



Council on American-Islamic Relations

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June 28, 2018

Hollis V. Pfitsch
Deputy Commissioner - Law Enforcement Bureau
City Of New York - Commission on Human Rights
22 Reade Street, 2nd Floor
New York, NY 10007
Via email and U.S. mail

Re: NYC Human Rights Law Claim Against Laura Loomer

Dear Deputy Commissioner Pfitsch,

I write on behalf of the New York Chapter of the Council on American Islamic Relations to request that the New York City Commission on Human Rights (the “Commission”) investigate possible violation(s) of the New York City Human Rights Law (“NYCHRL”) targeting Muslim New Yorkers.

On November 1st, 2017, at 8:40 a.m. ET, self-proclaimed “independent journalist”¹ Laura Loomer posted on the Twitter social media platform, “I’m late to the NYPD press conference because I couldn’t find a non Muslim[sic] cab or @Uber @Lyft driver for over 30 min! This is insanity.” Ms. Loomer subsequently posted on Twitter that²:

- “Someone needs to create a non Islamic [sic] form of @uber or @lyft because I never want to support another Islamic immigrant driver”
- “I generally try to not support Muslim owned business companies [sic] here in NY”
- “Nearly every cab @uber @lyft driver in NYC is Muslim. It’s extremely unfortunate and this is a conversation we need to have for our safety”
- During the last two months she also posted on Twitter that: Uber is hiring violent criminals,³ Uber drivers “commit terror attacks and rape on the daily,”⁴ and called Uber a “criminal enterprise” asking how many people are “going to be killed in Jihad. . . by Uber drivers.”⁵

I believe these tweets provide probable cause that Ms. Loomer violated NYCHRL protections against unlawful boycotts/blacklisting.⁶

¹ <https://www.lauraloomer.us/blog>

² <https://www.independent.co.uk/news/world/americas/uber-lyft-laura-loomer-ban-anti-muslim-tweets-far-right-activist-twitter-a8033516.html> (8:40 a.m. November 1st, 2017) (Appendix, Attachments A-B)

³ <https://twitter.com/LauraLoomer/status/992503693282037760> - 4:38 p.m., 4 May 2018 (Appendix, Attachment C)

⁴ <https://twitter.com/LauraLoomer/status/992459562786619392> - 1:42 p.m., 4 May 2018 (Appendix, Attachment D)

⁵ <https://twitter.com/LauraLoomer/status/1002546620104364032> - 9:45 a.m., - 1 Jun 2018 (Appendix, Attachment E)

⁶ We also believe, in the alternative, that Ms. Loomer’s actions may have also violated NYCHRL protections against discriminatory hiring and discriminatory harassment. To the extent rideshare drivers are independent contractors, if Ms. Loomer canceled ride requests because of her belief the driver was Muslim, this would amount to discriminatory firing in violation of NYC Administrative Code §8-107(1)(a). Irrespective of whether Ms. Loomer was an ‘employer’, her posts may constitute discriminatory harassment, interfering with the right of Muslim New Yorkers to carry-out employment as rideshare drivers, in violation of NYC Administrative Code §8-602. Ms. Loomer’s potentially defamatory statements

Ms. Loomer's November 1st posts appear to indicate that she refused to ride with drivers she perceived to be Muslim.⁷ The Uber and Lyft rideshare applications route customers to the nearest available driver, and they only list a driver's name and photograph after said driver is assigned to a customer's trip. As such, I am aware of no way an Uber or Lyft customer could infer their driver's religion without first requesting a ride and being paired with a nearby driver.⁸ If Ms. Loomer did, in fact, refuse or cancel rides from drivers because of their perceived faith, that may constitute an unlawful boycott or blacklisting. NYC Administrative Code § 8-107(18) prohibits any person "refuse to buy from, sell to or trade with, any person, because of such person's actual or perceived ... creed."⁹ Additionally, if Ms. Loomer generally declines to purchase goods or services from Muslim-owned businesses (as suggested by exhibit B) such conduct could also constitute an additional count of unlawful boycott or blacklisting.

