



“PROTECTING THE CIVIL RIGHTS OF AMERICAN MUSLIMS”

Statement before

Subcommittee on the Constitution, Civil Rights, and Human Rights

Senate Committee on the Judiciary

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INTRODUCTION

On behalf of Human Rights First (HRF), I thank you, Mr. Chairman, for examining the issue of civil rights protections for American Muslims. We are grateful for the opportunity to submit testimony to make the case that this is also a human rights issue.

HRF has been monitoring anti-Muslim violence and other bias-motivated crimes since 2002 and pressing for stronger government action to combat it. Our advocacy has been based on documentation of the problem in Europe and North America in the following reports:

- *Everyday Fears: A Survey of Violent Hate Crimes in Europe and North America* (2005);
- *2007 Hate Crime Survey: Islamophobia* (2007);
- *2008 Hate Crime Survey: Anti-Muslim Violence* (2008). Updated in 2010 and 2011.

Our focus has been on the problem of anti-Muslim violence and related hostility and on practical steps that governments and others can take to more effectively combat this problem, while respecting other fundamental freedoms.

Anti-Muslim violence in the U.S. is a unique and complex form of racism and religious intolerance. While attacks on Muslims may often be motivated by racist or ethnic bias, intolerance is increasingly directed at Muslim immigrants and other minorities, who are perceived to be Muslim, expressly because of their religion.

This statement reflects our findings on the incidence of violent hate crimes against Muslims in the U.S., together with recommendations for action. HRF has long maintained that anti-Muslim violence, as well as other forms of hate crime, must be viewed and responded to as a serious violation of human rights and that the U.S. Government can and must do more to confront these abuses. Likewise, we believe it is important that these violations be challenged, not just by victims' groups or those who represent communities of targeted individuals, but by all those who seek to advance universal rights and freedoms.

U.S. leadership is essential to human rights progress around the world. A founding value for the U.S., the promotion of civil rights and religious freedom is a priority in America's foreign policy. Still, our success abroad will depend on an unfaltering, uncompromising protection of the individual civil and human rights in our own society.

Civil rights abuses against American Muslims—or any other group singled out on account of their religion, race, or ethnicity—threaten to compromise this fundamental stance, undermine core American values, and weaken the U.S.'s reputation among foreign foes and friends alike. HRF hopes that, through this Congressional hearing and further follow-up action, the United States government will continue to uphold and reaffirm the civil rights of American Muslims, sending a strong signal globally that the U.S. leads by example in guaranteeing the fundamental rights of all of its citizens.

ATTACKS ON INDIVIDUALS, PLACES OF WORSHIP, CENTERS OF ISLAMIC CULTURE, AND CEMETERIES

The United States is one of the few countries that conducts systematic official monitoring and recording of anti-Muslim hate crimes. For the reporting year 2009, the last year for which data is available, the Federal Bureau of Investigation reported 107 “anti-Islamic” incidents, registering a slight increase from 2008 (105).¹ Of the offenses motivated by religious bias, 9.3 percent were anti-Muslim (up from 7.7 percent in 2008).

Hate crimes place people of Middle East and South Asian origins under threat whether or not they are Muslims, even as Muslims faced the double discrimination of racism and religious prejudice. There are also indicators suggesting that many anti-Muslim incidents go undocumented. This is due to underreporting of incidents by victims of hate crime, but also because of underrecording by law enforcement officials. Despite a steady increase in the number of agencies that participate in the hate crime data collection program (14,422, up 5.1 percent from 13,690 in 2008), far fewer agencies (2,034, down 5.5 percent from 2,145 in 2008), actually reported any hate crimes in their jurisdiction. Nearly four thousand police jurisdictions still do not participate in the voluntary program. **One important step going forward would be for the Department of Justice to enhance hate crime reporting by local jurisdictions, working with agencies that have not participated, have underrecorded, or have reported “zero” hate crimes in the past.**

