



CAIR
CALIFORNIA

CIVIL RIGHTS REPORT 2018

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ABOUT CAIR

The Council on American-Islamic Relations, California (CAIR-CA), is a chapter of the nation's largest American Muslim civil rights and advocacy organization. CAIR-CA's mission is to enhance the understanding of Islam, protect civil rights, promote justice, and empower American Muslims. Through its offices in the Greater Los Angeles Area, Sacramento Valley, San Diego, and the San Francisco Bay Area, CAIR-CA serves California's estimated one million American Muslims by providing direct legal services to victims of discrimination, working with the media, facilitating community education, and engaging in policy advocacy to advance civil rights and civic engagement.

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“History teaches that grave threats to liberty often come in times of urgency, when constitutional rights seem too extravagant to endure. When we allow fundamental freedoms to be sacrificed in the name of real or perceived exigency, we invariably come to regret it.”

— Justice Thurgood Marshall

EXECUTIVE SUMMARY

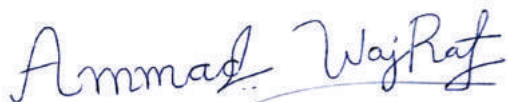
These poignant words of the nation's first African American Supreme Court Justice serve as a stark reminder that the time is ripe for us all to redouble our efforts to prevent corrosive forces from corrupting our democracy. American Muslims are currently in the crosshairs of an administration seeking to channel, manipulate, and weaponize religious prejudice and animosity to distract from other important issues and advance its political interests.

In response, CAIR-California's (CAIR-CA) civil rights staff works tirelessly to assist the American Muslim community as first responders against institutionalized and individual hate and animosity. In 2017, our offices conducted 2,259 legal intakes with community members, providing grassroots organizing, advocacy, and direct legal services to redress violations of civil rights. With the addition of new Immigrants' Rights programs to the San Francisco Bay Area and the Sacramento Valley chapters, all CAIR-CA offices now provide robust immigration representation on matters including naturalization, adjustment of status, and asylum.

As expected, anti-Muslim bias incidents in California continued their upward trend in 2017 as expected with the noticeable targeting of American Muslim children, families, and institutions by state and private actors. CAIR-CA recorded an eight percent increase in anti-Muslim bias incidents in 2017 compared to 2016. Given the proliferation of anti-immigrant policies such as the Muslim Ban, immigration matters reported to CAIR-CA increased from 475 in 2016 to 1,014 in 2017. Troublingly, federal government agencies, which were responsible for fulfilling many of the Trump administration's explicitly discriminatory policies towards Muslims, were the most egregious perpetrators of anti-Muslim bias incidents. The implementation of the Muslim Bans and the renewed focus on profiling Muslims as national security threats funneled a substantial increase in government-sanctioned bigotry over the previous year. The onslaught has only strengthened and redoubled CAIR-CA's resolve to advocate publicly and in lockstep with all Americans desirous of a future built on communal harmony, inclusiveness, and mutual understanding.

CAIR-CA is committed to advancing the civil rights of all Californians and stands in proud partnership with other civil rights organizations committed to safeguarding targeted communities. We strive to set robust legal precedents, pass democratic laws, and shape a society free of unequal treatment and discrimination because, as Justice Marshall unequivocally stated:

"In recognizing the humanity of our fellow beings, we pay ourselves the highest tribute."



Ammad Wajahat Rafiqi, Esq.
Civil Rights & Legal Services Coordinator
CAIR San Francisco Bay Area Office



GENERAL STATISTICS

| | NUMBER | PERCENTAGE |
|--------------------------------|--------------|---------------|
| Employment | 140 | 6.2 % |
| FBI & Law Enforcement | 188 | 8.3 % |
| Hate Incidents or Crime | 197 | 8.7 % |
| Travel | 386 | 17.1 % |
| Housing Discrimination | 28 | 1.2 % |
| Immigration Benefits Delay | 41 | 1.8 % |
| Prison | 30 | 1.3 % |
| Public Accommodation | 40 | 1.8 % |
| School & Higher Education | 65 | 2.9 % |
| Other Government Entities | 17 | 0.8 % |
| Other/Referrals | 113 | 5.0 % |
| Total Civil Rights | 1,245 | 55.1 % |
| Immigration/Immigrants' Rights | 1,014 | 44.9 % |
| Total Matters | 2,259 | 100 % |

INCIDENT DETAILS

| EMPLOYMENT | NUMBER | PERCENTAGE |
|-------------------------------------|------------|------------|
| Failure to Hire | 9 | 6.4% |
| Hostile Work Environment/Harassment | 62 | 44.3% |
| Religious Accommodations | 28 | 20.0% |
| Retaliation/Wrongful Termination | 41 | 29.3% |
| Total | 140 | |

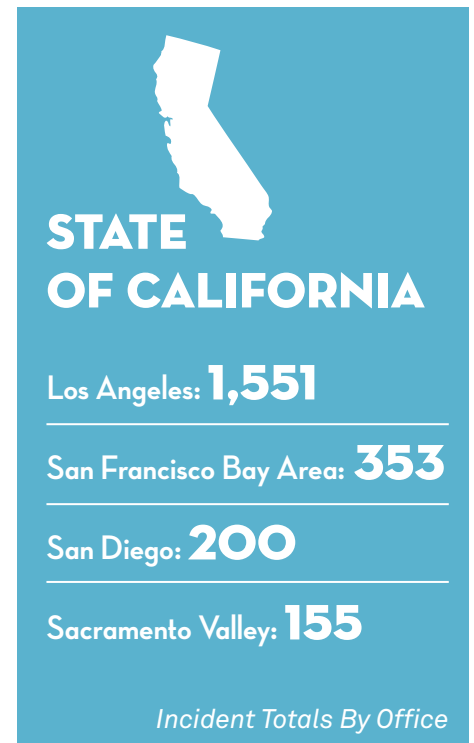
| FBI & LAW ENFORCEMENT | NUMBER | PERCENTAGE |
|-------------------------------|------------|------------|
| FBI Questioning | 120 | 63.9% |
| State & Local Law Enforcement | 62 | 33.0% |
| General Concerns | 6 | 3.1% |
| Total | 188 | |

| HATE INCIDENTS & HATE CRIME | NUMBER | PERCENTAGE |
|--|------------|------------|
| Hate Crimes | 58 | 29.4% |
| Hate Incidents (including Vandalism/Mail/Email/Social Media) | 139 | 70.6% |
| Total | 197 | |

