after another passenger heard him saying “Inshallah,” a customary Arabic phrase meaning “God willing.”
- **April 15:** A Somali Muslim woman was removed from a Southwest Airlines flight at Chicago O’Hare International Airport without adequate explanation.
- **April 15:** An African American civil rights leader was singled out for removal from an American Airlines flight at Reagan National Airport after he complained to a flight attendant that several white passengers were harassing him and one stated that, “he did not like ‘those people,’ and that ‘those people’ made him sick.”
- **June 15:** A bearded man was kicked off an Alaska Airlines flight after a passenger allegedly complained that he looked “Arabic and scary.”
- **July 26:** A Pakistani Muslim couple was removed from a Delta Airlines flight from Paris to Cincinnati after a passenger complained that the husband was sweating, the woman was wearing a headscarf, and the couple used the word “Allah.”

### Federal Law and Government Agencies

Air carriers are authorized to refuse transportation to a passenger whom “the carrier decides is, or might be, inimical to safety.”<sup>53</sup> Moreover, federal aviation regulations designate the captain as “the final authority as to the operation of the aircraft,” and the “In-flight Security Coordinator... to perform duties specified in the aircraft operator’s security program.”<sup>54</sup> Airline crewmembers therefore maintain the responsibility for the overall safety and order of the cabin, which inherently includes policing and law enforcement authority over passengers on the aircraft.

However, federal law also specifies that air carriers may not “subject a person in air transportation to discrimination on the basis of race, color, national origin, religion, sex, or ancestry.”<sup>55</sup> In response to the rise in complaints of racial and religious profiling by airlines, the United States Department of Transportation (DOT) issued several strong directives instructing airlines to avoid discrimination against their passengers. Specifically, the DOT advised: “Do not subject persons or their property to inspection, search and/or detention solely because they appear to be Arab, Middle Eastern, Asian, and/or Muslim; or solely because they speak with an accent that may lead you to believe they are Arab, Middle Eastern, Asian, and/or Muslim.”<sup>56</sup>

The Office of Aviation Enforcement and Proceedings, which includes the Aviation Consumer Protection Division, is responsible for monitoring compliance with and investigating violations of the DOT’s aviation civil rights regulations. In exercising its enforcement authority, the Office maintains the power to issue consent orders, seek injunctive relief, and impose civil penalties on airlines found to have engaged in unlawful discrimination against individuals. The DOT also issues a monthly consumer report, which tracks the number of discrimination

complaints filed against airlines. In recent months, the Air Travel Consumer Report noted a rise in complaints alleging religious, race, and national origin discrimination.<sup>57</sup>

In addition to filing discrimination complaints with the DOT’s Office of Aviation Consumer Protection Division, aggrieved individuals may file private civil rights lawsuits in federal district courts against violating airlines. Unfortunately, however, ex post facto remedies to airline discrimination are insufficient. Many courts have deemed an airline’s decision proper unless it was “arbitrary and capricious,”<sup>58</sup> but such a high legal threshold necessarily makes it exceedingly difficult for individuals to find adequate recourse for deprivations of their federal rights by airlines. Nevertheless, in determining whether the airline properly exercised its power, courts examine the specific facts and circumstances of the case as known to the airline at the time it rendered its decision.<sup>59</sup> Courts do not consider other facts that are later discovered in hindsight and were unknown to the airline at the time of the decision.<sup>60</sup>

Because captains are designated as the final authority on the aircraft and often must make swift decisions, the ultimate decision to remove a passenger may be based on inaccurate and misleading information from other crewmembers. As such, CAIR believes it is imperative to develop clear standards and policy guidelines for airline employees to follow when making the decision to eject a passenger from a flight for legitimate security concerns. Otherwise, individuals of Muslim and/or Middle Eastern background will continue to face discriminatory treatment by airlines when personal biases and prejudices are ratified through their removal from an aircraft.

## Recommendations

### Department of Transportation

- Conduct a thorough and extensive investigation into the prevailing practices and procedures of major U.S. air carriers when determining whether a passenger poses a security threat and should therefore be removed.
- Publicly announce the findings of the investigation and highlight any patterns or incidents in which air carriers have violated federal anti-discrimination laws.
- Develop clear policy guidelines and directives that outline objective factors which should be considered when determining that a passenger may be legally removed from a flight.
- Require U.S. commercial air carriers to undergo regular cultural competency trainings for their employees to ensure that passengers are not subjected to unfair and arbitrary discriminatory treatment in the future.

## Bank Account Closures

In the last several years, CAIR has witnessed a marked increase in the incidence of closure without genuine cause of personal and business banking accounts maintained by American Muslims with American banks.

In many of these incidents, banks, when pressed, have cited unspecified security or “risk” concerns. CAIR believes these bank account closures may be discriminatory in nature because they appear to be the byproduct of risk investigations of customers based on their identifiably Muslim names, or business and personal connections with Muslim majority countries, and not on any actual connection to illegal activities.

In CAIR’s experience, the situation usually involves the person in question receiving a letter in the mail from their bank which states that their account has been, or will be shortly, closed. A check in the amount of the balance is mailed when the account is closed. Some letters provide a brief response describing the reasons for closing the account in generic and vague terms, such as, for “business reasons,” “security,” or “risk profile.” Other letters cite bank policy which states that any account may be closed at any time for any reason. Most frequently, however, they cite no reason whatsoever. The average targeted consumer has conducted no unusual transactions and has often possessed the same account with the same financial institution for many years.

In one case, Citigroup closed a bank account which was held by a Muslim American in California for more than a decade. The bank sent the individual a letter informing them of the closure which contained only a vague reference to “security reasons.”