NYC Administrative Code § 8-126 provides for civil penalties of up to \$125,000 for violations of the NYCHRL, and up to \$250,000 if the violation is the result of a willful, wanton or malicious act.¹⁰ If Ms. Loomer's posts accurately recount her conduct, it appears she willfully violated the NYCHRL and could be subject to penalties up to \$250,000.

I respectfully request the Commission's Law Enforcement Bureau investigate Ms. Loomer's forgoing statements. I hope that by pursuing these apparent NYCHRL violations, we can combat the systemic under-reporting of anti-Muslim harassment and discrimination identified by the Commission in its recent report, *Xenophobia, Islamophobia, and Anti-Semitism In NYC Leading Up to and Following the 2016 Presidential Election*.

Sincerely,

/s Albert Fox Cahn

Albert Fox Cahn, Esq.
Legal Director
CAIR-NY

about Muslim drivers – including allegations of violent crimes “on the daily” – coupled with her reported ride cancellation, potentially encouraged other rideshare customers to also terminate rides with Muslim drivers

⁷ <https://www.independent.co.uk/news/world/americas/uber-lyft-laura-loomer-ban-anti-muslim-tweets-far-right-activist-twitter-a8033516.html> (tweet posted 8:40 a.m. November 1st, 2017)

⁸ As there are Muslim Americans of every racial and ethnic background found in the United States, a customer identification of driver religion based on their first name and photo is likely inaccurate.

⁹ NYC Administrative Code 8-107(18)

¹⁰ NYC Administrative Code 8-126

APPENDIX

ATTACHMENT A:



Laura Loomer 
@LauraLoomer

Follow



I'm late to the NYPD press conference because I couldn't find a non Muslim cab or @Uber @lyft driver for over 30 min! This is insanity.

8:40 AM - 1 Nov 2017 from Manhattan, NY

ATTACHMENT B

-  **Laura Loomer**  @LauraLoomer · Nov 1  ▼
Replying to @LauraLoomer
Nearly every cab @uber @lyft driver in NYC is Muslim. It's extremely unfortunate and this is a conversation we need to have for our safety.
 57  95  274 
-  **Laura Loomer**  @LauraLoomer · Nov 1  ▼
I generally try to not support Muslim owned businesses companies here in NY. That shouldn't be hard to do in US, but w/ immigration it is.
- Laura Loomer**  @LauraLoomer
Someone needs to create a non Islamic form of @uber or @lyft because I never want to support another Islamic immigrant driver.
-  88  114  382 
-  **Laura Loomer**  @LauraLoomer · Nov 1  ▼
Someone needs to create a non Islamic form of @uber or @lyft because I never want to support another Islamic immigrant driver.
 209  172  578 

ATTACHMENT C



Laura Loomer
@LauraLoomer

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You can't be armed in an Uber.

Not only is Uber hiring violent criminals, but their cars are also gun free zones. It's a "violation" of their policy, even if you have a conceal carry permit. 😂

Like I have said, Uber is endangering its customers for the sake of being PC.

Yusef Smith @ToolboxSmith

Replying to @LauraLoomer @Uber

The correction for this is easy. Carry a gun.

1:38 PM - 4 May 2018

ATTACHMENT D



Laura Loomer
@LauraLoomer

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Look, this is not new news.

I told you all about Uber's drivers who commit terror attacks and rape on the daily, but instead of listening to me, the media attacked me, called me a bigot, and **@uber** banned me.

Maybe it's time for them to put human life over political correctness.

People  @people

At Least 103 Uber Drivers Have Been Accused of Sexual Assault or Abuse: Report
peoplen.ag/wMy5Ddu

10:42 AM - 4 May 2018

496 Retweets 882 Likes



ATTACHMENT E



Laura Loomer
@LauraLoomer

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When is **@uber** going to be held accountable for being a criminal enterprise?

How many more people are going to be killed in Jihad, raped, shot, assaulted, and harassed by Uber drivers before people wake up and realize **#Uber** has a serious problem?

Fox News  @FoxNews

Denver Uber driver fatally shoots passenger after apparent argument, police say
[fxn.ws/2HcnMSR](https://www.foxnews.com/story/denver-uber-driver-fatally-shoots-passenger-after-apparent-argument-police-say)

6:45 AM - 1 Jun 2018

124 Retweets 182 Likes



 17

 124

 182