| IMMIGRATION MATTERS | NUMBER | PERCENTAGE |
|---|--------------|------------|
| Naturalization or Citizenship Preparation | 565 | 55.7% |
| Adjustment of Status/LPR | 130 | 12.8% |
| Asylum | 27 | 2.7% |
| Petition for Alien or Future Relatives | 78 | 7.7% |
| Temporary Protected Status (TPS) | 1 | 0.1% |
| Detention/Deportation | 1 | 0.1% |
| T/U Visa/VAWA Petitions | 7 | 0.7% |
| Other Immigration Assistance | 205 | 20.2% |
| Total | 1,014 | |

| SCHOOL & HIGHER EDUCATION | NUMBER | PERCENTAGE |
|---|-----------|------------|
| K-12 Accommodation | 3 | 4.6% |
| K-12 Bullying | 28 | 43.1% |
| K-12 Administration/Other | 15 | 23.1% |
| Higher Education Accommodation & Discrimination | 19 | 29.2% |
| Total | 65 | |

| TRAVEL | NUMBER | PERCENTAGE |
|--|------------|------------|
| Airlines | 3 | 0.8% |
| Customs & Border Protection (CBP) | 90 | 23.3% |
| Transportation Security Administration (TSA) | 11 | 2.8% |
| Muslim Ban | 282 | 73.1% |
| Total | 386 | |





#NO MUSLIM BANEVER: THE 2017 MUSLIM BANS

At the beginning of 2017, President Trump made good on his call for a “total and complete”¹ shutdown of Muslims entering the United States by enacting the first of his three versions of the Muslim Ban, Executive Order 13769, “Protecting the Nation from Foreign Terrorist Entry into the United States.” The ban was based entirely on animus, intended to answer the administration’s tireless attempts to associate Muslims with national security threats, and contained little relation to reality or the law. Moreover, the first ban was announced in a haphazard, last-minute manner that provoked huge confusion as to its reach and intended impact. Under the mass confusion that ensued, the ban was initially interpreted to deny entry to citizens and green card holders. In response to repeated legal challenges in the courts, the Trump Administration issued a second, and then a third ban. Each version of the ban was portrayed as religiously neutral

in an attempt to avoid being deemed unconstitutional. These arguments are in opposition to the Trump campaign's promise to prohibit Muslims from entering the country.²

To address the damage from the discriminatory bans, CAIR-CA joined other legal advocacy organizations in seeking to prevent the implementation of all iterations of the ban by bringing challenges in federal courts. CAIR-CA joined amicus briefs filed in the Ninth Circuit and Fourth Circuits to challenge the bans' constitutionality and troubling impact on American Muslims, who have faced exacerbated anti-Muslim animus, publicly and privately.³ The amicus briefs argued that the bans discriminatorily targeted Islam, caused devastating harm by separating families, and promoted harmful stereotypes about Muslims.

Attorneys from CAIR-CA assisted in monitoring the implementation of the various iterations of the Muslim Ban at airports across the state, including San Diego International Airport (SAN), San Francisco International Airport (SFO), Los Angeles International Airport (LAX), Oakland International Airport (OAK) and San Jose International Airport (SJC). The formation of airport-based rapid response coalitions ensured that attorneys were physically present at airport terminals, ready to defend the rights of individuals who might be affected by the ban. CAIR-CA attorneys' presence at the airports ensured that affected travelers and their loved ones had the assurance of free, round-the-clock legal counsel.

In 2017, CAIR-CA assisted 282 clients on matters relating to the Muslim Ban.⁴ This included individuals stopped or harassed by Transportation Security Administration (TSA) and/or Customs and Border

Protection (CBP) at airports, a symptom of increased scrutiny of Muslim travelers. The ban's multiple versions and sudden implementations caused much confusion, delayed and cancelled travel plans. U.S. citizens and green card holders were not spared from the anxiety and fear

and comprised nearly 70 percent of all callers to CAIR-CA office, many of whom requested consultations on travel plans for themselves or for family members.⁵ In response to the Muslim bans, CAIR-CA and organizational partners such as Advancing Justice-Asian Law Caucus facilitated numerous "Know Your Rights" workshops across the state that assuaged worries and provided individuals with the information and confidence to invoke the protections granted to them by law. CAIR-CA also issued community advisories in response to each iteration of the ban, in order to inform individuals of how they might be impacted by the Trump Administration's latest attempt to target Muslims.

In the aftermath of the various bans, CAIR-CA published a report, "We Won't be Banned: Fighting the 2017 Muslim Bans," that sheds light on the dire consequences of the Muslim Ban and the shameful history of programs rolled out by presidential administrations since the 2000s that predominantly target and restrict the travel of individuals from Arab, Middle Eastern, Muslim, and South Asian (AMEMSA) communities.⁶



NO EASY JOURNEYS:

TRAVELING WHILE MUSLIM

In 2017, many Muslims traveling domestically or internationally were subjected to a wide array of civil rights violations, including unlawful searches, detentions, and questioning. CAIR-CA legal staff provided direct legal services to individuals who experienced discrimination while traveling.

In 2015, Dr. Abdul Salem, a seventy-seven-year-old Egyptian American professor and playwright was stopped at the jet bridge by a CBP officer at Los Angeles International Airport (LAX). When Dr. Salem asked why he was being stopped and questioned, the CBP officer retaliated by stopping him from boarding his flight and detaining him in an airport interrogation room. Inside the interrogation room, CBP officers searched through all of Dr. Salem’s belongings and physically abused him by slamming his head onto a table and broke his arm after violently yanking it backwards. In 2017,

CAIR-LA secured a \$50,000 settlement in a lawsuit filed against CBP and the Los Angeles Fire Department for the civil rights violations and injuries suffered by Dr. Salem.

In February 2018, CAIR-SFBA in conjunction with the law firm Walkup Melodia, Kelly & Schoenberger filed a federal lawsuit asserting violations of federal and state civil rights statutes on behalf of Mr. Khairuldeen Makhzoomi against Southwest Airlines. Mr. Makhzoomi was removed from a Southwest Airlines flight after a passenger overheard and complained about him speaking in Arabic to a family member over the phone. Prior to filing the lawsuit, CAIR-SFBA attempted to address the religious and national origin discrimination through a complaint with the Department of Transportation (DOT). When the DOT refused to continue any investigation, CAIR-SFBA continued

SUBCATEGORY BREAKDOWN OF TRAVEL-RELATED INCIDENTS REPORTED:

| TRAVEL | NUMBER | PERCENTAGE |
|--|------------|------------|
| Airlines | 3 | 2.9% |
| Customs & Border Protection (CBP) | 90 | 86.5% |
| Transportation Security Administration (TSA) | 11 | 10.6% |
| Total | 104 | |





the pursuit of justice on Mr. Makhzoomi's behalf by filing a lawsuit to hold the airline accountable and to prevent this type of discrimination from occurring in the future.