### Lack of Information and The Legal Gap

Addressing the issue of discriminatory bank account closures affecting American Muslims is particularly challenging. There exists a severe lack of factual justification provided by the banks for their actions, and, because of this, it is difficult to discern whether there are any patterns in the data which would assist in determining the ultimate cause, such as the targeting of any particular geographic area, the identity of the banks involved, the nature of the customers’ particular transaction history, or the degree of contact between the customer and other Muslim customers, local or abroad.

Additionally, efforts through litigation are hindered by the current state of federal law on the subject. Several federal laws make it illegal for financial institutions to discriminate on the basis of religion in credit transactions, such as mortgage lending. For example, the Equal Credit Opportunity Act prohibits discrimination against credit applicants on the basis of their race, religion, national origin, sex, marital status, or age, and the Fair Housing Act provides for similar protections for those seeking a mortgage loan. However, there is a gap in existing federal civil rights statutes, which currently fail to protect consumers from religious discrimination in non-credit banking activities, such as maintaining a checking or savings account.

## Remedies

For this reason, CAIR has chosen to focus on regulatory and legislative remedies for this issue. In August, CAIR launched a nationwide initiative to gather data from the American Muslim community in order to comprehensively assess the extent, nature, and cause of the phenomenon. It created a special intake form on its website to acquire detailed information from those whose bank accounts were closed without forewarning or adequate explanation.

As CAIR continues to gather facts about the situation, it will simultaneously consider pushing relevant federal agencies to investigate the problem and issue a report summarizing the nature of the complaints on a nationwide basis, including the factual justifications provided by the various banks involved to understand the complete background of these incidents. This information is not routinely disclosed to the consumers affected.

CAIR may also pursue efforts to support changes to federal civil rights laws which would enable victims of discriminatory account closures to successfully litigate their cases in federal court.

## FBI

Visits from the Federal Bureau of Investigation have become a regular feature of life for many American Muslims. The FBI regularly contacts individuals in order to question and interrogate them about their religious views and to surveil the Muslim community to gather general intelligence, rather than to acquire specific information regarding a credible crime or threat. However, the agency also investigates hate crimes and other criminal activity targeting Muslims and their places of worship, positive work for which many members of the community are grateful. As a result, Muslim community relations with the FBI remain complex.

### Pre-Election Visits

During the weekend of November 5 and 6, 2016, CAIR began to receive an unusual surge in calls from Muslims who had been visited by FBI agents.

Reported threats and acts of election-related violence were common in the media at the time. On October 27, the *New York Times* reported on supporters of Donald Trump spoke of removing Hillary Clinton from office “by any means necessary” if she won the presidency.<sup>61</sup> On October 14, the FBI arrested three “Crusaders” who had been planning brutal attacks on Muslims.<sup>62</sup> There was an “unconfirmed” threat from Al-Qaeda.<sup>63</sup> On November 1, a black church was spray painted with the words “vote Trump” and set on fire.<sup>64</sup>

At the time of writing this report, there is no indication that there was any widespread law enforcement outreach to Trump supporters, white supremacist or anti-Muslim groups.

However, information from several states indicates that FBI field offices received instructions from headquarters to conduct a general sweep of American Muslims, particularly those who had recently traveled to Pakistan or Afghanistan.

## Pre-Election FBI Visits to American Muslims

2-3

reported visits  
per week on  
average

84

reported visits  
during the week  
prior to the election

Multiple, independent sources related to CAIR staff that FBI agents asked the following questions during visits to Muslim community members just prior to the 2016 Presidential Election:

1. Have you heard of anyone discuss or disapprove of Al-Qaeda’s leader Faruq Al-Qatani’s killing in Afghanistan?
2. Do you know who that is?
3. Do you know of anyone who would be loyal to Al-Qaeda or other extremist groups in Pakistan or Afghanistan?
4. Do you know of anyone in the U.S. who raises money or provides support to Al-Qaeda or other extremist groups in Afghanistan or Pakistan?
5. Are you aware of anyone in contact with anyone in Al-Qaeda or other extremist groups in Afghanistan or Pakistan?
6. Are you aware of anyone who has traveled between the United States and Pakistan and Afghanistan on behalf of Al-Qaeda or other extremist groups in Afghanistan or Pakistan?
7. Are you aware of anyone with family or other connections to Afghanistan or Pakistan?
8. Are you aware of anyone who has received military or explosives training from anyone in Afghanistan or Pakistan?
9. Are you aware of anyone who has communicated with extremists in Afghanistan or Pakistan?
10. Are you aware of any plots by Al-Qaeda or other extremist groups in Afghanistan or Pakistan that are planned in the United States?

At issue here are not the actions of the FBI agents who carried out instructions with a desire to protect Americans, and also not at issue are reports that a few of those who were contacted mistakenly interpreted the FBI's combing of the Muslim community as an act of voter intimidation. There is no evidence to support this allegation.

CAIR's concern is that headquarters instructed agents not to follow legitimate leads regarding any particular individual. Instead, it systematized an ineffective general sweep generated by the mindset that Muslims are a monolith and, in general, a threat to the nation.

This mindset is in conflict with statements from two FBI Directors praising the Muslim community's actions to report criminal activity. The questions themselves reflect an internal indecision on the part of FBI headquarters because they presume that Muslims would not come forward with information regarding criminal activity.

#### Don't Be a Puppet

In February, the FBI launched the online game "Don't Be a Puppet: Pull Back the Curtain on Violent Extremism" as part of its Countering Violent Extremism program. The platform aims to recruit the assistance of educators and students in order to identify youth who are at risk of becoming violent extremists,

and to report them to the FBI. In doing so, it falsely implies that there is an identifiable path to becoming a violent extremist, despite the fact that repeated studies have thoroughly disproven this notion.<sup>65</sup> The site lists indicators that someone may be on the "slippery slope of violent extremism"<sup>66</sup> which include such vague attributes as "talking about traveling to places that sound suspicious," "using code words or unusual language," and "studying or taking pictures of potential targets."<sup>67</sup> Individual bias could lead people to report constitutionally protected – and utterly normal – activity to the FBI.

