



Council on American-Islamic Relations  
New York Chapter  
475 Riverside Dr., Suite 244  
New York, New York 10115  
[www.cair-ny.org](http://www.cair-ny.org) | 212.870.2002

**WRITTEN STATEMENT OF: THE COUNCIL ON AMERICAN-ISLAMIC  
RELATIONS, NEW YORK CHAPTER (CAIR-NY)**

**ON: ASSESSMENT OF NEW YORK STATE'S HATE  
CRIME LAW (Chapter 107, Laws of 2000)**

**SUBMITTED TO: NY STATE SENATOR BRAD HOYLMAN  
RANKING MEMBER, SENATE COMMITTEE ON  
INVESTIGATIONS & GOVERNMENT  
OPERATIONS**

**AT: PUBLIC FORUM ON HATE CRIME LAWS  
FRIDAY JUNE 14, 2013**

Testimony Prepared By: Muneer O. Awad, Esq.  
Assisted by: Zahra Cheema & Yasmin Karim  
Council on American-Islamic Relations, New York (CAIR-NY)  
475 Riverside Dr., Suite 244, New York, NY 10115  
Web: [www.cair-ny.org](http://www.cair-ny.org)  
Email: [info@ny.cair.com](mailto:info@ny.cair.com)  
Phone: 212-870-2002

---



The New York Chapter of the Council on American-Islamic Relations (CAIR-NY) welcomes the opportunity to testify and submit this written testimony on the status of the NY State Hate Crimes Law and their impact on American Muslims to Senator Brad Hoylman at the Public Forum on Hate Crimes Law.

CAIR-NY is a chapter of the nation's largest Muslim civil liberties and advocacy organization.<sup>1</sup> 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.

Members of the American Muslim community often call on CAIR-NY when incidents of anti-Muslim violence occur in the state of New York. Despite persistent under-reporting of these incidents for various reasons, we have received an increase in reported incidents in the last nine months. Consistent with the national trend and statistics, anti-Muslim hate crimes have increased in the state of New York, suggesting that these incidents are no longer isolated events.

As a result of these incidents, CAIR-NY has issued safety advisories and provided a safety toolkit for Islamic Centers urging members of the American Muslim community to be vigilant in promoting safety and building stronger relationships with their neighboring communities.<sup>2</sup> Despite these efforts, American Muslims have sensed a cloud of uncertainty and panic in regards to major events in the news, the engagement of Islam through political discourse, and major holidays in the Islamic calendar.

---

<sup>1</sup> Council on American-Islamic Relations, New York Chapter, [www.cair-ny.org](http://www.cair-ny.org).

<sup>2</sup> CAIR Muslim Community Safety Guide: <http://www.cair.com/american-muslims/67-cair-muslim-community-safety-kit.html>.

CAIR-NY is a chapter of 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.

With the holy month of Ramadan approaching—a month which saw a sharp spike in anti-Muslim violence across the nation in 2012<sup>3</sup>—we hope that this hearing will offer insight and guidance to improving our state’s ability to respond to hate crimes, and implement a process to prevent them from occurring in the future.

### **A SNAPSHOT OF THE SCOPE OF HATE TARGETING MUSLIM COMMUNITIES**

Bashir Ahmed is a New Yorker. He is a father, a grandfather, and a food vendor who works daily at a halal food cart on East 77<sup>th</sup> and Madison Avenue in Manhattan. He is also a dedicated member of his faith community.

Every day, Bashir wakes up before dawn and walks to his local house of worship where he opens the doors for the first of five daily prayers. This particular house of worship is similar to many of the over 5,000 houses of worship across New York City, but unique to the Flushing neighborhood it belongs to. The congregants at this house of worship are very diverse, and hail from various ethnic and cultural backgrounds—a true sample of New York. However, thirteen years ago local prostitutes and drug addicts used the same building to engage in illegal activities. The community Bashir belonged to decided to purchase and renovate the building to create a safe place for their families to congregate and worship. Today the center provides prayer space and includes classes and recreational space for men, women, and children.

Despite this inspiring transformation, a recent incident jeopardized the sense of security and safety Bashir’s community has dedicated over a decade to create.

---

<sup>3</sup> Eight Attacks, 11 Days, Uzma Kolsy, Salon.com, August 14, 2012. Last accessed on June 9, 2013:  
[http://www.salon.com/2012/08/14/eight\\_attacks\\_11\\_days/](http://www.salon.com/2012/08/14/eight_attacks_11_days/).