Tragically, Yemeni American families have been stuck in the warzones and airstrikes caused by Saudi Arabia's military intervention in Yemen. CAIR-CA has joined other civil rights organizations in pressuring the U.S. State Department to assist these stranded American citizens. CAIR-SV assisted the Wafy family who was stuck in Yemen for over a year, despite repeated attempts to leave the country. Due to the war in Yemen, the American embassy was closed and the Wafy family found themselves trapped in Yemen with expired passports and a newborn son who only had a Yemeni birth certificate. CAIR-SV worked in close contact with the State Department to facilitate passport renewals through alternative embassies,

allowing the Wafy family to finally return home safely to Sacramento.

CAIR-CA also assisted American Muslims facing discriminatory travel protocols, such as advising a young American Muslim family who was subjected to prolonged screening and intrusive questioning by CBP agents at LAX. The family was unconstitutionally questioned upon returning from their vacation to Mexico, including queries about their national origin, their political views on Israel and Palestine, and their relatives living outside the U.S. In another example of cases CAIR-CA receives, CAIR-SFBA is assisting a Muslim religious leader who has faced travel-related issues and FBI harassment for years. CAIR-SFBA attorneys are working to ensure that his travel issues are resolved and that he, and others like him, do not face continued harassment by law enforcement.

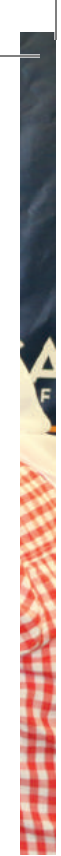


FINDING HOME: NAVIGATING THE IMMIGRATION SYSTEM

| IMMIGRATION MATTERS  | NUMBER | PERCENTAGE |
|---|--------------|------------|
| Naturalization or Citizenship Preparation | 565 | 55.7% |
| Adjustment of Status/LPR | 130 | 12.8% |
| Petition for Alien or Future Relatives | 78 | 7.7% |
| Asylum | 27 | 2.7 % |
| Detention/Deportation | 1 | 0.1 % |
| Temporary Protected Status (TPS) | 1 | 0.1% |
| T/U Visa/VAWA Petitions | 7 | 0.7 % |
| Other Immigration Assistance | 205 | 20.2% |
| Total | 1,014 | |

CAIR-CA expanded its work in immigrant rights by opening two additional Immigrants' Rights programs in the Sacramento Valley and San Francisco Bay Area offices in 2017. Across the state, CAIR-CA assists individuals with obtaining various immigration benefits including assistance with naturalization, Adjustment of Status, asylum, family petitions, and visas for victims of crime and domestic violence.

CAIR-LA's Immigrants' Rights Center (IRC) assisted a young Syrian man who feared returning to his home country and sought IRC's assistance with his asylum application. While a dental



student in Syria, he was targeted by the Syrian regime for his vocal opposition of the government, participation in anti-regime protests, and humanitarian work with displaced Syrian families. He suffered torture, beatings, interrogation, and threats to his life for expressing his political views about the Syrian regime. CAIR-LA's IRC assisted this individual with his asylum application by presenting significant evidence of the violence he endured, drafting detailed declarations, and rehearsing with him for his asylum interview with United States Citizenship and Immigration Services (USCIS). CAIR-LA's IRC attorneys successfully advocated on his behalf at the asylum interview, resulting in the grant of his asylum petition and securing a safe and stable future in the U.S. for the young dental student. He has since been able to apply for lawful permanent residency in the U.S. and is currently attending dental school.

Shortly after the Department of Justice (DOJ) under Trump decided to terminate the wildly-popular Obama Administration-era program, Deferred Action for Childhood Arrivals (DACA)—which allowed individuals who had entered the country as minors and built lives here to remain in the United States. CAIR-LA's IRC intake hotline was flooded with distress calls from community members. In one case, a young man who had worked for years under DACA's work authorization program needed to renew his designation before the deadline passed. Acting quickly, CAIR-LA's IRC interpreted the newly announced rules and assessed his eligibility to renew his DACA status. By timely filing the petition, CAIR-LA's IRC ensured that it obtained DACA renewal for the young entrepreneur, who was able to continue to pursue his dream of starting a business, and one day going to graduate school to earn his MBA.

CAIR-CA has continuously responded to the Trump administration's nativist, white supremacist agenda through vocally and forcefully advocating for an open, non-discriminatory and compassionate immigration system. Our Immigrants' Rights programs have strategically used their expanded reach and size to provide extensive counselling and representation for individuals seeking to navigate the increasingly complicated naturalization process. As an example, an eighty-one-year-old Iraqi refugee who applied for naturalization had previously been denied twice due to her inability to pass the English and Civics test portion of the naturalization interview. Wheelchair bound and suffering from early onset dementia, depression, and congestive heart failure, the elderly applicant was unable to communicate in her native language of Arabic, much less study for the Civics test or learn English. CAIR-LA's IRC worked with the elderly applicant's physician, and at her next naturalization interview advocated on behalf of the elderly applicant and requested that USCIS grant her a medical disability waiver. Not only was the medical waiver granted the same day, the applicant also passed her naturalization interview that day, with her daughter acting as a translator on her mother's behalf. The family of Iraqi refugees was grateful that their elderly mother could finally live with the comfort and stability of being a U.S. citizen and would be allowed access to the medical benefits she so greatly needed.

CAIR-CA continues to advocate on behalf of all individuals seeking to naturalize but facing severe delays in their processing times owing to the Controlled Application Review and Resolution Program (CARRP). Applicants belonging to AMEMSA communities have been specifically

targeted by USCIS for heightened scrutiny and lengthy delays due to being labeled “national security concerns” because of protected activities such as religious practices or charitable donations.⁷ CAIR-

CA offices have intervened on behalf of affected applicants by petitioning USCIS to take action as legally required and by seeking to remove their labels as potential threats.


DIRTY POLITICS: ISLAMOPHOBIA AS A TOOL & THE EXPLOSION OF HATE

Hate incidents against American Muslims increased in 2017, provoked in large part by Trump’s unceasing hateful rhetoric against Muslims. In 2017, the Southern Poverty Law Center (SPLC) found that the number of hate groups rose for a second year, from 917 in 2016 to 954.⁸ Within the white supremacist movement, self-professed neo-Nazi groups saw the greatest growth — rising by 22 percent from 99 to 121. Anti-Muslim groups also rose for a third straight year. After tripling in 2015-2016,

these groups grew another 13 percent in 2017, from 101 chapters to 114.⁹ CAIR’s National office reported a 15 percent increase in hate crimes nationwide in 2017.¹⁰ Closer to home, CAIR-CA’s offices found there was an eight percent increase in hate crimes in 2017 from the previous year.