The game thus perpetuates broad-based suspicion, negative stereotypes, and racial profiling, particularly of Muslims, South Asians, and Arabs, and encourages the policing of thoughts and beliefs. It deems the ability to speak a foreign language, or travel abroad, as indicators of an individual's potential link to terrorism.<sup>68</sup> Unsurprisingly, then, it has drawn criticism across a wide range of organizations, including the American Federation of Teachers and the American-Arab Anti-Discrimination Committee.<sup>69</sup> In an open letter to FBI director James Comey, AFT stated, "Increasing ideological policing and surveillance efforts like the Don't be a Puppet campaign will have a chilling effect on our schools and immigrant communities."<sup>70</sup> ADC wrote that the program "cannot be described as a legitimate or credible law enforcement tool."<sup>71</sup>



Following Donald Trump's victory in the U.S. presidential election, CAIR recorded a number of direct attacks on students, ranging from verbal harassment to physical violence. Photo: Omar Al-Saray

## Recommendations

#### FBI

- Proactively and transparently make public information regarding broad outreach to a range of groups in the United States about potential election violence. The release of such information will clarify to the general public that outreach targeted a broad range of potential threats and did not single out any one community.
- End its reliance on broad-brush targeting of American Muslim community members. This practice has repeatedly been proven to generate no substantive leads in preventing criminal acts or terrorism,<sup>72</sup> and has undermined community outreach efforts.<sup>73</sup> Instead, the FBI should focus its resources on legitimate investigations involving specific, credible criminal and terrorist activities.
- Dismantle the "Don't Be a Puppet" website and stop the dissemination of associated teaching modules. Moving forward, federal and state agencies should ensure that students are educated on their constitutional rights and liberties, and on the differences between protected and criminal activities.

#### Advocacy and Civil Liberties Organizations

- Continue to represent and protect the privacy and constitutional rights of Americans in their interactions with law enforcement, including the FBI.
- Continue to urge Americans to assert their right to remain silent and be represented by an attorney when appropriate.<sup>74</sup>

## The Impact of Islamophobia in Educational Institutions

Discrimination and bullying targeting Muslim students is a growing problem reflective of the broader social and political environment in which anti-Muslim sentiment and Islamophobia is increasingly common and accepted.<sup>75</sup> This public Othering of Muslims has consequently created school cultures in which demonstrated anti-Muslim bias from student peers, educators, and administrative officials is heightened and often ignored.<sup>76</sup>

It is important to remember that students often do not report bullying, harassment, or discrimination for a number of reasons. Students may be afraid to tell their parents or other adults for fear of recrimination from peers. Many students consider the antagonistic behavior to be "normal." Students who have been bullied may suffer long-term consequences, such as an increased risk of depression, anxiety, difficulty sleeping, decreased academic achievement, and poor school adjustment.<sup>77</sup>

#### Anti-Muslim incidents

In 2016, CAIR recorded 209 incidents of anti-Muslim bias, including harassment, intimidation, and violence, targeting students.

According to a 2015 report published by CAIR California, 55 percent of Muslim students aged eleven to eighteen reported

being subject to some form of bullying due to their faith. That is twice the national rate of all students who report being bullied at school.<sup>78</sup>

Following Donald Trump's victory in the U.S. presidential election, a number of direct attacks on students, ranging from verbal harassment to physical violence, were recorded. Especially pronounced were incidents where female students who wear headscarves were targeted. In the week immediately succeeding the election, CAIR recorded 17 incidents of female students being threatened, attacked, and their religious attire touched, pulled, or forcibly removed at a school or on a college campus.

In one case, the day after the presidential election, a high school student in Los Angeles was approached by a male student who grabbed her hair and attempted to rip off her headscarf. The attacker said, "You shouldn't be wearing that, you towelhead. You're not American. This isn't America. This isn't what America stands for."<sup>79</sup>

Earlier in the year in May, a student left her dorm in Michigan to go for a run and was accosted by five male students. When she attempted to run away from the group, they surrounded her and took turns shoving and verbally harassing her. Her assailants screamed racial and religious slurs, including, "Arab go back to your country, you don't belong here."<sup>80</sup>

### Discrimination from Educators and Administrators

In addition to bullying by students, the number of religion-based bias incidents involving discriminatory behavior from educators and administrative officials is concerning. As individuals with authority, their anti-Muslim bias and behavior not only sets an improper model for other students, but marginalizes Muslim students academically and deprives them of opportunities to develop the skills and self-assurance necessary for success. It can also lead to a failure to respond to Muslim student complaints of bullying or inappropriate behavior. Public schools in particular have an obligation to protect all students and ensure that they receive an equal educational experience irrespective of religion, race, or gender.

In one case, an Arizona teacher snapped at a Muslim student in front of the class when he raised his hand to answer a question and said, "All you Muslims think you are so smart." She proceeded to rant and, referring to the fact that the student and his family were resettled refugees, said, "I can't wait until Trump is elected. He's going to deport all you Muslims. Muslims shouldn't be given visas. They'll probably take away your visa and deport you. You're going to be the next terrorist, I bet." On his way home in the bus, his fellow classmates mocked him and made similar anti-Muslim comments. They taunted that his visa would be revoked, called him a "terrorist," and accused him of planning to blow up the bus.<sup>81</sup>

In another incident in North Carolina, a teacher allegedly grabbed a five-year-old student by the neck and began to strangle him. Prior to this, the boy had switched classrooms after his mother had met with the principal and guidance counselor regarding the teacher's treatment of her son. The teacher routinely singled him out from his classmates, reportedly called him a "bad Muslim boy," and required him to carry a heavy backpack throughout the day, which caused the child to develop back pain.