CAIR-NY is a chapter of 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.

On the morning of November 18, 2012, as Bashir was opening the door to the Flushing house of worship, as he does every morning, he felt a sharp jab to his lower back and he heard a man yelling “F-----ing Muslim, I will kill you.” The attacker repeatedly stabbed Bashir in the back, and as Bashir wrestled to turn around he was slashed across his body and bit in the face.<sup>4</sup>

The attacker ran away leaving Bashir bleeding outside of the door where other worshippers found him surrounded by bloodstains and in need of immediate medical attention.

His community was shocked and paralyzed for the days following the incident. The attacker did not stop with his failed attempted murder. For a week he would call the house of worship and leave menacing voicemails threatening to kill all Muslims. A police officer was stationed just outside the mosque doors, and community members altered usual schedules as they became uneasy with having their children attend the regular classes at the center while the attacker was still free.

The week of uncertainty turned into months. To this day, the police have not apprehended a suspect despite the voicemails, despite DNA evidence, and despite a description of the alleged attacker from community members.

Thirteen years of dedication to create a safe space for the men, women, and children of a faith community was reversed in an attack that lasted nearly thirteen seconds.

---

<sup>4</sup> The New York Daily News, Nov 19, 2012. Last accessed on Jun 13, 2013 at: <http://www.nydailynews.com/new-york/hate-crime-victim-recovering-home-article-1.1204467>.

CAIR-NY is a chapter of 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.

## UNSOLVED HATE CRIMES IN THE LAST TEN MONTHS

Unfortunately, the story of Bashir Ahmad is not unique to New York Muslims. Within a month of Ahmad's attack, another elder in the Muslim community was brutally beaten. On November 24, 2012 a seventy-year old resident of Corona Queens was severely beaten after being asked whether he was Hindu or Muslim.<sup>5</sup>

Similar to the Flushing hate crime, this incident has yet to be completely solved by law enforcement.

The most recent physical attack on a member of the American Muslim community occurred in April 2013, when a Muslim man was severely beaten outside of a Bronx restaurant. Multiple men attacked a 30 year-old Muslim resident of the Bronx while yelling anti-Muslim and anti-Arab slurs.<sup>6</sup> Again, the police have yet to prosecute the attackers responsible for the hate crime.

Aside from the multiple hate crimes including physical assaults that have impacted the Muslim community, we have seen a sharp rise in reported acts of vandalism intended to intimidate New York Muslims.

During the holy month of Ramadan in 2012, two houses of worship reported acts of vandalism to the police. In one incident on Staten Island, a prayer sight was desecrated with raw bacon—pork is prohibited in Islam—the night before a holiday prayer service for

---

<sup>5</sup> The New York Daily News, Nov 30, 2012. Last accessed on Jun 12, 2013 at:

<http://www.nydailynews.com/news/crime/queens-man-70-beaten-apparent-hate-attack-article-1.1210944>.

<sup>6</sup> DNA Info New York, Apr 18, 2013. Last accessed on Jun 12, 2013 at: <http://www.dnainfo.com/new-york/20130418/melrose/man-beaten-anti-muslim-attack-outside-bronx-applebees-nypd-says>.

CAIR-NY is a chapter of 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.

the families of the community.<sup>7</sup> In Long Island, within the same month, a house of worship was vandalized with spray paint meant to intimidate worshippers.<sup>8</sup> The message suggested war with Muslims was imminent. The religious leader of the targeted house of worship had his home vandalized within the same week as well.<sup>9</sup>

Worshipper Mohammad Laiqat told a local news agency “I feel scared they might hurt my brothers.”

No arrests were made in either incident.

While the incidents mentioned above received media attention, other hate crimes occurred with less limelight. In Westchester, a Muslim house of worship was vandalized in April with destruction to property. In Brooklyn a Muslim woman wearing a headscarf was verbally and physically assaulted while walking down the street with her children.

