



Council on American-Islamic Relations

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**STATEMENT OF
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**BEFORE THE COMMITTEE ON CIVIL AND HUMAN RIGHTS AND THE
COMMITTEE ON MENTAL HEALTH, DISABILITIES AND ADDICTION
NEW YORK CITY COUNCIL**

**FOR A HEARING CONCERNING
OVERSIGHT – NEGATIVE MENTAL HEALTH CONSEQUENCES OF
DISCRIMINATION AND BIAS INCIDENTS**

**PRESENTED
WEDNESDAY, DECEMBER 12, 2018**

Good morning, 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. Today, I am proud to testify in continued support of our colleagues at the New York City Commission on Human Rights (the “Commission”) and their indispensable work to counter discrimination, harassment and bias, and to call attention to the widespread and troubling negative mental health consequences of these incidents. I also thank and applaud Chairs Eugene and Ayala for calling today’s hearing on this vital topic.

New York City faces few tasks as urgent as countering the surge in ethnic and religious discrimination that CAIR-NY battles each and every day. The reality is stark. According to CAIR-NY’s data, from 2015 to 2017, anti-Muslim harassment, discrimination, and hate crimes increased a staggering 974%.¹ Behind each of these statistics is a heartbreaking story; lives forever changed by hate. New Yorkers who are fired for simply asking for a place to pray during their breaks, or who have to endure abuse and degradation for wearing a beard or head-covering.

But that nearly ten-fold increase fails to capture the stories of so many who continue to suffer in silence. According to the Commission’s June report documenting bias harassment and acts of hate against Muslim, Arab, South Asian, Jewish, and Sikh New Yorkers, 71% of targeted New Yorkers never report harassment or discrimination. This sort of survey is an indispensable tool for advocates, helping us document the landscape of harassment and discrimination; helping show the scale of the problems we face. The Commission’s landmark survey also found that nearly one in five Muslim women report being intentionally shoved on subway platforms, and one in ten Muslim New Yorkers are blocked from practicing their faith in the workplace, as the law allows.

This climate is truly unprecedented, as we witness elected officials at the highest levels of the federal 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. Additionally, the last years saw the growth of anti-Muslim hate groups, which nearly tripled in 2016 according to the Southern Poverty Law Center (SPLC), and have continued to increase another 13% through 2017 to a total of 114 hate groups.²

President Trump’s anti-Muslim and anti-immigrant rhetoric has driven countless New Yorkers into the shadows. Discriminatory policies like the Muslim Bans and repeal of the Deferred Action for Childhood Arrivals (“DACA”) make many undocumented Muslim victims unwilling to report their crimes. More directly, the fact that U.S. Immigration and Customs Enforcement’s (“ICE’s”) have 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 can reassure clients

¹ The 974% figure is obtained by combining the 2016 and 2017 data reporting 560% and 74% increases in anti-Muslim bias incidents. See 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> [2017 CAIR Civil Rights Report]; CAIR-NY Press Release, dated March 5, 2018, “CAIR-NY Reports 74% Increase in Anti-Muslim Hate Crimes Since Trump’s Election”, available at <http://www.cair-ny.org/news/2018/3/5/cair-ny-reports-74-increase-in-anti-muslim-hate-crimes-since-trumps-election> [2018 CAIR-NY Hate Crimes Report].

² Southern Poverty Law Center, Anti-Muslim Groups 2010-2017, available at <https://www.splcenter.org/fighting-hate/extremist-files/ideology/anti-muslim>.

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 harassers to target immigrant communities. 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.³ 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.

These facts, together, have a substantial chilling effect on the reporting of discrimination and bias incidents. Victims fear that they might be deported simply for reporting a crime that has been perpetrated against them. We are deeply concerned by the lasting mental health impacts on victims. Not only will victims continue to live in fear of further discriminatory treatment or harassment, given that the perpetrators of these crimes face no consequences, but they feel helpless and revictimized by the inability to secure justice.

Even when people do report these incidents, they are often turned away. At CAIR-NY we often hear from people who, after having made the brave decision to report a crime perpetrated against them, have been turned away with little explanation. This minimizes their experiences and trivializes their pain. A consequence of such discriminatory treatment is a feeling of hopelessness and exclusion. These victims are made to feel that their pain does not matter, simply because of who they are, their ethnicity or religion. This heartbreaking truth is exceedingly demeaning for the victims involved. It will necessarily have negative consequences for the mental health of those whom, at great personal risk, come forward to seek the vindication of their rights – rights that our Constitution guarantees, without exception, to every person.