### Anti-Muslim Vandalism

The expression of anti-Muslim sentiment through direct targeting of Muslim students by other students, educators, and administrative officials has also been accompanied by acts of anonymous harassment, intimidation, and vandalism. In 2016, at least nine educational institutions were subject to anti-Muslim vandalism, and a number of university campuses, including the University of Michigan Ann Arbor and the University of Massachusetts Amherst, had the phrase "Stop Islam" written in graffiti on walls and walkways.

Following President-Elect Donald Trump's win, Muslim students at New York University's Tandon School of Engineering found "TRUMP" scrawled on the door to their prayer room. A stall in the women's restroom at the State University of New York at New Paltz was defaced with racist and anti-Muslim statements, including "ISIS is calling, Muslims can leave."



Muslim children are subject to bullying in school by both students and staff. Photo: Omar Al-Saray.

### Positive Steps

In response to the alarming increase in anti-Muslim bias incidents targeting students, a number of school departments, boards, and districts have issued strong statements and taken steps to push back against hate speech, intimidation, and violence. The US Department of Education issued a letter outlining a series of actions it would undertake to confront discrimination and promote inclusive school environments.<sup>82</sup> This included the creation of a new website on religious discrimination which would provide information about federal laws protecting students, an updated civil rights complaint form, an expanded survey of America's public schools on religious-based bullying, and outreach on confronting religious harassment in education.

The Modern Language Association's Executive Council<sup>83</sup> similarly issued a statement against anti-Muslim bias which stated that "The MLA condemns any and all violations of free speech and academic freedom, including those based on race, religious affiliation and ethnicity. We especially deplore the firings and

intimidation of those teachers who aid in our understanding of Islam."<sup>84</sup>

Local school boards have also taken action to address Islamophobia: board members of the San Diego Unified District voted unanimously in favor of a plan to address Islamophobia and the bullying of Muslim students, and in Missouri, the Kansas City Public School board approved a resolution which condemned violence and hate speech and expressed support for Muslim students.

Taking an exemplary step forward, California governor Jerry Brown signed "The Safe Place to Learn Act" on September 25, 2016. This legislation requires that the state's Department of Education ensure that school districts "provide information on existing school site and community resources to educate teachers, administrators, and other school staff on the support of Muslim, Sikh, and other pupils who may face anti-Muslim bias and bullying."<sup>85</sup>

## Recommendations

### School Administrators

- Train all staff to establish a welcoming school climate that is supportive of and responsive to all students, regardless of their background. Ensure that all staff make certain that their words and behavior are inclusive.
- Train teachers on how to prevent bullying and harassment in their classrooms, and how to adequately respond if bullying does occur.
- Ensure that teachers receive professional training which increases an awareness of Islam, Muslims, and the needs of Muslim students in collaboration with local Muslim community-based organizations and other relevant agencies.
- Train educators in how to teach in classrooms with students from a variety of backgrounds so they can create a non-biased, inclusive learning environment for all students. It is important that educators be familiar with the various religious, racial, ethnic, sexual, and gender identities of their students, otherwise they risk marginalizing them.
- Support teachers in their efforts to develop a culturally sensitive classroom.
- Establish comprehensive schoolwide programs to address bullying prevention, diversity, and cultural

awareness, and teach students how and when to be an ally when other students are faced with bias or bullying.

- Create and publicize precise policy on discrimination and harassment which contain clear procedures to report bullying that are consistent with state and federal law, and ensure that all students and their parents are familiar with the policy. Schools must be ready to provide translation services if and when required.
- Involve parents in parent-teacher organizations, school boards, and district-wide committees, and use these opportunities to develop relationships with them and learn about cultural and religious differences.

### K-12 Educators

- Teach students about the negative impact of stereotypes, bias, and discrimination and develop students' ability to challenge biased language, including jokes and slurs. Deconstructing bias and stereotypes will help students reflect on their experiences and ultimately help to build empathy among one another.
- Intervene directly when bullying occurs. Educators should convey to at-risk students that they are serious about preventing bullying and are approachable so that when incidents of bias occur, students are comfortable approaching them.

## Recommendations Continued

- Ensure that material discussing Islam and Muslims is current and free of Islamophobic bias. Specific care should be taken to differentiate between religious practices and the cultural norms or practices of Muslim societies. Classroom materials which fail to distinguish between the two create misperceptions about Muslims and provide inaccurate representations of Islam.
- Avoid framing contemporary geopolitical conflicts as timeless or as a civilizational clash, which is an ahistorical approach and does disservice to the complex histories and diverse national, ethnic, and political identities of Muslims.
- Avoid teaching about Muslims only in the context of terrorism, which serves to stereotype them as only relevant in relation to violence.
- Avoid putting Muslim students in the spotlight by asking them to speak authoritatively on Islam or issues relating to Muslims when they are not equipped to do so. In addition, they should not be made to feel as though they are answerable for the actions of all Muslims.

### Parents

- Teach children what to do if they are bullied, and foster relationships of trust with them so that children feel comfortable informing them of any bullying incidents.
- Understand that it is neither a child's fault if they are bullied nor should it be considered a natural part of growing up. Parents should ensure that their children understand this as well.
- Be vigilant in looking for signs of bullying and harassment. Signs can include physical manifestations or subtle changes in behavior.
- Assert their children's right to learn in a bias-free and secure environment.
- Avail themselves of the stated procedure to make complaints and then follow up to ensure a response from the school. If the bullying does not stop, parents should go up the chain of command at the school and in the district. They should also report any instances of bullying and discriminatory harassment to their local CAIR office. If necessary, parents can draft a letter to the state superintendent who is legally obliged under Title VI to prohibit discrimination.
- Ensure that their children receive the psychological support they need if they are bullied, such as seeing a school counselor.