Reporting is critical because it establishes the patterns where hate crimes may more likely occur, and thus enables law enforcement to better protect communities and individuals at risk. Individuals who fear violence cannot move freely in the towns and cities where they reside. Even where hate crimes do not involve severe violence, the result may be progressive marginalization and exclusion, preventing those under threat from the exercise of a range of rights. Fear of violence—compounded by the lack of trust in state authorities to respond to it adequately—may deter people from venturing out even to places of worship. Accounts of individual cases continue to highlight the high exposure of visible minorities distinguished by particular clothing or other signs of faith. Severe incidents, particularly murders, remain rare. Lower-level assaults and day-to-day harassment occur far more frequently, although often go unreported. Some recent examples include the following:

- On February 4, 2011, a Muslim man was stabbed with a pocket knife in Saint Petersburg, **Florida**. A discussion about religion turned violent when the victim said he was a Muslim. The perpetrator became upset, grabbed the victim, and stabbed him in the neck. The victim required medical treatment, and the alleged perpetrator was arrested on a charge of aggravated battery.²
- The filmmaker Usama Alshaibi claimed he was beaten after telling people his first name was “Usama” at a party in Fairfield, **Iowa**, on March 6, 2011. Alshaibi says he walked into a house and was assaulted by four men upon telling them what his name was. Alshaibi was punched in the face and the head and knocked down. Fairfield Police said they were investigating the incident as a hate crime.³
- On August 25, 2010, in **New York City**, a city cab driver Ahmed Sharif was stabbed multiple times by an intoxicated passenger who allegedly asked if the driver was Muslim. The 21-year-old perpetrator was detained and charged with attempted murder, assault, aggravated harassment, and possession of a weapon. Hate crime provisions were included in the charges that were upheld in January 2011, while the trial is scheduled to resume in March 2011.⁴
- On December 21, 2010, a 20-year-old woman was assaulted in her mosque’s parking lot in Columbus, **Ohio**. The victim, a Somali immigrant, was attacked with pepper spray as the perpetrator shouted anti-

Muslim slurs at her and told her to “tell the Muslims to go back from wherever they are from.” The F.B.I. opened a hate crime investigation into the assault.⁵

- On October 21, 2010, King County prosecutors charged a woman with a hate crime after she allegedly kicked one Muslim woman and slammed a car door on her leg, pushed another Muslim woman and yelled epithets at both of them Saturday at a gas station in Tukwila, near Seattle, **Washington**. The incident occurred at a gas station, as the victims were filling up their car’s gas tank. The unprovoked perpetrator, upon noticing the Muslim women, started yelling anti-Muslim slurs and told them to “go back to their country.”⁶

Mosques and other places of worship are easily identifiable targets of anti-Muslim hate crime. Some examples of acts of vandalism and arson—a wave of which took place amidst the national debate over construction of the “Ground Zero mosque” in New York—include the following:

- An Islamic Center in Madera, **California**, has been vandalized multiple times since August 18, 2010. A brick nearly smashed one of the windows, and three signs were found at the Center’s mosque. The incidents are under investigation as hate crimes.⁷
- In August 2010, at the beginning of the Muslim holy month of Ramadan, five teenagers were honking horns and yelling slurs outside a mosque in Waterport, **New York**. The five youths were arrested after the son of one of the founders of the mosque was sideswiped by a sport utility vehicle. Another teenager was charged with firing a shotgun in the air near the mosque a few days earlier.⁸
- In **Tennessee**, a suspicious fire damaged four pieces of construction equipment at the site of a future mosque in Murfreesboro on August 28, 2010. An investigation as a possible hate crime was initiated. The incident was thought to be connected to proposals to expand the Islamic Center of Murfreesboro, which has existed for 30 years.⁹ The expansion proposals are currently being challenged in county courts, with the next hearing scheduled for April 13, 2011.¹⁰
- A playground at the Dar El-Eman Islamic Center in Arlington, **Texas**, was vandalized with racial slurs and graffiti, and later part of the center was set on fire in July.¹¹ A 34-year-old man faces hate crime charges on allegations that he set fire to playground equipment. If convicted, the perpetrator will be sentenced to up to 20 years in prison.¹²

