



Council on American-Islamic Relations

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**STATEMENT OF
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**BEFORE THE
COMMITTEE ON CIVIL RIGHTS
NEW YORK CITY COUNCIL**

**FOR A HEARING CONCERNING,
OVERSIGHT - EXAMINING THE RISE IN DISCRIMINATORY HARASSMENT
CLAIMS RECEIVED BY THE COMMISSION ON HUMAN RIGHTS.**

**PRESENTED
September 28, 2017**

Good afternoon, my name is Albert Fox Cahn, and I serve as the Legal Director for the New York Chapter of the Council on American-Islamic Relations (“CAIR-NY”). CAIR-NY is a leading civil rights advocacy organization for the Muslim community here in New York City and across New York State. I am proud to testify today in support of our colleagues at the New York City Commission on Human Rights (the “Commission”) and their indispensable work to counter discriminatory harassment. Moreover, I applaud Chair Mealy for calling for today’s hearing on this vital topic.

In 2016 and 2017, New York’s Muslim communities have witnessed a historic rise in discrimination, harassment and hate crimes. Nationwide, CAIR recorded a 65% increase in anti-Muslim bias incidents between 2014 and 2016, with a 580 percent increase in anti-Muslim hate crimes.¹ The increase was even more dramatic in New York State, where the number of anti-Muslim bias incidents rose 560% in 2016 alone.²

This climate is truly unprecedented, as we witness elected officials at the highest levels of government normalize anti-Muslim bigotry. Tellingly, half of the hate crimes we recorded in New York in 2016 took place in just the final seven and a half weeks of the year, immediately following the Presidential election.³ Additionally, 2016 saw the growth of anti-Muslim hate groups, which nearly tripled in 2016 according to the Southern Poverty Law Center (SPLC).

2017 is on pace to see even higher levels, with a 24 percent national increase in anti-Muslim bias incidents and a 91 percent national increase in anti-Muslim hate crimes.⁴ Behind each of these statistics is a heartbreaking story, lives forever changed by hatred and violence.

On September 13, 2017, two men allegedly beat up a Muslim vendor in Bushwick, cursing: “Mother fucker, you Muslim,” and “Go back to your country” because the vendor had the ill-fortune of not having change for \$20.⁵ A few hours earlier, at a subway stop in Queens, two Jewish Orthodox women, who were mistaken to be Muslim, were allegedly beaten by a man who screamed, “get out of my country, you dirty Muslim.”⁶ In June, a letter left at a mosque in Manhattan allegedly threatened a “massacre ‘on a scale never seen before.’”⁷ Of course, we cannot forget the heinous double murders that happened in August 2016, when two Muslim men were killed in Queens as they returned home from their local mosque.⁸

Regrettably, due to a change in our data-collection methodology, we can’t speak to the exact change in the rate of discriminatory harassment incidents, but given the anecdotal information and other trends, we believe the uptick was severe. Throughout this trying time, the New York City

¹ *CAIR Empowerment of Hate Report*, May 9, 2017, available at <http://islamophobia.org/15-reports/188-the-empowerment-of-hate.html>.

² CAIR-NY Press Release, dated May 9, 2017, available at <http://www.cair-ny.org/news/2017/5/10/press-release-civil-rights-report-2017>.

³ *Id.*

⁴ CAIR “2017 on Track to Becoming One of the Worst Years Ever for Anti-Muslim Hate Crimes”, updated July 19, 2017 (“*CAIR 2017 2Q Update*”).

⁵ Sept 15, 2017 Daily News, *Anti-Muslim Attack Reported in Bushwick.*”

⁶ CAIR-NY Press Release, dated September 14, 2017.

⁷ CAIR-NY Press Release, dated June 22, 2017.

⁸ CAIR-NY Press Release, dated August 11, 2017

Commission on Human Rights has been a leading supporter of Muslim New Yorkers generally and our work at CAIR-NY specifically. They have partnered with our organization for a variety of projects, including the I Am Muslim NYC solidarity campaign and the forthcoming Muslim community surveys. Since President Trump's first Muslim Ban executive order, Commission staffers stood side-by-side with CAIR-NY and other community advocates to tell Muslim New Yorkers that our city will continue to defend them against bias and discrimination. Sadly, we have an uphill fight.