- Volunteer and participate in school activities, parent-teacher organizations, school boards, and district-wide committees. These opportunities enable parents to develop relationships and understanding with other parents, teachers, and administrators and have an impact on school culture. Such collaboration between parents and school administration can also create opportunities for suggesting ideas, research, and professional training for teachers and administrators.

### Congress

- Amend Title VI of the Civil Rights Act of 1964. Currently, Title VI does not prohibit discrimination on the basis of religion. Although the Department of Education's Office of Civil Rights has offered guidance to support the position that Title VI does apply to religious discrimination and harassment in a "Dear Colleague" letter, their ability to enforce the jurisdiction through the prohibition against national origin discrimination, and the extent of this protection, is weak and insufficient.<sup>86</sup> Amending Title VI would directly allow the Department of Education to ensure that schools receiving federal funding would be answerable if they fail to prevent bullying and harassment based on religion.

### State and Federal Government

- Create a guide for navigating federal mental health and education resources for Muslim, South Asian, Middle Eastern, and other at-risk students.
- Provide additional resources to implement bullying prevention programs and mental health programs in schools.
- Hold school boards responsible for maintaining a safe and discrimination-free learning environment.

### Community Organizers

- Reach out to schools through activities such as teacher appreciation banquets and guest speakers.
- Encourage schools to utilize local Muslim resources when appropriate if teaching about world religions or cultures.

*"[The Watch list] has been faulted for producing a high error rate in the past. I cannot support a standard that is so inherently subjective, especially when it is used to deny a constitutional right.<sup>87</sup>"*

-Rep. John Carter (R-Texas), June 2016

## Watch Lists: The Terrorist Screening Database; No Fly, No Buy; and the Possibility of a Muslim Registry

A preschooler known only as "Baby Doe" was the lead plaintiff on a 2016 lawsuit challenging the error-prone federal watch list. The child was seven months old when the letters "SSSS," short for Secondary Security Screening Selection, first appeared on his airplane boarding pass.

For those letters to appear, someone with access to the FBI's Terrorist Screening Center (TSC) would have had to determine that the toddler was a threat to U.S. national security. This determination is made through a secret process that requires neither "concrete facts" nor "irrefutable evidence."<sup>88</sup>

The watch list has a well-earned reputation for being error-prone, disproportionately targeting Muslims, and offering little remedy to appeal incorrect designations as required by the U.S. Constitution.

Reports of suspicious children, such as Baby Doe and third-grader James Robinson, being placed on the watch listed are numerous. Additionally, a host of other oddities have added to the list's poor reputation over the years, such as Nobel Prize winner and anti-Apartheid leader Nelson Mandela being placed on the list until 2008. Additionally, *CNN* reporter Drew Griffin found himself listed after he produced a series of stories critical of the Transportation Security Administration, and a former Air National Guard Brigadier General who worked as an airline pilot, while licensed by the TSA to carry a gun into the cockpit of his aircraft, was also treated as a terror threat every time he went to work.<sup>89</sup>

Because publicly disclosing and challenging a wrongful watch list designation can stigmatize a person in their community and threaten their employment, there are undoubtedly numerous individuals who have kept their placement on the watch list a secret.

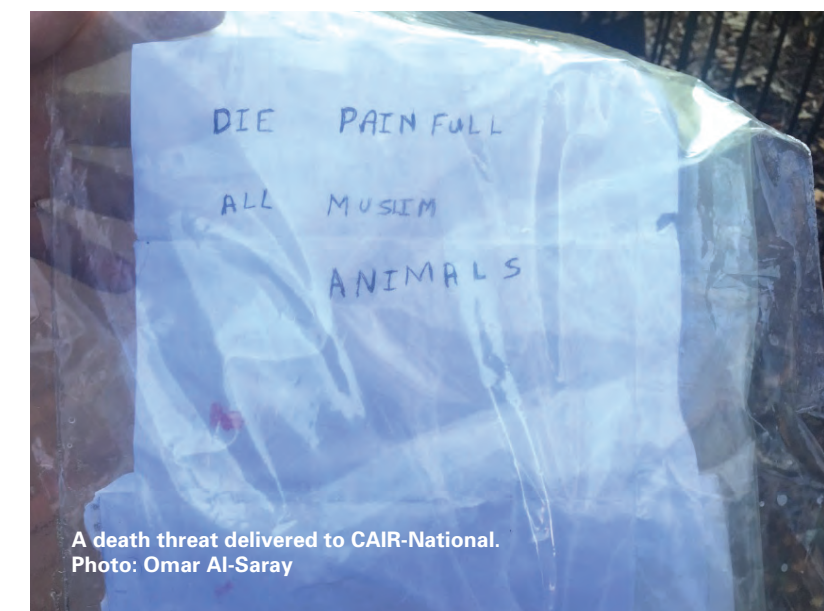
### No Fly, No Buy Legislation

Following the horrifying massacre of 49 LGBTQ club goers in Orlando, Fla. in June, bills were introduced into both the U.S. House and Senate aimed at banning gun sales to people on the watch list. In the House, Democrats waged a 24-hour sit-in

to force consideration of Rep. Peter King's (R-N.Y.) "Denying Firearms and Explosives to Dangerous Terrorists Act" (H.R. 1076). Rep. King is best known for a series of Islamophobic hearings he chaired in 2011. In the Senate, a bipartisan coalition introduced the "Terrorist Firearms Prevention Act of 2016," which also relied on federal watch lists to ban firearms purchases. Neither bill would have prevented the Orlando shooter from being able to purchase a firearm because he was on neither the No Fly List nor the Selectee List.