These incidents offer a small glimpse into a national trend of anti-Muslim hate crimes. In 2011, the most recent year for which the Federal Bureau of Investigations (FBI) has released statistics, over 150 anti-Muslim hate crimes were reported.<sup>10</sup>

While the 2012 statistics have yet to be released, a sharp rise in reports of anti-Muslim bias were reported last year following major developments in international and national news regarding Islam and Muslims. In the holy month of Ramadan during 2012—which started

---

<sup>7</sup> The New York Daily News, Aug 20, 2012. Last accessed on Jun 10, 2013 at:

<http://www.nydailynews.com/news/crime/police-investigate-hate-crime-bacon-found-staten-island-park-event-marking-ramadan-article-1.1140315>.

<sup>8</sup> CBS New York, Sep 22, 2012. Last accessed on Jun 10, 2013 at: <http://newyork.cbslocal.com/2012/09/22/police-on-long-island-say-mosque-vandalism-is-hate-crime/>.

<sup>9</sup> See Footnote 8.

<sup>10</sup> Salon.com, December 22, 2012. Last Accessed on Jun 10, 2013 at: [http://www.cair-ny.org/blog/fbi\\_antimuslim\\_hate\\_crimes\\_still\\_up.html](http://www.cair-ny.org/blog/fbi_antimuslim_hate_crimes_still_up.html).

CAIR-NY is a chapter of 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.

on July 20 and ended on August 18—the nation saw one of the worst spikes in anti-Muslim incidents in over a decade. In just days following the shocking murders of Sikh worshippers in Wisconsin, Muslim houses of worship across America were targeted including incidents where an acid bomb was thrown at a Muslim school for children and rifle shots were directed at a Muslim prayer space in Illinois.<sup>11</sup>

### **UNREPORTED HATE CRIMES & LACK OF TRUST IN LAW ENFORCEMENT**

One of the recognized problems with combatting bias-motivated crimes is the persistent lack of reporting to law enforcement. According to the Justice Department's Bureau of Justice Statistics nearly 2/3 of hate crimes go unreported.<sup>12</sup> According to a press release by the Department of Justice, there was an increase in the percentage of victims of violent hate crimes who didn't report the crime because they believed the police could not or would not help—from 14 percent in 2003-06 to 24 percent in 2007-11.<sup>13</sup>

From our experience, members of the community have avoided reporting hate crimes because the sense of indifference by law enforcement (in four of the incidents mentioned in this report, local law enforcement did not file a hate crime report until after the community insisted on it), or the lack of trust in motives for law enforcement engagement.

In the Muslim community, we cannot talk about hate crime legislation and reporting hate crimes to law enforcement without discussing the diluted and broken trust between New

---

<sup>11</sup> Written Testimony of the Council on American-Islamic Relations Submitted to the United States Senate Committee on the Judiciary Subcommittee on the Constitution, Sep 19, 2012. Last accessed on Jun 8, 2013 at:

<http://cair.com/press-center/press-releases/11650-cair-submits-written-testimony-for-senate-hate-crime-hearing.html>.

<sup>12</sup> Salon.com, Mar 22, 2013. Last accessed on Jun 10, 2013 at:

[http://www.salon.com/2013/03/22/study\\_nearly\\_2\\_in\\_3\\_hate\\_crimes\\_go\\_unreported\\_ap/](http://www.salon.com/2013/03/22/study_nearly_2_in_3_hate_crimes_go_unreported_ap/)

<sup>13</sup> Think Progress, Sep 26, 2012. Last accessed on Jun 12, 2013 at:

<http://thinkprogress.org/justice/2012/09/26/916141/islamophobic-incidents-hit-ten-year-high/>

## York Muslims and the NYPD.

In 2011, the Associated Press (AP) released documents proving an extensive attempt by the NYPD to spy on all New York Muslims without warrants and without reasonable cause or suspicion of wrongdoing.<sup>14</sup> Among the many attempts by the community to change these unconstitutional policies, two bills are currently before the New York State Assembly and Senate intended to re-establish a sense of trust between law enforcement and the American Muslim community.

Senate Bill 711, introduced by Senator PARKER (Same as Assembly Bill 4211) addresses the necessity of independent oversight of the New York Police Department. The bill's stated justification is:

"In recent years a growing pattern of behavior has emerged from the New York police Department that inhibits public accountability and transparency. We are witness to an increase in abuses whether by individual officers or in broader policies such as stop and frisk, the treatment of the Occupy Wall Street protesters, and the wholesale surveillance of the Muslim community in New York City and other jurisdictions. On numerous occasions the public has been given misinformation or misled by the police department.