President Trump's anti-Muslim and anti-Immigrant rhetoric have driven countless New Yorkers into the shadows; discriminatory policies like the Muslim Bans and repeal of DACA make many undocumented Muslim victims unwilling to report their crimes. More directly, U.S. Immigration and Customs Enforcement's ("ICE's") expanded enforcement in sensitive locations, such as schools, hospitals, and even courthouses, has made it much harder for community based organizations to convince clients to pursue justice by reporting their incidents to law enforcement or the Commission. Even though we are able to reassure clients that city officials won't ask about immigration status, we must admit that ICE has targeted witnesses and victims before.

This new enforcement paradigm creates opportunities for criminals and scam artists to target immigrant communities. We've seen a rise in extortion attempts, where criminals pretend to be ICE agents, shaking down victims for bribes at the threat of immediate deportation. We've seen reports of merchants who refuse to deliver merchandise and threaten to report their victims to immigration officials. While we assist some of these victims with reporting their experience to city officials, all too often the victims are too scared to do anything, fearful that the person who targeted them will make good on their threat to call ICE.⁹ Such immigration concerns are only relevant to a small subset of the Muslim community, but it is the same subset that is disproportionately the victim of hate crimes and harassment.

Let me be clear, ICE's courthouse operations have become a nationwide epidemic, and New York is no exception.¹⁰ According to publicly available data, there were at least thirty-eight courthouse arrests in New York State in early 2017,¹¹ of which nineteen occurred here in New York City.¹² This included ICE operations in the Queens County human trafficking court, an outrageous attempt to target some of the most vulnerable victims of crime. We have already seen more courthouse arrests under the Trump Administration than in the last two years of the Obama presidency combined.¹³

⁹ Jennifer Medina, Too Scared to Report Sexual Abuse. The Fear: Deportation, THE NEW YORK TIMES, April 30, 2017, <https://www.nytimes.com/2017/04/30/us/immigrants-deportation-sexual-abuse.html>

¹⁰ Maria Cramer, ICE Courthouse Arrests Worry Attorneys, Prosecutors, THE NEW YORK TIMES, June 16, 2017, <https://www.bostonglobe.com/metro/2017/06/15/ice-arrests-and-around-local-courthouses-worry-lawyersprosecutors/xxFH5vVJnMeggQa0NMI8gI/story.html>

James Queally, ICE Agents Make Arrests at Courthouses, Sparking Backlash From Attorneys and State Supreme Court, LOS ANGELES TIME, March 16, 2017, <http://www.latimes.com/local/lanow/la-me-ln-ice-courthouse-arrests-20170315-story.html>

¹¹ Andrew Denney, NY Courts Track ICE Encounters With Litigants, THE NEW YORK LAW JOURNAL, March 27, 2017, <http://www.newyorklawjournal.com/id=1202782175943/NY-Courts-Track-ICE-Encounters-WithLitigants?slreturn=20170527114508>

¹² Emma Whitford, Courthouse ICE Arrests are Making Immigrants 'Sitting Ducks,' Lawyers Warn, GOTHAMIST, June 22, 2017, http://gothamist.com/2017/06/22/ice_immigrants_courts.php

¹³ *Id.* at 15-16.

Furthermore, Muslim New Yorkers know that New York City Police Department (“NYPD”) surveillance data is routinely shared with federal counterparts, with no protections to block its use by ICE in immigration enforcement. For this reason, and in light of the NYPD’s long-documented and discriminatory targeting of Muslim New Yorkers, this community is even more likely than other immigrant populations to be fearful of courthouse arrests.