No Fly, No Buy gained attention on the Presidential campaign trail as well. During the first presidential debate, Democratic candidate Hillary Clinton said, "We finally need to pass a prohibition on anyone who is on the terrorist watch list from being able to buy a gun in our country. If you are too dangerous to fly, you are too dangerous to buy a gun."<sup>90</sup> Former New York City Mayor Rudy Giuliani, who advised Republican candidate Donald Trump's campaign on terrorism and national security issues, was reported to favor "forcing Muslims on the federal government's terrorism watch list to wear electronic monitoring tags or bracelets for authorities to track their whereabouts."<sup>91</sup>

Republican legislators backed by groups like CAIR, the American Civil Liberties Union, and the National Rifle Association, ultimately voted down the No Fly, No Buy legislation because it violated due process rights and because of the "high error" rates of placement on such watch lists.



A death threat delivered to CAIR-National.  
Photo: Omar Al-Saray



A Boston-area mosque vandalized in 2015. Photo: CAIR-Massachusetts

### A Muslim Registry?

When asked about establishing a possible database of Muslims and the idea of requiring Muslims to carry special identification cards in the United States, President-elect Trump responded, "I would certainly implement that. Absolutely." Trump added his support for such registration being required by law, "They have to be."<sup>92</sup>

The word "inconceivable" has been applied to the notion that such a list would survive a legal challenge, and the very idea of such a registration list drew broad-based pushback.<sup>93</sup> However, government entities have historically displayed remarkable creativity at circumventing Constitutional prohibitions.

The most likely 2017 scenario by which a form of such a registry could be implemented involves a Trump administration resurrecting the controversial National Security Entry-Exit Registration System (NSEERS). NSEERS, established in the wake of the 9/11 terror attacks, required nonimmigrant men and boys from predominantly Muslim countries to report to an immigration office to be photographed, fingerprinted and interviewed. Those targeted by the NSEERS program were also required to leave the United States through specified ports. Anyone who failed to comply with the program faced arrest and deportation.

NSEERS was massively ineffective, ultimately failing to capture a single terrorist and wasting millions in taxpayer dollars in the process.

Portions of the program were shelved in 2011, and in 2012 the Department of Homeland Security Office of Inspector General called for a full termination of NSEERS on the basis that the "database that supports this program is obsolete," and it "does not provide any increase in security."<sup>94</sup> President Obama permanently dismantled the program's regulatory framework in late 2016.

In addition to reviving NSEERS, the Trump administration may expand it to include additional countries, both genders, and no age restrictions. Immigrants and Muslim travelers to the United States may be required to answer religiously invasive "extreme vetting questions" on topics such as "jihad," "gender equality," the "U.S. Constitution," and Islamic religious principles. Another possible scenario is a massive expansion of the Federal watch list. With its lax nomination standards and minimal oversight, it is ripe for abuse.

By late 2016, Facebook, Twitter, and Microsoft have all gone on the record to state that they would not help any future administration with efforts to build a Muslim registry. This is a reassuring assertion of American values. What remains to be seen is what position data brokers, corporations who collect and sell internet user's personal information and habits, will adopt. Some data brokers have already rejected involvement in building a religious registry for the U.S. government, but others, such as Oracle, have so far remained uncommitted.<sup>95</sup>

### Muslim Ban 1.0

On January 28, 2017 one day after Trump signed an executive order banning all refugees and nationals of seven Muslim-majority countries from entry into the country, former New York City Mayor Rudy Giuliani admitted in an interview with Fox News that the order was originally conceived as a way to fulfill Trump's campaign promise of a ban on Muslim entry. "Show me the right way to do it legally," Trump said, according to Giuliani.

In a further breach of the Constitution, the day he signed the order Trump stated in an interview with the Christian Broadcasting Network that Christian refugees would be given priority in the refugee program.

Noting this, the Southern Poverty Law Center and American's United for Separation of Church and State stated in an amicus, or friend of the court, brief filed in support of Washington state's lawsuit against the ban that the executive order, "discriminates against Muslims and disfavors one religion as compared with others, and endorses one religion as compared with others." The brief continued, stating that the order singled out Muslims for

"harsh legal disabilities and punishments, including exclusion, detention, and expulsion."

Amicus briefs filed by the attorneys general of 15 states – including California, New York Connecticut, Delaware, Illinois, Iowa, Maine, Maryland, Massachusetts, New Mexico, New York, Oregon, Pennsylvania, Rhode Island, Virginia, Vermont and the District of Columbia – in support of the state of Washington lawsuit stated that the executive order "violates the Establishment Clause of the First Amendment," because it specifically targeted people of the Islamic faith and that it "represents an act of unconstitutional discrimination."

In the Ninth Circuit's final, unanimous 29-page ruling on the State of Washington & State of Minnesota v. Trump against the executive order, the three judge panel wrote, "The Government has pointed to no evidence that any alien from any of the countries named in the Order has perpetrated a terrorist attack in the United States." "Rather than present evidence to explain the need for the Executive Order, the Government has taken the position that we must not review its decision at all."

## Recommendations

- American citizens who are wrongly placed on the federal terrorist watch lists must be afforded the constitutional right to due process and the ability to effectively challenge inappropriate watch list designations. Congress and the administration should reform the No-Fly list procedure so that:
  - Only those Americans who rightfully belong there are listed.
  - Those Americans who are listed are informed of it.
  - Placement on the watch list is temporary, pending a transparent and fair legal process by which individuals can quickly and easily challenge their placement, with a neutral judge making the ultimate determination.
  - If the judge upholds the placement on the list, the placement must be automatically reviewed on an annual basis by a different judge.