THREATS TO RELIGIOUS FREEDOM

There are a range of threats to religious freedom faced by American Muslims. Among these concerns are discriminatory policies and legislative proposals—such as the denial of permits to build or operate mosques and religious centers. Requests for permits to build mosques have been increasingly debated and scrutinized across the United States, particularly in the wake of the national debates in the summer of 2010 over the construction of an Islamic center in downtown Manhattan, New York. Some examples include:

- Members of the Islamic Community Center of Phoenix, **Arizona**, found resistance from the neighborhood and some members of the city government even though the building of the mosque has been going on for years. Vandals broke into the new building, spilling paint on the floors and breaking windows. The Center’s chairman of the board stated that the “Ground Zero dispute” was partly to blame for the problems.¹³
- In DuPage County, **Illinois**, the County Board proposed a ban on opening new religious facilities in unincorporated residential areas following proposals to expand or build three Muslim sites. The request by the Irshad Learning Center for a conditional permit for a place of worship and school in Naperville was denied (on the grounds of being inconsistent with the subdivision) and the potential expansions of Islamic

centers in West Chicago and Willowbrook were also debated. Muslim groups concerned claimed discrimination was at the heart of these debates.¹⁴

- In Temecula, **California**, protests were raging over the proposed construction of a mosque on land owned by the Muslim community. On July 30, some 35 critics rallied across the street from the Islamic Center of Temecula Valley, holding signs and shouting anti-Islamic slogans as the community's Muslims were gathering for a Friday worship. In January 2011, the City Council voted to allow 150 families to build a mosque despite opposition from residents.¹⁵

ANTI-MUSLIM INTOLERANCE AND HATE SPEECH

Xenophobic and anti-Muslim rhetoric in the public discourse—in particular when coming from American political leaders and public officials—enhances a climate of intolerance and contributes to the marginalization of Muslims. The aggressive “us versus them” discourse can weaken the sense of security and may threaten the physical well-being of Muslim communities. Intolerant public discourse that goes unchallenged can foster indifference to abuses committed against members of minority groups. **While freedom of speech allows considerable latitude for offensive and hateful speech, intolerant discourse can and must be challenged in ways that respect free expression.**

HRF underscores the example of the reaction from individuals, as well as political, military, and faith leaders to the “Burn a Koran Day.” In summer 2010, a reverend with a 50-person congregation in Gainesville, Florida, capitalized on the wave of Muslim-bashing and fearmongering over the “Ground Zero mosque” debates in New York City and announced plans to publicly burn a Koran to mark the anniversary of the 9/11 attacks. The controversy surrounding the “Burn A Koran Day” prompted a wave of public outcry, leading to the eventual cancellation of the event, which was in the end overshadowed by interfaith events demonstrating solidarity and commitment to tolerance and diversity. In the days and weeks leading up to the proposed “Burn A Koran Day,” more than twenty religious organizations in Gainesville, Florida, united in hosting a series of events to affirm religious solidarity. Religious leaders incorporated Muslim, Jewish, and Christian scriptures into worship services focusing on peace and understanding. Religious leaders also called on state and local public officials to speak out against bigotry.

HRF also maintains that efforts to “scrutinize” or “investigate” American Muslims—such as was the case during the recent hearing on “The Extent of Radicalization in the American Muslim Community and That Community’s Response”—are counterproductive and may undermine attempts to address ongoing threats to U.S. national security. The hearing sponsored by Congressman Peter King (R-NY) did go forward, although was condemned by broad swaths of the American public and criticized by many political leaders and law enforcement officials. In targeting or scrutinizing American Muslims as “potential terrorists,” public officials can damage the U.S.’s international credibility in upholding freedom of religion and nondiscrimination and impact its ability to advance these fundamental rights globally. HRF seeks to promote policies that allow for the pursuit of legitimate national security goals that don’t entail the investigation of an entire community based on religion, race, gender, sexual orientation, or other similar characteristics.