The bill seeks to restore public confidence in the New York Police Department. The people and the police department will be better served by a department that is more transparent and accountable. This legislation establishes an independent inspector general for the New York Police Department to achieve that goal."

In a recent report issued by the City University of New York Center for Law Enforcement Accountability and Responsibility (CUNY CLEAR) titled Mapping Muslims, legal experts and

---

<sup>14</sup> Associated Press Probe Into NYPD Intelligence Operations. Last accessed on Jun 10, 2013 at: <http://www.ap.org/Index/AP-In-The-News/NYPD>.

CAIR-NY is a chapter of 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.



community members examine the impact mass surveillance has had on community relations, and on damaging trust between community members and law enforcement.<sup>15</sup>

In addition to the complications to cooperation and reporting that these discriminatory policies create, the New York Chapter of the Council on American-Islamic Relations would also like to emphasize that elected officials and members of law enforcement cannot distinguish policies targeting Muslims from hateful sentiments targeting Muslims. We believe it is a contradiction for the NYPD and elected officials to support policies that assume Muslims should be subject to special scrutiny by our government, while at the same time argue that Muslims should not be subject to special scrutiny by private citizens. Anti-Muslim policies go hand-in-hand with anti-Muslim public sentiment.

### **RISE IN ANTI-MUSLIM HATE GROUPS**

According to the Southern Poverty Law Center, New York State is home to thirty-eight hate groups, nine of which strictly identify themselves as being anti-Muslim.<sup>16</sup> Four key reports examining the anti-Muslim movement were published in 2011, after the Islamophobia movement's ability to insert its messaging into mainstream public discourse was glaringly on display during the 2010 controversy over a proposed Islamic community center in lower Manhattan.<sup>17</sup>

That controversy was led by New York-based hate groups and activists including the American Freedom Defense Initiative (AFDI), Stop the Islamization of America (SIOA), and

---

<sup>15</sup> CUNY CLEAR, Mapping Muslims. Last accessed on Jun 10, 2013 at:

<http://www.law.cuny.edu/academics/clinics/immigration/clear/Mapping-Muslims.pdf>.

<sup>16</sup> Southern Poverty Law Center, Mapping Hate. Last accessed on Jun 11, 2013 at: <http://www.splcenter.org/get-informed/hate-map#s=NY>.

<sup>17</sup> See Footnote 11.

CAIR-NY is a chapter of 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.

Stop Islamization of Nations (SION)—which make up three of the nine anti-Muslim hate groups in New York. SIOA is also responsible for multiple ad campaigns across MTA buses and subways demonizing Muslims.<sup>18</sup>

The mosque in lower Manhattan was not an isolated incident. Anti-Muslim hate groups also supported movements against the construction of a mosque in Sheepshead Bay and a mosque Staten Island. In the height of the Sheepshead Bay mosque protests, then State Senator David Storobin and U.S. Representative Bob Turner teamed up with these anti-Muslim hate groups and spoke out against the construction of the mosque.<sup>19</sup>

In February of this year, the Queens Village Republican Club hosted its annual Lincoln Dinner where it awarded the “American Patriot of the Year” award a well-known anti-Muslim internet blogger and leader of the three New York-based anti-Muslim hate groups mentioned above, Pamela Geller. In attendance to honor Geller as the “American Patriot of the Year” included Craig Caruana, 30<sup>th</sup> District city council candidate, and mayoral candidates Joe Lhota, John Catimatidis, and George McDonald.<sup>20</sup>

In 2010, PayPal severed relations with Geller’s blog saying that according to the service’s Acceptable Use Policy, “...PayPal may not be used to send or receive payments for items that promote hate, violence, racial intolerance.” The United States Patent and Trademark Office refused to grant SIOA a trademark because: "The applied-for mark refers to Muslims

---

<sup>18</sup> The Christian Post, Sep 25, 2012. Last accessed on Jun 12, 2013 at: <http://www.christianpost.com/news/jewish-muslim-groups-denounce-controversial-anti-jihad-ads-in-nyc-subway-82187/>

<sup>19</sup> Salon.com, Jul 26, 2012. Last accessed on Jun 10, 2013 at: [http://www.salon.com/2012/07/26/new\\_yorks\\_new\\_mosque\\_fight/](http://www.salon.com/2012/07/26/new_yorks_new_mosque_fight/)

<sup>20</sup> The Queens Village Republican Club, Feb 25, 2013. Last accessed on Jun 12, 2013 at: <http://qvgop.org/the-rockaway-republicans-shared-with-some-200-queens-republicans-at-the-lincoln-dinner/>

CAIR-NY is a chapter of 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.

in a disparaging manner because by definition it implies that conversion or conformity to Islam is something that needs to be stopped or caused to cease."<sup>21</sup>

The New York Chapter of the Council on American-Islamic Relations believes while these anti-Muslim hate groups have a constitutional right to express their bigoted and racist views, government officials should express an ethical stand not to associate with them, or promote their hatred by amplifying their voices of and honoring them with awards.

