

CAIR

Council on American-Islamic Relations

THE STATUS OF MUSLIM CIVIL
RIGHTS IN THE UNITED STATES 2009

Seeking Full Inclusion

CAIR is 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.

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INTRODUCTION

In 2008, Muslims continued to face barriers to their full and equal participation in American society. Certain individuals and institutions persisted in profiting by smearing Islam. American Muslims continued to fear profiling, surveillance and undue scrutiny by law enforcement and other authorities.

American Muslim institutions such as the Council on American-Islamic Relations (CAIR) were not alone in making these assertions.

2008: The Status of Muslims According to Others

When the U.S. Equal Employment Opportunity Commission issued an updated compliance manual on workplace religious discrimination, USA Today reported, “Muslims have faced the sharpest increase in workplace discrimination of any major religious [group] in recent years. Between 1997 and 2007, the number of discrimination charges filed by Muslims more than doubled, from 398 to 907.”¹

For its part, the United Nations Committee on the Elimination of Racial Discrimination concluded that the use of racial profiling:

“...continues to be widespread. In particular, the Committee is deeply concerned about the increase in racial profiling against Arabs, Muslims and South Asians in the wake of the 11 September 2001 attack, as well as about the development of the National Entry and Exit Registration System (NEERS) for nationals of 25 countries, all located in the Middle East, South Asia or North Africa.”³

Taking note of certain individuals who are actively promoting an Islamophobic agenda nationwide, the media watchdog group Fairness and Accuracy in Reporting (FAIR) identified a “dirty dozen” of professional Muslim-bashers.

FAIR released a report titled, “Smearcasting: How Islamophobes spread fear, bigotry and misinformation,”⁴ which was designed to document, “the public writings and appearances of Islamophobic activists and pundits who intention-

“But the really right answer is, ‘What if he is?’ Is there something wrong with being a Muslim in this country? The answer’s no, that’s not America. Is there something wrong with some seven-year-old Muslim-American kid believing that he or she could be president?”

-Gen. Colin Powell, former U.S. Secretary of State under George W. Bush, October, 2008, addressing accusations that then Presidential Candidate Barack Obama is Muslim.

A report prepared by the Program in International Human Rights Law of the Indiana University School of Law and submitted to the United Nations Committee on the Elimination of Racial Discrimination, which met in early 2008 to discuss the status of civil rights in the United States, found that:

“the United States has failed to adequately protect Muslims, Arabs, Middle Easterners, and South Asians from discrimination in the following areas: 1) arbitrary detentions, 2) use of secret evidence in closed proceedings, 3) immigration delays and special registration, 4) secret detentions, refoulement and proxy torture, 5) shutting down Muslim-run charities, 6) discrimination in prisons, 7) racial profiling, and 8) employment discrimination...”²

ally and regularly spread fear, bigotry and misinformation.”

FAIR listed the following individuals among “America’s leading Islamophobes”—David Horowitz, Robert Spencer, Daniel Pipes, Michael Savage, Pat Robertson, Sean Hannity, Bill O’Reilly, Mark Steyn, Steve Emerson, Michelle Malkin, Glenn Beck and Debbie Schlussel.

Near the year’s end, the New York-based Muslim American Civil Liberties Coalition (MACLC)⁵, a partnership of Muslim advocates, lawyers and community leaders, sent a joint letter⁶ calling on the nominee for Secretary of Homeland

¹ USA Today, 7/30/2008

² <http://www2.ohchr.org/english/bodies/cerd/docs/ngos/usa/IndianaUniversitySchool.doc>

³ Concluding observations of the Committee on the Elimination of Racial Discrimination: UNITED STATES OF AMERICA, 5/08/2008

⁴ See the full report here: <http://www.smearcasting.com/>

⁵ CAIR’s New York affiliate is a member of the coalition.

⁶ See full letter here: <http://maclc1.wordpress.com/>

Security (DHS), Governor Janet Napolitano (D-AZ), to develop security policies that safeguard civil liberties through engagement and consultation with the American Muslim community.

In the letter, MACLC urged Napolitano to reconsider recommendations made by the U.S. Senate Committee on Homeland Security and Governmental Affairs to create counterterrorism policies and strategies based on the New York City Police Department (NYPD) Report, "Radicalization in the West: The Homegrown Threat." The group said that the 2007 NYPD report failed to provide practical counterterrorism solutions that target real offenders and instead put forward a model of radicalization that, if implemented as policy, would lead ultimately to religious and racial profiling of mainstream Muslims.

The letter followed a legal brief issued by MACLC that scrutinized the NYPD report and proposed a series of steps to "restore community trust in the NYPD and to avoid harmful and counter-productive profiling."⁷

The Status of Muslim Civil Rights in the United States

The Status of Muslim Civil Rights in the United States is a summation of incidents and experiences of anti-Muslim

⁷ <http://maclcnypdcritique.files.wordpress.com/2008/11/counterterrorism-policy-final-paper3.pdf>, accessed 8/03/2009

violence, discrimination and harassment reported to CAIR during the 2008 calendar year.