In 2017, CAIR-CA’s offices were inundated by individuals reporting hate-filled calls, letters, and threats by fellow community members emboldened by the ascension of an administration courting bigotry and hatred. This year, CAIR-CA’s four offices reported a combined total of 197 matters classified either as hate crimes or hate incidents. Targets included individuals, mosques, community centers, and residences perceived as Muslim or associated with Muslims.

In response to the spate of hateful incidents, CAIR-CA’s offices worked closely with the targets of hate to ensure that all reported hate incidents were properly investigated by law enforcement



| HATE INCIDENTS & HATE CRIME | NUMBER | PERCENTAGE |
|--|------------|------------|
| Hate Crime | 58 | 29.4% |
| Hate Incident (including Vandalism/ Mail/Email/Social Media) | 139 | 70.6% |
| Total | 197 | |



and prosecuted. To achieve this, CAIR-CA utilizes media advocacy, reviews public documents and court records, and follows up with law enforcement to ensure investigations are being handled with appropriate severity and that a hate crime enhancement is included where appropriate. In addition to these efforts, CAIR-CA works for rehabilitation of victims and advocates for restorative justice options that allow perpetrators to move past their prejudicial actions. Additionally, CAIR-CA offices also partner with other organizations to educate larger American society on the harmful impact hateful rhetoric has on individuals. Finally, CAIR-CA also combats hateful rhetoric and the misinformation behind it by providing resources, workshops, and other outreach materials that promote an accurate representation of Muslims and Islam.

In one shocking, but unfortunately not uncommon occurrence in the San Francisco Bay Area, a Muslim mother attempted to intervene at a nursery playground to protect her two-year old

child from potential conflict with another child. The other child's mother responded aggressively by cursing profanely and hurling racial epithets, such as demanding that the Muslim mother return to her country while swinging a stick at her. After the harassed mother mentioned that she would call the police, the situation turned violent. The Muslim mother's *hijab* was yanked so ferociously that she found herself struggling to breathe. Nearby parents ran to assist, but the assailant fled quickly in her car leaving the Muslim mother frightened and fearful for her and her child's well-being.

In San Diego, a Muslim refugee family was the subject of a hate crime when their home was vandalized with ISIS graffiti, leaving the family shocked and fearing for their safety. CAIR-SD worked with the family to provide urgent legal advice and helped the family secure financial resources in order to install surveillance cameras to monitor the property and reduce chances of recurrence.



In addition to providing legal responses, CAIR-CA expanded its work on hate crimes this year by partnering with the Montgomery County Civil Rights Coalition to institute their Bystander Intervention Training curriculum across California. The trainings use scenarios to prepare participants to be active responders when witnessing incidents of harassment, in order to shield victims from further harm. The bystander effect is a psychological phenomenon that prevents people from intervening on

behalf of victims of harassment, assault, or other criminal activity. These trainings focus on locational awareness and the importance of a united community response to cocoon the impact of Islamophobic violence. Through training in de-escalation intervention methods and practicing role playing scenarios, trainees learn methods and techniques to circumvent the bystander effect and stand for justice.

KNOCKING ON YOUR DOOR:

HARASSMENT & SURVEILLANCE

In 2017, CAIR-CA received 188 complaints involving discriminatory policing against Muslims. Once in office, the Trump administration openly attempted to redirect the national security program “Countering Violent Extremism” (CVE) to solely focus on “radical Islam” to the exclusion of white supremacist, neo-Nazi, and far-right groups.¹¹

CVE is a national security program engineered by the Obama administration with the purported goal of combatting extremism domestically by “preventing violent extremists from inspiring, radicalizing, financing or recruiting individuals or groups in the United States to commit acts of violence.”¹² The program was designed to allow the Department of Homeland Security (DHS), DOJ, and the FBI to work in conjunction with local US Attorney’s Offices to identify potential targets for surveillance and community partners to gain access to the Muslim community.¹³ Under CVE, American

Muslims are treated like second-class citizens with reduced constitutional protections.

The CVE program was quickly rejected by an overwhelming majority of Muslim and civil rights organizations. Chief criticisms of the program are its sole focus on the Muslim community, its reliance on debunked and discredited models that would unconstitutionally misidentify religious and political practices as “indicators” of extremism, and its contribution to an increase in profiling of Muslims.¹⁴

In 2017, CAIR-LA and a coalition of Los Angeles-based civil rights and advocacy groups filed a Freedom of Information Act (FOIA) lawsuit asking for transparency from the Trump administration regarding federal grants awarded to the City of Los Angeles and other cities under the CVE program.¹⁵ The coalition has been on the forefront of combatting CVE since Los Angeles was

FBI & LAW ENFORCEMENT MATTERS

| | NUMBER | PERCENTAGE |
|-------------------------------|------------|------------|
| FBI Questioning | 120 | 63.8% |
| State & Local Law Enforcement | 62 | 33.0% |
| General Concerns | 6 | 3.2 % |
| Total | 188 | |





named by the federal government as a “pilot city” in November 2014. CAIR-LA, ACLU, and Asian Americans Advancing Justice-LA teamed up with the law firm Munger Tolles & Olson LLP to litigate the current lawsuit to gain insight into the detrimental CVE program and to shed light on the scope of this intrusive program in the Greater Los Angeles area.

Separately, CAIR-CA attorneys have represented hundreds of individuals against FBI and/or DHS agents who engage in harassment by showing up at homes and workplaces unannounced and at inconvenient times. CAIR-CA attorneys work diligently to ensure that the Fourth, Fifth and Sixth Amendment rights of these individuals are always protected.

CAIR-SFBA continued its advocacy on behalf of Muslim community members who faced harassment from law enforcement officials by filing a complaint with the Department of Police Accountability. The scope of the complaint included many individuals targeted by San Francisco Police Department (SFPD) Officers cooperating with the

FBI’s Joint-Terrorism Task Force (JTTF), such as one man who faced unwelcome intrusions to his privacy both at work and at his residence. A pair of SFPD and FBI officers repeatedly questioned and harassed the individual about his travels in Pakistan and his political views on the release of Army Sgt. Bowe Bergdahl.¹⁶ CAIR-SFBA and its partners advocated to the SFPD, San Francisco Police Commission, and San Francisco to ensure compliance with the city’s Safe San Francisco Ordinance. This ordinance limits law enforcement interactions with residents who are targeted because of their protected First Amendment activity or other visible markers such as national origin and race. The requested review lead to the termination of the SFPD-JTTF collaboration in early 2017. This positive development ensures local police officers in San Francisco will not target AMEMSA communities under the guise of JTTF work.