## **RECOMMENDATIONS**

### **Improve Hate Crime Data Collection & Reporting**

In preparation for this testimony, CAIR-NY ran into numerous roadblocks of administrative bureaucracy to inquire into the status of hate crime investigations and reporting by the NYPD. While the NY State Hate Crime Law mandates reporting to private and public agencies, we believe it could be a major improvement to have annual reports that are presented to the public along with analysis by lawmakers, law enforcement, community groups, and victims of hate crimes. Public hearings should not be limited to unusual increases in bias-motivated crimes; instead we recommend they become a regular part of the process to decrease hate crimes.

### **Challenge Anti-Muslim Policies & Training by State Law Enforcement**

CAIR-NY recommends that the New York State Assembly and Senate ensure that all state law enforcement agencies have taken all the steps necessary to encourage or compel reform of counter terrorism training programs to remove anti-Muslim trainers and

---

<sup>21</sup> See Footnote 11.

CAIR-NY is a chapter of 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.

educational materials. CAIR-NY believes that the use of such anti-Muslim trainers and materials publicly reinforces anti-Muslim stereotypes and prejudices and has contributed to the recent rise in number of anti-Muslim hate groups and violence against actual or perceived Muslims.

In January, 2012, it was revealed that NYPD Commissioner Raymond Kelly had cooperated with the makers of a radical anti-Muslim movie titled “The Third Jihad” that was used to train cadets in the police force.<sup>22</sup>

The issue of using anti-Muslim training materials gained national attention in September 2011, when Wired Magazine revealed that a FBI instructor was teaching counterterrorism agents that “main stream” [sic] American Muslims are likely to be terrorist sympathizers; that the Prophet Mohammed was a “cult leader”; and that the Islamic practice of giving charity is no more than a “funding mechanism for combat.” Moreover, in March 2012, Wired Magazine revealed that an instructor at the Joint Forces Staff College in Norfolk, VA was teaching fellow officers that only a “total war” on Islam would protect America that they should use “Hiroshima” tactics, target civilian populations, and abandon the Geneva Conventions.<sup>23</sup>

Aside from media revelations exposing New York state agencies, there have been no concrete efforts by lawmakers to share a transparent vetting process for training members of our law enforcement agencies who engage in counterterrorism efforts in New York.

---

<sup>22</sup> The Huffington Post, Jan 25, 2012. Last accessed on Jun 12, 2013 at:  
[http://www.huffingtonpost.com/2012/01/25/ray-kelly-the-third-jihad\\_n\\_1230801.html](http://www.huffingtonpost.com/2012/01/25/ray-kelly-the-third-jihad_n_1230801.html).

<sup>23</sup> See Footnote 11.

CAIR-NY is a chapter of 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.



Council on American-Islamic Relations  
New York Chapter  
475 Riverside Dr., Suite 244  
New York, New York 10115  
www.cair-ny.org | 212.870.2002

## **Challenge the Culture of Politically Exploiting Hate Against Muslims**

As mentioned above, CAIR-NY believes it is contradictory for lawmakers and members of law enforcement to allege concern for anti-Muslim bias in the community, while at the same time promoting anti-Muslim bias in discriminatory policies. The revelation of the NYPD program to engage in warrantless and unconstitutional wholesale spying on American Muslims without reasonable cause or suspicion of wrongdoing is counterproductive to efforts to end anti-Muslim hate crimes. Many times the justification for anti-Muslim sentiments by individual citizens and hate groups mirrors the justification for the mass surveillance of Muslims—because you are Muslim, you must be prone to wrongdoing.

These policies, like hate crimes, run against our principles as a nation, and as New Yorkers. We urge lawmakers who want to end anti-Muslim violence in our community, work to end anti-Muslim policies in the NYPD.