Additionally, the report focuses on the 2008 United States presidential election and the wide-spread distribution of the anti-Muslim film *Obsession: Radical Islam's War Against the West*.

The report highlights a number of specific issues of concern for the American Muslim community including watch lists, surveillance and the Attorney General's Guidelines implemented by Michael B. Mukasey in 2008.

This report has been published annually since the 1995 terrorist bombing of the Murrah Federal Building in Oklahoma City, after which unsubstantiated linkage of the perpetrator to Islam prompted stereotyping, harassment and actual attacks on Muslims and Arab-Americans around America. It is likely that more incidents occur than are recorded here; community education in areas where CAIR is active generally results in more reporting in those areas.⁸

⁸ For an excellent analysis of the underreporting of bias crimes see "Confronting the New Faces of Hate: Hate Crimes in America 2009" published by the Leadership Conference on Civil Rights Education Fund.

EXECUTIVE SUMMARY

For the 2008 calendar year, CAIR and its affiliate chapters processed a total of **2,728 civil rights complaints**.⁹

This number represents a **3 percent increase** in reported cases from 2007 (2,652 reports) and an 11 percent increase over cases reported in 2006 (2,467 reports).

The occurrence of reported civil rights complaints **continues to increase** at mosques and Muslim organizations, rising from 221 cases in 2006 to 564 cases in 2007 ¹⁰ to 721 cases in 2008. This represents a **28 percent increase from 2007 to 2008**. There were 118 reported cases of discrimination in schools in 2007 and 153 in 2008. This represents a 31 percent increase.

Anti-Muslim hate crime complaints **fell by 14 percent** this year, decreasing from 135 total complaints in 2007 to 116 in 2008.

Observing a second year's decline in reported hate crimes, CAIR reaffirms its cautious optimism that America may be witnessing a leveling-off of the post-9/11 backlash against Americans of the Islamic faith. This development is most welcome.

At the same time, the reported increases in incidents at Muslim institutions and at schools remind us that continued vigilance, education and assertive efforts to combat bigotry are necessary.

The 2008 election showed an emerging trend toward mainstream willingness to reject Islamophobia. As this report illustrates, this trend is tempered by the reality that powerful influencers can use the false premise that "friendliness to Muslims equals weakness on national security" to troubling effect.

The government's ability to conduct surveillance without adequate oversight or control has expanded and shows no immediate sign of contracting. Near unchecked expansion of watch lists strongly contributes to the "flying while Muslim" phenomenon. As reported, last minute alterations to the Attorney General's Guidelines allow for investigative "assessments" of individuals or groups without any accompanying factual predicate. This, along with less oversight and profiling factors having a role in investigations, sounds a warning bell for those concerned about civil liberties.

⁹ Although CAIR received more than 3,222 reports of potential civil rights violations during the 2008 calendar year, organization staff determined that only 2,728 of these complaints warranted further investigation by CAIR.

¹⁰ In 2007 CAIR started to include threats made against the organization and its staff in this category, which may have resulted in the dramatic rise in incidences from 2006 to 2007.

CAIR's Recommendations to the Obama Administration

1. Review and Revise the Attorney General Guidelines Issued by AG Mukasey in Late 2008
2. Revisit the U.S. Department of Justice's 2005 Inspector General's Report "The Federal Bureau of Investigation's Compliance with the Attorney General's Investigative Guidelines"
3. Reduce the Size of the Watch Lists, Implement Means for Effective Traveler Redress
4. Appoint and Empower the Privacy and Civil Liberties Oversight Board
5. Have the President Make a Speech at or a High Profile Visit to an American Mosque

CAIR's Recommendations to the United States Congress

1. Pass the End Racial Profiling Act (ERPA)
2. Pass the Fair, Accurate, Secure, and Timely Redress Act of 2009 (FAST Redress Act of 2009)
3. Refuse to Offer a Legitimizing Platform to Those who Spout Anti-Muslim Bigotry

CAIR's Recommendations to the American Muslim Community

1. Report any Anti-Muslim Incident or Concern to CAIR; Ensure that Such Incidents are also Reported to the Appropriate Authorities
2. Connect Local Muslim Community Efforts with a National Organization
3. Sponsor a CAIR "Know Your Rights and Responsibilities" Workshop in Your Area
4. Empower Your Community Through Civic Engagement
5. Continue and Strengthen Outreach to Law Enforcement