CAIR-SFBA and Asian Americans Advancing Justice-Asian Law Caucus also worked together on the Oakland City Council’s passage of a similar ordinance

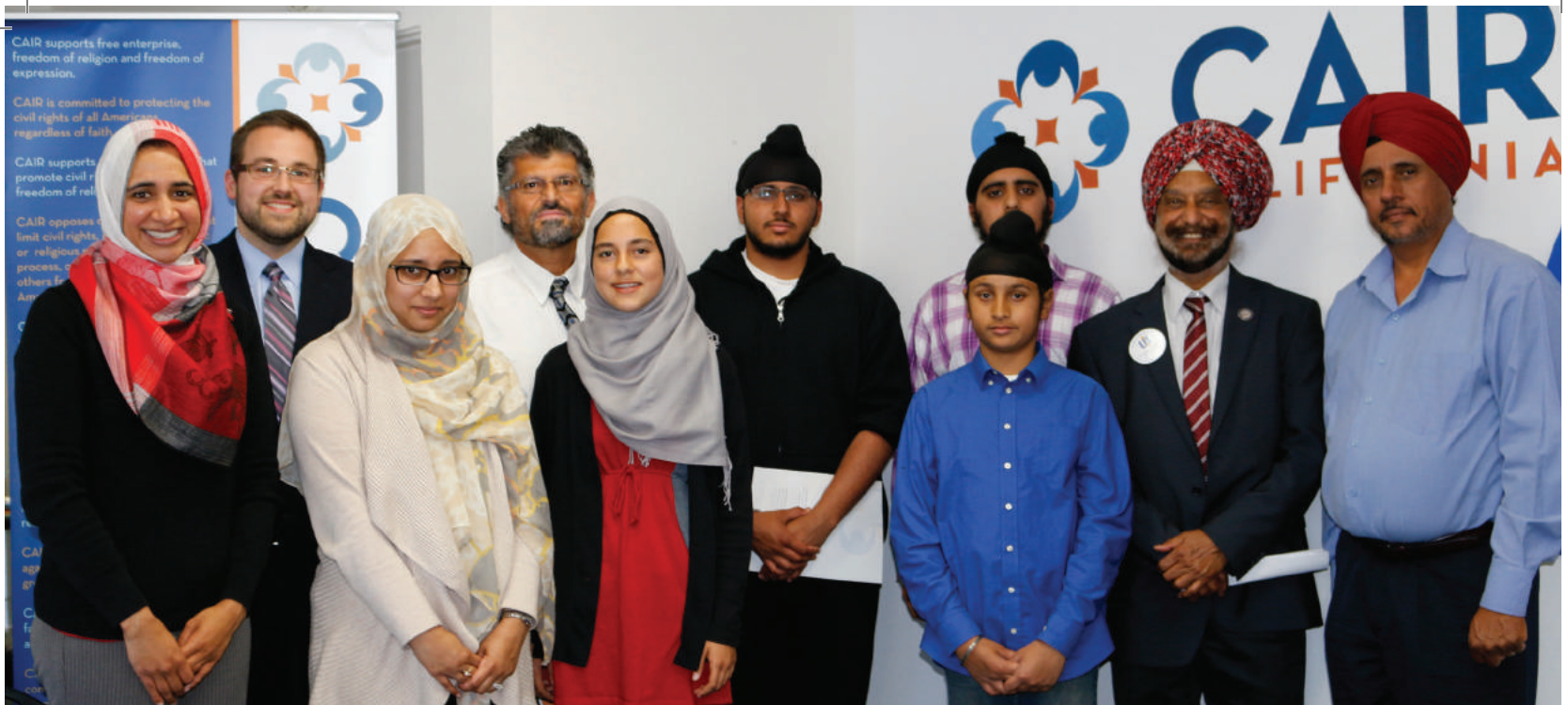
in 2017. The Ordinance for Transparency for City Participation with Federal Surveillance Activities will compel the Oakland Police Department (OPD) to train, direct, and supervise its officers to follow stricter local and state laws, rather than the looser federal law enforcement standards. While at the federal level the Trump Administration continues to make open threats and promises profile, surveil, and ban Muslims, CAIR-CA has successfully worked with localities to create policies that protect our communities from federal overreach and discriminatory practices.

It is important that individuals can avail of all protections under the law even when detained. However, in violation of her rights, a Muslim woman arrested during a domestic dispute was denied the right to wear her *hijab* while going through booking procedures. She requested a blanket to cover herself after being forced to remove her *hijab* but was denied any type of an alternative cloth to cover her head. For the entire duration of her custody, she tried to use her hands to cover her head from the view of jailers and other inmates. After the incident was reported to CAIR-LA, the office served a Public Records Act (PRA) request to the Ventura County Sheriff's Department regarding their policies on accommodations or religious attire of inmates and arrestees. Ventura County promptly responded with their written policy, which failed to make any provisions for accommodations of religious headwear or dress. At the time of publication, CAIR-LA filed suit against Ventura County in a federal court.

Unfortunately, this is part of a wider pattern of detention facilities and law enforcement departments repeatedly failing to have written policies regarding religious accommodations for inmates as required by California's laws.¹⁷ As such, CAIR-LA, in conjunction with the Center for Constitutional Rights, commenced a campaign to serve all the local detention facilities with PRAs to begin reviewing whether facilities have the legally required written policies regarding religious accommodations for arrestees wearing religious head coverings, such as the *hijab*.

In positive news, in November 2017, as part of the settlement of a lawsuit filed by CAIR-LA in the prior year, the Long Beach Police Department (LBPD) amended its policy to accommodate religious head coverings for persons in custody. Long Beach joins the neighboring jurisdictions of San Bernardino County and Orange County, which both adopted policies protecting religious headwear in detention following similar lawsuits that settled in 2008 and 2013, respectively.





MAKING SPACE: PUBLIC ACCOMMODATION & RELIGIOUS DISCRIMINATION

CAIR-CA's offices have seen an increase in complaints involving denial of benefits or service at stores and locations open to the public because of visible markers of religious identity, such as the *hijab*. In these situations, our staff advocates on behalf of those affected by reminding the corporations about their legal obligations; through utilizing state agencies such as the Department of Fair Employment and Housing (DFEH), or, when necessary, moving forward with a lawsuit.