Human Rights First submitted [a statement to the House Homeland Security Committee](#) describing how targeting American Muslims undermined effective local and federal law enforcement to counter terrorism. HRF’s statement underscored the United States must constantly assess how to identify, mitigate, prepare for, and respond to threats to our national security. Human Rights First also joined an

array of security experts and local law enforcement who have stressed that the best practices of thwarting terrorist plots include a multilayered approach that rests on trust between government and community, and who have also cautioned that racial and religious profiling can undermine our national security at home and abroad.

THE SHARED NATURE OF BIAS-MOTIVATED VIOLENCE

The violence and hostility facing the Muslim community in the United States today is unique human rights violation, but also should be seen as part of a broader problem of hate crime in which people are targeted because of their race, ethnicity, religion, sexual orientation, gender identity, and disability.

In addition to anti-Muslim violence:

- People of African descent have comprised the largest number of victims of violent hate crime, reflecting longstanding patterns of such crimes in the United States.
- New trends of rising anti-immigrant violence have also been part of the larger pattern of racism and xenophobia. In these new patterns of violence, people of Hispanic origin, both immigrants and American citizens, have faced rising levels of violence driven by prejudice and hatred.
- Jews have continued to be among the principal victims of racist violence combined with religious hatred and prejudice.
- Attacks founded on sexual orientation and gender identity have been characterized by a high level of violence, with a higher proportion of personal assaults than in other categories of hate crime.
- People with disabilities have been targeted for abuse, torture, and murder. The number of attacks against disabled people is generally understood to be severely undercounted.

The shared nature of the problem of bias-motivated violence underscores the need for the government to continue to pursue comprehensive approaches to the full range of forms of hate crime, including by broadly reaching out to affected communities. **Strong government responses that show hate crimes will be prosecuted to the full extent of the law send an unequivocal signal that such incidents will not be tolerated by society. They also reassure members of communities under threat that their right to security is guaranteed and nonnegotiable.**

RECOMMENDATIONS FOR U.S. GOVERNMENT OFFICIALS AND POLITICAL LEADERS

1. Respond to Hate Crime in the United States

- Senior political leaders and law enforcement officials at all levels of government should publicly condemn violent hate crimes when they occur and ensure a vigorous law enforcement and criminal justice response.
- The Department of Justice should take steps to increase, through training and technical assistance programs, hate crime reporting by local jurisdictions, targeting agencies that have not participated, have underreported, or have reported “zero” hate crimes in the past.
- The Department of Justice and/or the Department of Homeland Security should study the causes and repercussions of bias-motivated violence and report publicly on the findings.

- The Department of Justice and other relevant bodies should enhance outreach to Muslim communities and civil society groups to reduce fear and assist victims, advance police-community relations, and encourage improved reporting of hate crimes to the police.

2. Respond to Intolerant Discourse in the United States

Political leaders, government and other officials serving in public office should:

- Pledge to refrain from using rhetoric that incites violence or promotes acts that curtail the enjoyment of the rights of others.
- Speak out publicly and consistently to condemn such speech when it occurs; build political consensus—reaching out across political party lines—to encourage speaking out.
- Use every opportunity to affirm common bonds of humanity and to guarantee equal protection under the law without discrimination for all individuals—citizens and noncitizens—in their jurisdiction. Leaders should take advantage of their positions to promote interreligious and intercultural understanding as well as policies and practices of nondiscrimination.

3. Lead Global Efforts to Combat Hate Crime

Hate crime has been on the rise in many parts of the world and the U.S. has long been engaged in international efforts to confront it. The following are actions the executive and legislative branches of the United States government can take to build on past success and to advance a vigorous human rights response to violent hate crimes globally.

The State Department should:

- Maintain strong and inclusive State Department monitoring and public reporting on racist, xenophobic and other forms of bias-motivated violence in the annual country reports on human rights practices—including by consulting with civil society groups as well as providing appropriate training for human rights officers and other relevant mission staff abroad.
- Raise violent hate crime issues with representatives of foreign governments and encouraging, where appropriate, legal and other policy responses, including those contained in Human Rights First's ten-point plan for combating violent hate crime.
- Offer appropriate technical assistance, sharing of best practices, and other forms of cooperation, including training of police and prosecutors in investigating, recording, reporting and prosecuting violent hate crimes as well as translation of Department of Justice and Federal Bureau of Investigation (FBI) materials on hate crimes.
- Support action by civil society, including by supporting efforts to build the capacity of civil society groups and other actors to combat hate crime.