For years, NYPD targeted majority Muslim communities and Muslim families with unlawful and unconstitutional surveillance.¹⁴ It spied on entire mosques¹⁵ and labeled some local businesses as “place[s] of concern” just because they had customers of middle-eastern descent.¹⁶ As a result, some Muslim New Yorkers have self-censored their religious practices. Although they continue to unapologetically practice their faith, some have stopped attending their places of worship,¹⁷ and those who continue to attend services often do so in a climate of suspicion, fearing that a friendly co-congregant may secretly be an undercover officer.¹⁸ Furthermore, some Muslim New Yorkers are refraining from wearing a beard, a headscarf, or other visible signifiers of their religion.¹⁹

Muslim student groups have also faced widespread and discriminatory surveillance. New York’s Muslim Student Associations have been targeted with informants and undercover officers for as little as organizing a rafting trip,²⁰ or having members deemed “politically active.”²¹ This targeting has resulted in self-censorship and disengagement by many students. According to a Muslim student at Hunter College, many feared that they would be spied upon for political engagement.²² A CUNY student said that she did not know who to trust anymore.²³ At Brooklyn College, following disclosure of on campus surveillance by NYPD, attendance of Islam Awareness Week events plummeted.²⁴ One CUNY student withdrew from Muslim Student Association events after police came to his home to question him about his political opinions.²⁵ While the worst documented abuses may have ceased with the disbandment of the NYPD’s “Demographics Unit,” many Muslim students still fear speaking in class about political issues, worried that they will be misinterpreted and investigated.²⁶ Younger students have not been immune to this. Some educators have sought

¹⁴ Matt Apuzzo & Joseph Goldstein, New York Drops Unit That Spied on Muslims, N.Y. TIMES, Apr. 15, 2014, https://www.nytimes.com/2014/04/16/nyregion/police-unit-that-spied-on-muslims-is-disbanded.html?_r=0; see also DIALA SHAMAS & NERMEEN ARASTU, MUSLIM AM. CIVIL LIBERTIES COAL., CREATING LAW ENF’T ACCOUNTABILITY & RESPONSIBILITY & ASIAN AM. LEGAL DEF. & EDUC. FUND, MAPPING MUSLIMS: NYPD SPYING AND ITS IMPACT ON AMERICAN MUSLIMS 10 (2013), <https://www.law.cuny.edu/academics/clinics/immigration/clear/Mapping-Muslims.pdf>.

¹⁵ Apuzzo & Goldstein, *supra*.

¹⁶ 9 Adam Goldman & Matt Apuzzo, NYPD: Muslim Spying Led to No Leads, Terror Cases, ASSOCIATED PRESS, Aug. 21, 2012, <https://www.ap.org/ap-in-the-news/2012/nypd-muslim-spying-led-to-no-leads-terror-cases>

¹⁷ SHAMAS & ARASTU, *supra*, at 12-14

¹⁸ *Id.*, at 18.

¹⁹ *Id.*, at 15-18.

²⁰ Chris Hawley, NYPD Monitored Muslim Student All over Northeast, ASSOCIATED PRESS, Feb 8, 2012, <https://www.ap.org/ap-in-the-news/2012/nypd-monitored-muslim-students-all-over-northeast>.

²¹ 6 N.Y. POLICE DEP’T, NYPD INTELLIGENCE DIVISION: STRATEGIC POSTURE 2006 17 (2006), https://www.nyclu.org/sites/default/files/releases/Handschu_Exhibit7b_%28StrategicPostureredacted%29_2.4.13.pdf.

²² SHAMAS & ARASTU, *supra* note __, at 23.

²³ *Id.* at 42.

²⁴ *Id.*

²⁵ *Id.* at 43.

²⁶ *Id.* at 44-45.

Know-Your-Rights workshops to quell student fears of surveillance for children as young as eleven.²⁷

In this way, we see NYPD’s surveillance practices as a structural barrier to the ability of Muslim New Yorkers to vindicate their rights against discriminatory harassment. We’re hopeful that with the passage of the POST Act and other much needed reform measures, this council can create a climate that will assist the Commission and community-based organizations with this vital work.

²⁷ Id. at 43.