In a high-profile case, CAIR-SD and CAIR-SFBA successfully advocated for community members across California who had been turned away from Boomers! amusement parks because they insisted

on their right to wear religious headwear during the rides. Citing unsubstantiated safety concerns as the reason for denial of service, Boomers! staff and management refused to make an accommodation or exception for religious headwear. CAIR-CA then filed a complaint with the DFEH alleging that this policy was discriminatory in nature and in violation of California's Unruh Civil Rights Act, which bars private businesses from refusing access to service based on factors such as race and religion. In 2017, CAIR-CA successfully obtained a settlement which included changing Palace Entertainment's policy to allow customers to wear securely-wrapped *hijabs* and other religious headwear to ride Go-Karts. Additionally, the company was

required to hold anti-discrimination and sensitivity training for its employees for five years. The impacted individuals, also obtained monetary compensation totaling \$4,000 each.

In Torrance, a Muslim woman wearing a *hijab* and her husband attempted to patron a retail chain but were denied entry into the establishment and were thus denied service, when an employee stopped the couple at the door to the store. The employee told the couple that the store was closing and that his manager

was not allowing any more customers in. Meanwhile, the employee allowed other patrons to enter the store. CAIR-LA served the retail chain with a complaint letter detailing the illegality of the discrimination that its employees had subjected the complainants to during their visit to the store. The retail chain apologized for the incident and compensated the couple with \$20,000 for the humiliation and distress that was caused by the discriminatory conduct.

CLOCKING OUT:

ISLAMOPHOBIA IN THE WORKPLACE

CAIR-CA civil rights staff work to combat workplace discrimination community members face including failure to hire, workplace harassment or a hostile work environment, retaliation, wrongful termination, and denials of religious accommodation.

Throughout 2017, CAIR-CA attorneys assisted Muslims in obtaining workplace religious accommodations including prayer breaks, a day off to celebrate Eid, and maintaining a beard or headscarf. CAIR-CA also received many complaints about hostile work environments including Islamophobic comments by co-workers or supervisors. The refusal to grant workplace accommodations or to address hostile work environments violates Muslim employees' rights under both federal and state law. CAIR-CA attorneys help

employees seek legal redress through filing complaints with the federal or state enforcement agency responsible for reviewing employment discrimination, such as the Equal Employment Opportunity Commission (EEOC) and the Department of Fair Employment and Housing (DFEH). CAIR-CA attorneys also bring legal action through filing lawsuits

EMPLOYMENT

| | NUMBER | PERCENTAGE |
|---|--------|------------|
| Failure to Hire | 9 | 6.4% |
| Hostile Work Environment/ Harassment | 62 | 44.3% |
| Religious Accommodations | 28 | 20.0% |
| Retaliation/Wrongful Termination | 41 | 29.3% |
| Total | | 140 |



against private, state, and federal actors for violations of civil rights statutes such as Title VII of the Civil Rights Act of 1964 and the Religious Freedom Restoration Act of 1993.

In Los Angeles, a Muslim middle school teacher was denied a religious accommodation to attend *jummah*, or Friday congregational prayer, when his employer refused to switch his free teaching period scheduling with another teacher.

The teacher had to quit his job since the failure to accommodate his religion would have forced him to miss Friday prayers, in direct contradiction to his religious beliefs and practices. CAIR-LA filed an EEOC complaint on his behalf asserting that his employer failed to provide a reasonable religious accommodation as required by law, and that he was constructively discharged due to his religion in violation of Title VII of the Civil Rights Act. After lengthy discovery and investigation, the EEOC ruled in the teacher's favor finding that the employer harassed, denied religious accommodation, and constructively discharged the teacher

in violation of the law, entitling him to monetary damages totaling \$22,500.

In the case of *Elhindi v. California Department of Corrections (CDCR)*, CAIR-SV filed two separate lawsuits on behalf of Mr. Elsiddig Elhindi, a prison guard employed by the CDCR facing persistent harassment and discrimination on his job by his coworkers and supervisors. The first lawsuit alleged that Mr. Elhindi's workplace was unbearably hostile, given the prevalence of derogatory slurs and constant ridicule directed at Mr. Elhindi's faith, national origin, and skin color. The lawsuit alleged a failure by CDCR staff and management to prevent this harassment, which resulted in a hostile environment for Mr. Elhindi and other Muslims working for or institutionalized by the CDCR. The second lawsuit alleged that the CDCR had failed to timely promote Mr. Elhindi, despite his satisfactory job performance, because of his faith and in retaliation for bringing the previous lawsuit against CDCR. After bringing two separate lawsuits in both federal and state courts, CAIR-SV was able to help Mr. Elhindi reach a high six-figure settlement last year

that compensated him for the years of harassment he endured.

CAIR-SD filed an employment discrimination complaint with the DFEH on behalf of a Muslim woman, Khadija, who was denied employment at Paradise Wings LLC aka “Wingstop” because she wore a *hijab*. During the interview process, Khadija explained to the Wingstop manager that due to her religious beliefs, she would wear a *hijab* and a skirt. In response, the manager allegedly stated, “[y]our religion has a lot of restrictions.” Khadija was

not contacted again regarding her job application, and despite Khadija’s previous relevant work experience, the job was filled by people less qualified. CAIR-SD assisted Khadija in filing and processing her complaint with the DFEH. Following an investigation into the matter and the breakdown of settlement negotiations, the DFEH found cause and filed a complaint on Khadija’s behalf. At time of this publication, the lawsuit is pending before the courts.

IN THE HALLWAYS: BULLYING & MISREPRESENTATION IN SCHOOLS

In 2017, CAIR-CA released its third biennial bullying report “Unshakable: the Bullying of Muslim Students and the Unwavering Movement to Eradicate it”, which analyzed a 2016 survey feedback from 1,041 students between the ages of 11 and 18 enrolled in public and private schools across California. The survey results showed that only 69 percent of respondents feel welcome and respected in school.¹⁸ For students who are visibly Muslim, especially those who wear the *hijab*, 36 percent reported offensive touching such as being targeted by having their hijab tugged or pulled.¹⁹ Troublingly, about 38 percent of the respondents reported dealing with incidents of peer-

SCHOOL & HIGHER EDUCATION



| | NUMBER | PERCENTAGE |
|---|-----------|------------|
| K-12 Accommodation | 3 | 4.6% |
| K-12 Bullying | 28 | 43.1% |
| K-12 Administration/ Other | 15 | 23.1% |
| Higher Education Accommodation & Discrimination | 19 | 29.2% |
| Total | 65 | |



to-peer bullying, as well as discrimination from teachers and school administrators.²⁰ In each case, these numbers represented an increase in the reported harassment Muslim students reports from CAIR’s 2014 survey.