**“When asked about establishing a possible database of Muslims and the idea of requiring Muslims to carry special identification cards in the United States, President-elect Trump responded, “I would certainly implement that. Absolutely.”**



## Workplace Discrimination and Accommodations

The challenges American Muslims face in the workplace have remained consistent in both number and nature in recent years. Given the current divisive and hostile political climate, the EEOC has expressed increasing concern to prevent the harassment and discrimination of those who are, or are perceived to be, Muslim and/or Middle Eastern in the workplace.

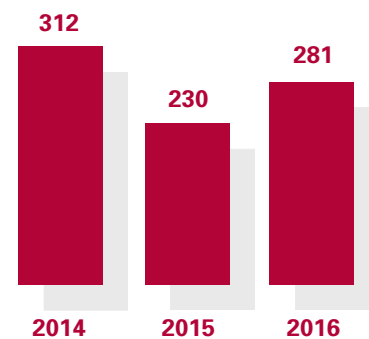
In January, CAIR filed discrimination complaints with the US Equal Employment Opportunity Commission (EEOC) for denial of religious accommodation on behalf of a group of Somali Muslim workers in Wisconsin. Their employer, Ariens Company, fired these individuals after the manufacturing plant changed its prayer break policy. Prior to this, Ariens had permitted Muslim employees to leave their workstations one at a time to pray after notifying and receiving permission from their supervisor. The Muslim employees' brief time away from their workstation did not affect the overall flow of production, or their ability to complete their designated tasks. In addition, Ariens' practice of allowing Muslim employees to request brief breaks to perform their prayers, which generally arose only once during a scheduled shift, was the same practice used when employees generally requested breaks for non-religious purposes.

On January 25, 2016, Ariens instituted a new policy which prohibited Muslim employees from taking prayer breaks outside of the two company-wide ten-minute break periods, which were scheduled prior to prayer times. In the EEOC charge, CAIR argued that, "Ariens' unilateral and arbitrary decision to revoke the company's break policy solely with respect to religiously-motivated requests, as well as its complete unwillingness to engage in an interactive process with aggrieved employees about its accommodation policies, directly undermines the purpose of Title VII." The EEOC investigation is ongoing.

### The Letter of the Law

Federal and state laws prohibit discrimination in the workplace based on race, color, religion, sex, and national origin. Title VII of the Civil Rights Act of 1964 is the federal law prohibiting

From 2014 to 2016, employment discrimination has consistently remained in the top three types of anti-Muslim bias incidents:



employers from discriminating against a person because of his or her membership in a protected class. Discrimination is forbidden when it adversely affects any material term or condition of employment, including the hiring, firing, pay, job assignments, promotions, and benefits of employees or prospective employees. Religious discrimination involves treating a person, whether an applicant or employee, unfavorably because of his or her religious beliefs. Title VII also prohibits harassment, such as offensive comments about a person's religious beliefs or practices, when it creates a hostile work environment.

In addition to the general prohibition against discrimination, Title VII provides an affirmative obligation on employers to reasonably accommodate an employee's sincerely held religious belief or practice. Employers are not, however, required to accommodate an employee's religious belief or practice when it causes an undue hardship, or more than a "de minimis cost," on the operation of its business. Religious practice is broadly defined under Title VII.

These include not only traditional religious beliefs, but, importantly, any sincere and meaningful belief that occupies in the life of its possessor a place parallel to that filled by God. For example, a Muslim woman who wears a religious headscarf may obtain an exception to the company's dress and grooming policies. Moreover, a Muslim employee may request a break schedule that will permit daily prayers at prescribed times. If the request would not pose an undue hardship, the employer must grant the accommodation.

Cases of workplace bias were among the most common incidents reported to CAIR from 2014 to 2016. Photo: Omar Al-Sarary



## A High Profile Case

In 2015, the US Supreme Court held in EEOC v. Abercrombie & Fitch that an employer may not refuse to hire an applicant if the employer is motivated by avoiding the need to accommodate a religious practice.

The case arose when Samantha Elauf, then a Muslim teenager who wore a headscarf as part of her faith, applied for a job at Abercrombie & Fitch in Tulsa, Oklahoma. She was denied the position for failing to conform to the company's "Look Policy," which Abercrombie & Fitch claimed banned head coverings. CAIR helped Elauf file a charge with the EEOC, alleging religious discrimination. The EEOC subsequently filed suit against the company, alleging that they refused to hire Samantha Elauf because of her religion, and that it failed to accommodate her religious beliefs by making an exception to its "Look Policy" prohibiting head coverings.

In December 2014, CAIR filed an amicus curiae ("friend of the court") brief in support of Elauf and the EEOC. In the brief, CAIR argued:

"Title VII of the Civil Rights Act of 1964 ensures equality of employment opportunities by prohibiting discrimination on the basis of religion. Because an applicant's religious views, and the need for the accommodation thereof, should not be any part of the basis for an employment decision, CAIR supports the position of the Petitioner and requests that the Court reverse the Tenth Circuit's decision requiring that a job applicant or employee provide direct, explicit notice of their religious observance or practice to trigger fundamental protections under Title VII."

"The Tenth Circuit's ruling requiring explicit, upfront notice of an employee's religious beliefs allows employers to 'weed out' religious job candidates at a vulnerable stage: before they are hired."

"Adoption of the explicit notice rule would likely have a disastrous effect on the Muslim community's overall employment rate. Muslims and EEOC offices have reported a "shocking" spike in anti-Muslim employment discrimination since September 2001. Despite the fact that Muslims make up only 0.8% of the country's population, around 20% of the religious discrimination complaints received by the EEOC were from Muslims."

CAIR welcomed the Supreme Court's historic 8-1 ruling in defense of religious freedom at a time when the American Muslim community faces increased levels of Islamophobia. By underscoring that a job applicant's religious beliefs and practices should play no role in an employer's hiring decision, the Supreme Court concluded that a company engages in illegal employment discrimination when it decides not to hire someone out of a desire to avoid accommodating his or her religious needs, confirmed or not.