It's impossible to discuss the experience of Muslim hate crime victims without discussing the reality of widespread and discriminatory surveillance. For years, NYPD targeted majority Muslim communities and Muslim families with unlawful and unconstitutional surveillance.⁴ It spied on entire mosques⁵ and labeled some local businesses as “place[s] of concern” just because they had customers of middle-eastern descent.⁶ As a result, many Muslim New Yorkers have felt the need to self-censor their religious practices. This ongoing legacy of surveillance has made many survivors of harassment and hate crimes unwilling to come forward to the same authorities that systematically target their communities.

³ Jennifer Medina, Too Scared to Report Sexual Abuse. The Fear: Deportation, N.Y. TIMES, April 30, 2017, *available at* <https://www.nytimes.com/2017/04/30/us/immigrants-deportation-sexual-abuse.html>

⁴ 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), *available at* <https://www.law.cuny.edu/academics/clinics/immigration/clear/Mapping-Muslims.pdf>.

⁵ Apuzzo & Goldstein, *supra* note 8

⁶ Adam Goldman & Matt Apuzzo, NYPD: Muslim Spying Led to No Leads, Terror Cases, ASSOCIATED PRESS, Aug. 21, 2012, *available at* <https://www.ap.org/ap-in-the-news/2012/nypd-muslim-spying-led-to-no-leads-terror-cases>

Not even children have been exempted from the dragnet. New York’s Muslim Student Associations have been targeted with informants and undercover officers for as little as organizing a rafting trip,⁷ or having members deemed “politically active.”⁸ This chilling surveillance causes 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.⁹ A CUNY student said that she did not know who to trust anymore.¹⁰ At Brooklyn College, following disclosure of on-campus surveillance by NYPD, attendance of Islam Awareness Week events plummeted.¹¹ One CUNY student withdrew from Muslim Student Association events after police came to his home to question him about his political opinions.¹²

While the worst documented abuses may reportedly-ceased with the disbandment of the NYPD’s “Demographics Unit,” many Muslim students still fear to speak in class about political issues, worried that they will be misinterpreted and investigated.¹³ Younger students have not been immune to this. Some educators have sought Know-Your-Rights workshops to quell student fears of surveillance for children as young as eleven.¹⁴ The NYPD’s surveillance practices remains a structural barrier for Muslim New Yorkers who wish to vindicate their rights against discriminatory harassment. All this even though many of the most invasive NYPD programs never produced a single lead, let alone have stopped a terrorist act.¹⁵

We know that government surveillance heightens stress, fatigue, and anxiety; fosters distrust; and reduces our sense of personal control.¹⁶ As illustrated by the experiences of Muslim college students across the city, being subject to a surveillance regime can impact a one’s ability to form healthy and meaningful relationships with other people. Limiting open social interaction will inevitably erode mental health.

Perceived and actual surveillance is deeply detrimental to a person’s mental health. It curtails where they go, whom they interact with, and what they say, robbing New Yorkers of the autonomy to make everyday choices without fear of adverse repercussions. In addition, surveillance impacts a victim’s self-perception, breeding a sense of otherness; “Why am *I* being watched”?

Thank you for giving me the opportunity to address these urgent issues. I look forward to working with the Council to combat the discrimination and structural biases that Muslim New Yorkers face.

⁷Chris Hawley, NYPD Monitored Muslim Student All over Northeast, ASSOCIATED PRESS, Feb 8, 2012, *available at* <https://www.ap.org/ap-in-the-news/2012/nypd-monitored-muslim-students-all-over-northeast>.

⁸6 N.Y. POLICE DEPT, NYPD INTELLIGENCE DIVISION: STRATEGIC POSTURE 2006 17 (2006), *available at* https://www.nyclu.org/sites/default/files/releases/Handschu_Exhibit7b_%28StrategicPostureredacted%29_2.4.13.pdf.

⁹Shamas & Arastu, *supra* note 8, at 23

¹⁰*Id.* at 42.

¹¹*Id.*

¹²*Id.* at 43.

¹³*Id.* at 44-45.

¹⁴*Id.* at 43.

¹⁵Goldman & Apuzzo, *supra* note 10

¹⁶Chris Chambers, *NSA and GCHQ: the flawed psychology of government mass surveillance*, THE GUARDIAN (Aug. 26, 2013), *available at* <https://www.theguardian.com/science/head-quarters/2013/aug/26/nsa-gchq-psychology-government-mass-surveillance>