CAIR-CA’s civil rights staff saw these increases translate to casework and handled bullying complaints by working directly with students, parents, and school officials to ensure that California and federal laws prohibiting discrimination in schools are followed.²¹ Our attorneys advocated on behalf of impacted students to hold student and administrative offenders accountable for engaging in harassment and discriminatory behavior, with the goal of ensuring Muslim youth feel safe and valued in their learning

environments. The advocacy ranges from requesting a change or inclusion of materials in curriculum to disciplinary actions that do not always severely penalize the offender and instead focus on rehabilitation, as that has been found to be more productive in combatting Islamophobia.

In October 2017, CAIR-LA filed a complaint with the Mesa Union School District on behalf of a Muslim student in response to a teacher’s distribution of a worksheet containing inaccurate and Islamophobic statements, sourced from a Biblical Christian website, to a seventh-grade social studies class. The district responded by stating that it found no fault with the material and failed to issue an apology or retraction, despite the worksheet’s

inappropriate and disturbing focus on rape and violence. Because of the district's inaction, the Muslim student was unable to continue in his class, and ultimately had to be removed from the school. CAIR-LA filed an appeal with the California Department of Education (CDE) disputing the school district's findings. Based on CAIR-LA's appeal, the CDE determined that religious discrimination had occurred, overturning the district's defense of the lesson plan. The CDE found that the website and materials used in the classroom carried a clear discriminatory bias against Islam, and that attempts to classify the website as objective or accurate were erroneous and without justification.

CAIR-LA also represented a Muslim high school student and recent Syrian refugee who reported enduring almost a year of being repeatedly taunted and called a "terrorist," as well as being subject to physical assault by a group of students. CAIR-LA aided the student in filing a formal complaint and navigating the complaint procedures with his school to resolve the Islamophobic bullying and violence. After conducting a full investigation and involving the school's campus police, the school decided to expel the offender. The student is now allowed to study in an environment free from violence and religious intolerance.

In the San Francisco Bay Area, a Muslim high school student and her parents reported troubling material circulated by the English Department. The materials featured stories and infographics about forced and child marriages, linking the phenomenon to Muslim-majority countries. To remedy the situation, CAIR-SFBA legal staff corresponded with the principal and school district to ensure that the materials were revised and removed from future lesson plans. After a few rounds of discussions, the school district agreed to combat further issues of discrimination, by committing to a robust anti-discrimination policy to ensure that all students felt safe and welcome. CAIR-SFBA attorneys, along with the Santa Clara County Office of LGBTQ Affairs then conducted a joint training with administrative staff throughout the school district. The training was tailored towards providing support for Muslim and LGBTQ students who are often the most vulnerable to bullying, harassment, and stereotyping, which harm these students' ability to learn. CAIR-SFBA attorneys followed up with a day of assemblies at the high school directed towards all grade levels covering topics such as introduction to Islam, the challenges that Muslim students face, and how to end a culture of bullying in their peer circles.

RECOMMENDATIONS

In order to advance the civil rights of all communities, and in light of the complaints received in 2017, CAIR-CA's civil rights staff recommend the following:

- 1. Report hate crimes or incidents** to your local CAIR office and police department for assessment and recording purposes. In addition to assisting, CAIR utilizes this information to tell part of the American Muslim story and bring increased attention to the hostile environment the community is living in and to advocate for increased protections.
- 2. Register to vote and get out the vote.** All eligible voters should exercise their right to vote and hold elected officials accountable for promoting bigoted policies, engaging in dangerous rhetoric, and/or failing to take hardline stances against those politicians who do engage in such dangerous rhetoric and create a hostile environment for the American Muslim community.
- 3. Assert your right to remain silent.** All Americans should learn about their rights and assert their rights when interacting with law enforcement. Materials are available online at ca.cair.com/publications.
- 4. Fight back against profiling.** If approached by the FBI, CBP or TSA for voluntary questioning, and/or when subject to enhanced questioning and screening procedures while traveling, contact CAIR-CA for consultation regarding your rights and representation to prevent future instances of harassment.
- 5. Demand an end to CVE.** Local law enforcement agencies should cease all partnerships with federal law enforcement agencies that require resources to be dedicated toward investigations stemming purely from a person's racial and/or religious identity, and aim only to gather information on a person's constitutionally protected activities.
- 6. Report bullying and harassment.** Schools should provide comprehensive cultural competency training to their administration and faculty, as well as training on how to properly respond to bullying under California and federal law. Parents and students should contact their local CAIR-CA office for reporting and consultation.
- 7. Provide comprehensive diversity and employee rights trainings** to your employees, including training on American Muslims, Title VII, and FEHA. Employers should also take swift and stern action against employees who engage in discriminatory or harassing behavior against their co-workers.
- 8. Contact your employer's Human Resource's Department and report potentially discriminatory behavior,** preferably via e-mail to maintain written records, and reach out to your local CAIR-CA office for advice and consultation.

PARTNERS

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

Abrahamic Faiths Peacemaking Initiative
ACCESS California Services and ACCESS Sacramento
Alliance San Diego
American-Arab Anti-Discrimination Committee (ADC)
American Civil Liberties Union (ACLU)
American Muslim Voice
Arab Culture and Community Center (ACCC)
Arab Film Festival
Arab Resource and Organizing Center (AROC)
Asian Americans Advancing Justice-Asian Law Caucus
Asian Americans Advancing Justice-Los Angeles
Asian American Bar Association
Bay Area Muslim Bar Association (BAMBA)
Bill of Rights Defense Committee (BORDC)
Brennan Center for Justice
Buchalter Nemer
California Council of Churches/California Church IMPACT
California Immigration Policy Center
California Sikh Council
Carpenter & Mayfield
Catholic Legal Immigration Network, Inc.
Center for Constitutional Rights
Center for Human Rights and Constitutional Law
Church State Council
Clergy and Laity United for Economic Justice
Coalition for Humane Immigrant Rights Los Angeles
Immigrant Youth Coalition
Interfaith Communities United for Justice and Peace
Interfaith Worker Justice
Islamic Circle of North America
Islamic Networks Group (ING)
Islamic Shura Council of Southern California
Japanese American Citizens League
Jewish Voice for Peace
Kizuna
LA Jews for Peace
Lawyers' Committee for Civil Rights
League of United Latin American Citizens
Legal Aid Foundation Los Angeles
Legal Aid Society-Employment Law Center
Los Amigos of Orange County
Muslim American Society (MAS)
Muslim Anti-Racism Collaborative
Muslim Leadership Council of San Diego
Muslim Legal Fund of American (MLFA)
Muslim Public Affairs Council (MPAC)
Muslim Student Association (MSA) West
National Association for the Advancement of Colored People (NAACP)
National Immigration Law Center (NILC)
National Lawyers Guild (NLG)
National Religious Campaign Against Torture
Nikkei for Civil Rights and Redress
North American Islamic Shelter for the Abused (NISA)
Orange County API Community Alliance
Orange County Bar Association Charitable Fund
Orange County Congregation Community Organization
Orange County Human Relations Commission
Palestine Legal
Pangea Legal Services
PARS Equality Center
Program for Torture Victims
Progressive Christians Uniting
Project Islamic Hope
San Francisco Human Rights Commission
Services, Immigrant Rights, & Education Network (SIREN)
Sikh American Legal Defense and Education Fund
South Asian Bar Association of North America (SABA)
South Asian Bar Association of Northern California (SABA-NC)
South Asian Network
The Sikh Coalition
United Sikhs
Western Justice Center Foundation
Women For: Orange County