## Recommendations

### Employers

- Ensure that management is aware of the corporate obligations under Title VII of the Civil Rights Act of 1964.
- Provide cultural competence training to employees at all levels.



A Quran covered with pork skins was mailed to CAIR and expresses the sender's contempt for Islam. Muslims do not eat pork. Photo Omar Al-Sarary

# Appendix

## Definitions:

### CBP:

Customs and Border Protection, a U.S. Department of Homeland Security entity tasked with securing U.S. borders.

### DOJ:

U.S. Department of Justice

### DOT:

U.S. Department of Transportation

### DHS:

U.S. Department of Homeland Security

### FBI:

Federal Bureau of Investigation

### ICE:

Immigration and Customs Enforcement

### Hajj:

The annual pilgrimage to Mecca performed on the ninth and tenth days of Dhul-Hijjah, the last month of the Islamic lunar year. All Muslims who are physically and financially able should perform the pilgrimage once in their lifetimes.

### Halal:

That which is lawful and permitted. Guidelines for halal food are similar to, but less restrictive than kosher practices.

### Hijab:

Literally, “to cover or conceal.” It is used commonly to describe modest Muslim dress, specifically the headscarf that many Muslim women wear.

### Title VI:

Part of the Civil Rights Act of 1964, it “prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance.<sup>96</sup>”

### Title VII:

Part of the Civil Rights Act of 1964, it prohibits employment discrimination based on race, color, religion, sex, or national origin.

### TSA:

Transportation Security Administration, a U.S. Department of Homeland Security entity tasked with securing U.S. transportation systems.

### USCIS:

United States Citizenship and Immigration Services



In December 2015, CAIR's National and San Francisco Bay Area offices received packages containing an unidentified white powder. Photo: Omar Al-Saray

## Targeting CAIR

CAIR itself receives a significant amount of hate mail, death threats, and other forms of prejudiced and biased communication.

Since the growth of social media, CAIR's online presence has experienced a marked increase. In turn, those seeking to express their anti-Muslim sentiments and beliefs have turned to target CAIR in droves through Twitter, Facebook, and other modes of electronic communication.

This report does not incorporate data on incidents in which CAIR itself is the target. CAIR does not believe that its inclusion would present an accurate reflection of the experiences of American Muslims in this country.

CAIR staff are confident that if their work draws the attention of prejudiced individuals toward the institution and away from individual community members, then this in itself is the institution serving a good purpose.



## Below is a sampling of the type of incidents in which CAIR was the target:

1. In December 2015, CAIR's National and San Francisco Bay Area offices received packages containing an unidentified white powder. A note accompanying the powder read “Die a painful death, Muslims.” In Washington, the staff who opened the letter were quarantined and the office was evacuated. In San Francisco, staff were transported to hospital for observation and testing. Law enforcement authorities later determined that the powder was harmless.<sup>97</sup>
2. John David Weissinger left a voicemail with the CAIR office in San Diego in which he threatened to murder the staff. He also sent a similar email to the National office. According to his lawyer, Weissinger was “provoked by alcohol and a week of binge-watching Fox News.<sup>98</sup>” Weissinger plead guilty to “hate crime allegations, making a criminal threat, and possession of an illegal assault rifle” in early January 2016.
3. In April 2016, the terrorist group ISIS listed a number of Muslim leaders and activists in the United States, Canada, the UK, and Australia as targets for assassination in its online magazine Dabiq. CAIR's National Executive Director Nihad Awad was pictured in the article on the hit list but was not named specifically.<sup>99</sup>
4. Following the 2016 U.S. Presidential election, bikers and others circled the CAIR-Dallas office, shouting slurs and obscenities. The protesters displayed signs identifying themselves as part of the armed Three-Percenter movement.<sup>100</sup>
5. In November, ISIS again attacked CAIR and called the organization “apostate” and “murtadd” (an Arabic term for one who has abandoned religion) because it was “calling upon congregations belonging to the various ‘mosques’ of America to participate in the pagan rites of the U.S. Presidential election.”

A White supremacist flyer distributed in Alabama. Photo: CAIR-Alabama.

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CAIR-CA, Sacramento Valley	916.441.6269
CAIR-CA, San Diego	858.278.4547
CAIR-CA, San Francisco Bay Area	408.986.9874
CAIR-Connecticut	860.514.8038
CAIR-Florida	813.514.1414
CAIR-Georgia	404.419.6390
CAIR-Illinois	312.212.1520
CAIR-Iowa	319.573.6617
CAIR-Kansas	785.251.0551
CAIR-Massachusetts	617.862.9159
CAIR-Michigan	248.559.2247
CAIR-Minnesota	612.206.3360
CAIR-Missouri	636.207.8882
CAIR-New Jersey	908.668.5900
CAIR-New York	646.665.7599
CAIR-OH, Cincinnati	513.281.8200
CAIR-OH, Cleveland	216.830.2247
CAIR-OH, Columbus	614.451.3232
CAIR-Oklahoma	405.415.6851
CAIR-PA, Philadelphia	267.515.6710
CAIR-PA, Pittsburgh	412.606.3601
CAIR-TX, Austin	512.640.9421
CAIR-TX, Dallas-Fort Worth	469.554.0786
CAIR-TX, Houston	713.838.2247
CAIR-TX, San Antonio	210.378.9528
CAIR-Washington	206.367.4081



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**CAIR**

Council on American-Islamic Relations

The Council on American-Islamic Relations (CAIR) is America's largest Muslim civil liberties and advocacy organization. This report focuses on anti-Islam bias in 2016 and contains information covering 2014-2016.