Members of the U.S. Congress should work to:

- Organize International Visitors Programs on combating bias-motivated violence for representatives of law enforcement, victim communities, human rights groups, and legal advocates.
- Encourage efforts of intergovernmental organizations like the Organization for Security and Cooperation in Europe (OSCE) to strengthen their engagement with member states on combating violent hate crime.

RECOMMENDATIONS TO STATES:

TEN-POINT PLAN FOR COMBATING HATE CRIMES

Human Rights First's Ten-Point Plan is a set of recommendations for governments facing the challenge of combating hate crime. The plan is developed based on Human Rights First's decade-long research of incidents of bias-motivated violence.

- 1. Acknowledge and condemn violent hate crimes whenever they occur.** Senior government leaders should send immediate, strong, public, and consistent messages that violent crimes which appear to be motivated by prejudice and intolerance will be investigated thoroughly and prosecuted to the full extent of the law.
- 2. Enact laws that expressly address hate crimes.** Recognizing the particular harm caused by violent hate crimes, governments should enact laws that establish specific offenses or provide enhanced penalties for violent crimes committed because of the victim's race, religion, ethnicity, sexual orientation, gender, gender identity, mental and physical disabilities, or other similar status.
- 3. Strengthen enforcement and prosecute offenders.** Governments should ensure that those responsible for hate crimes are held accountable under the law, that the enforcement of hate crime laws is a priority for the criminal justice system, and that the record of their enforcement is well documented and publicized.
- 4. Provide adequate instructions and resources to law enforcement bodies.** Governments should ensure that police and investigators—as the first responders in cases of violent crime—are specifically instructed and have the necessary procedures, resources and training to identify, investigate and register bias motives before the courts, and that prosecutors have been trained to bring evidence of bias motivations and apply the legal measures required to prosecute hate crimes.
- 5. Undertake parliamentary, interagency or other special inquiries into the problem of hate crimes.** Such public, official inquiries should encourage public debate, investigate ways to better respond to hate crimes, and seek creative ways to address the roots of intolerance and discrimination through education and other means.
- 6. Monitor and report on hate crimes.** Governments should maintain official systems of monitoring and public reporting to provide accurate data for informed policy decisions to combat violent hate crimes. Such systems should include anonymous and disaggregated information on bias motivations and/or victim groups, and should monitor incidents and offenses, as well as prosecutions. Governments should consider establishing third party complaint procedures to encourage greater reporting of hate crimes and conducting periodic hate crime victimization surveys to monitor underreporting by victims and underrecording by police.
- 7. Create and strengthen antidiscrimination bodies.** Official antidiscrimination and human rights bodies should have the authority to address hate crimes through monitoring, reporting, and assistance to victims.
- 8. Reach out to community groups.** Governments should conduct outreach and education efforts to communities and civil society groups to reduce fear and assist victims, advance police-community relations, encourage improved reporting of hate crimes to the police and improve the quality of data collection by law enforcement bodies.
- 9. Speak out against official intolerance and bigotry.** Freedom of speech allows considerable latitude for offensive and hateful speech, but public figures should be held to a higher standard.

Members of parliament and local government leaders should be held politically accountable for bigoted words that encourage discrimination and violence and create a climate of fear for minorities.

10. Encourage international cooperation on hate crimes. Governments should support and strengthen the mandates of intergovernmental organizations that are addressing discrimination—like the Organization for Security and Cooperation in Europe, the European Commission against Racism and Intolerance, and the Fundamental Rights Agency—including by encouraging such organizations to raise the capacity of and train police, prosecutors, and judges, as well as other official bodies and civil society groups to combat violent hate crimes. Governments should also provide a detailed accounting on the incidence and nature of hate crimes to these bodies in accordance with relevant commitments.

ENDNOTES

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