APPENDIX

GLOSSARY OF ISLAMIC TERMS

| | |
|---------------------|--|
| Hijab | The word means “barrier” or partition, often used to refer to the headscarf worn by some Muslim women. |
| Eid | Two major religious celebrations, Eid al Fitr and Eid al Adha, commemorating important events in the Islamic year. |
| Islam | The word is commonly translated as “peace through God’s guidance,” the proper name for Muslims’ religion. |
| Jummah | Friday prayer, required for those who are physically able to attend. |
| Muslim | Follower of Islam. |
| Islamophobia | Fear or hatred of Islam and Muslims; a phenomenon which promotes and perpetuates anti-Muslim stereotyping, discrimination, harassment, and even violence, and negatively impacts the participation of American Muslims in public life. |

GLOSSARY OF COMMON LAWS & LEGAL ENTITIES

RELEVANT STATE & FEDERAL LAWS

| | |
|----------------------|---|
| 1st Amendment | Part of the United States Constitution’s Bill of Rights, the First Amendment provides that the government cannot interfere with a person’s freedom of speech, freedom of expression, or freedom to peacefully practice his or her religious beliefs. |
| 4th Amendment | Part of the United States Constitution’s Bill of Rights, the Fourth Amendment provides that government officials cannot unreasonably detain persons or search them, their belongings, automobiles, or homes without a warrant. |
| 5th Amendment | Part of the United States Constitution’s Bill of Rights, the the Fifth Amendment provides that no person ‘shall be compelled’ to give information to the government if it would possibly incriminate them. The Supreme Court of the United States in <i>Miranda v. Arizona</i> clarified that the 5th Amendment includes the right to remain silent in the face of law enforcement questioning, and the right to have an attorney present if compelled by law enforcement to provide information. |

| | |
|----------------------|---|
| 6th Amendment | Part of the United States Constitution’s Bill of Rights, the Sixth Amendment provides that all persons facing government criminal proceedings be allowed the right to a jury trial and the assistance of an attorney. |
| APA | Administrative Procedure Act. The APA is a federal law governing the way in which United States administrative agencies may establish and carry out federal regulations. |
| FEHA | California Fair Employment and Housing Act. FEHA is a state law outlawing employment and housing discrimination based on, among other factors, gender, national origin, race, or religion. |
| INA | Immigration and Nationality Act. The INA is a federal law governing immigration to and citizenship in the United States. |
| Ralph Act | Ralph Civil Rights Act. The Ralph Act is a California law providing civil and administrative remedies for those targeted for violence based on, among other factors, their gender, national origin, race, or religion. |
| RFRA | Religious Freedom Restoration Act of 1993. RFRA is a federal statute protecting against federal laws that substantially burden a person’s free exercise of religion. It provides increased protections on top of the First Amendment. |
| RLUIPA | Religious Land Use and Institutionalized Persons Act. RLUIPA is a federal statute protecting against state laws that substantially burden a prisoner’s right to worship and gives religious institutions a way to avoid burdensome zoning law restrictions on their property use. |
| Seth’s Law | “Seth’s Law” is a piece of California legislation bolstering and strengthening the SSVPA by implementing increased requirements on schools in regards to bullying policies and investigations. |
| SSVPA | School Safety Violence Protection Act. The SSVPA is a California law requiring schools to develop and implement policies that protect students from bullying. |
| Title VII | Title VII of the Civil Rights Act of 1964. Title VII is part of a landmark federal law outlawing employment and housing discrimination based on, among other factors, gender, national origin, race, or religion. |
| Unruh | Unruh Civil Rights Act. Unruh is a California law outlawing public accommodation discrimination based on, among other factors, gender, national origin, race, or religion. |

RELEVANT STATE & FEDERAL ENTITIES

| | |
|--------------------------|---|
| CBP | United States Customs and Border Protection. A component of DHS, CBP is responsible for regulating and facilitating international trade, collecting import duties, and enforcing United States regulations, including trade, customs, and immigration. |
| District Attorney | The District Attorney's office is a county agency responsible for prosecuting violations of the California Penal Code on behalf of the people of California. |
| DFEH | The Department of Fair Employment and Housing. The DFEH is a state agency responsible for investigating and on occasion prosecuting violations of California's FEHA and Unruh Civil Rights Act. Before a person can bring a private lawsuit under FEHA, they must first file an official complaint with the DFEH. |
| DHS | The Department of Homeland Security. The DHS is a federal executive department of the United States Government, and is responsible for protecting the United States from and responding to terrorist attacks, man-made accidents, and natural disasters. |
| DOJ | The United States Department of Justice. The DOJ is a federal executive department of the United States Government, and is responsible for enforcing federal laws. |
| EEOC | The Equal Employment Opportunity Commission. The EEOC is the federal agency responsible for investigating and on occasion prosecuting violations of Title VII. Before a person can bring a private lawsuit under Title VII, they must first file an official claim with the EEOC. |
| ICE | United States Immigration and Customs Enforcement. A component of the DHS, ICE is responsible for identifying, investigating, and dismantling vulnerabilities regarding the nation's border, economic, transportation, and infrastructure security. |
| FBI | The Federal Bureau of Investigation. A government agency within the DOJ, the FBI is responsible for investigating federal criminal activity and intelligence gathering. |
| TSA | The Transportation Security Administration. A component of DHS, the TSA is responsible for the security of the traveling public in the United States. |
| U.S. Attorney | United States Attorney Offices are federal counterparts to state District Attorney Offices. They prosecute federal crimes and represent the United States federal government in United States district court and United States court of appeals. |
| USCIS | United States Citizenship and Immigration Services. A component of the DHS, USCIS is responsible for processing immigrant visa petitions, naturalization petitions, and asylum and refugee applications, as well as adjudicating certain immigration matters. |

ENDNOTES

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- 20 *Id.*
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OUR VISION

To be a leading advocate for justice and mutual understanding.

OUR MISSION

Our mission is to enhance the understanding of Islam, protect civil rights, promote justice, and empower American Muslims.



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