CAIR Recommendations to Other Key Societal Influencers

1. Avoid Stereotyping of Muslims in Entertainment Media
2. De-link Islam from Criminal Action

2008 CAIR CIVIL RIGHTS FINDINGS

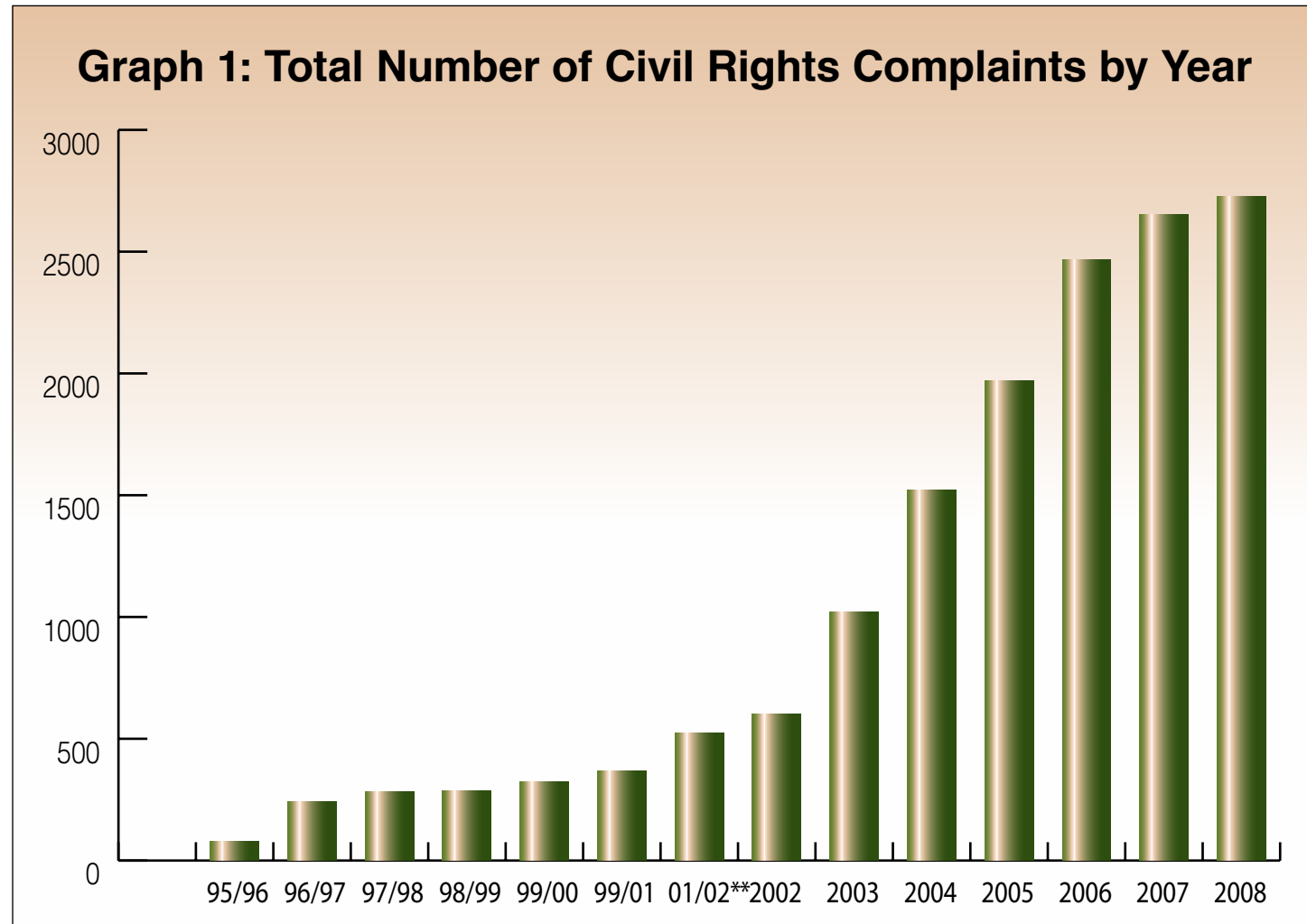
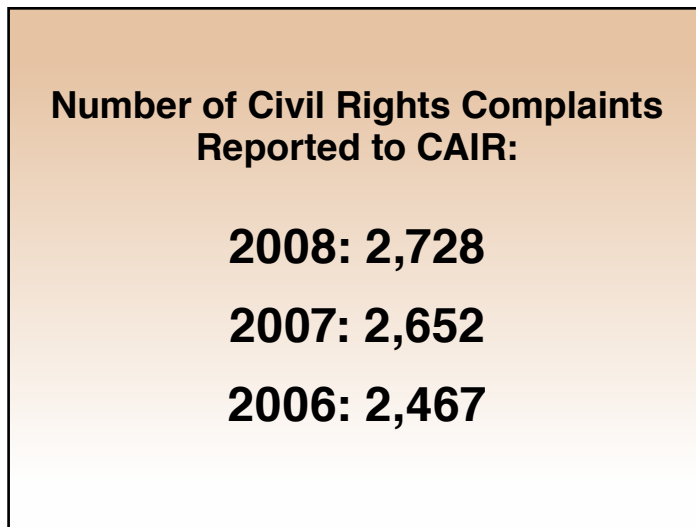
Statistical Highlights

For the 2008 calendar year, CAIR and its affiliate chapters processed a total of **2,728 civil rights complaints**.¹¹

This number represents a **3 percent increase** in reported cases from 2007 (2,652 reports) and an 11 percent increase over cases reported in 2006 (2,467 reports).

For the fifth year in a row, this figure also marks the highest number of Muslim civil rights complaints ever reported to CAIR.

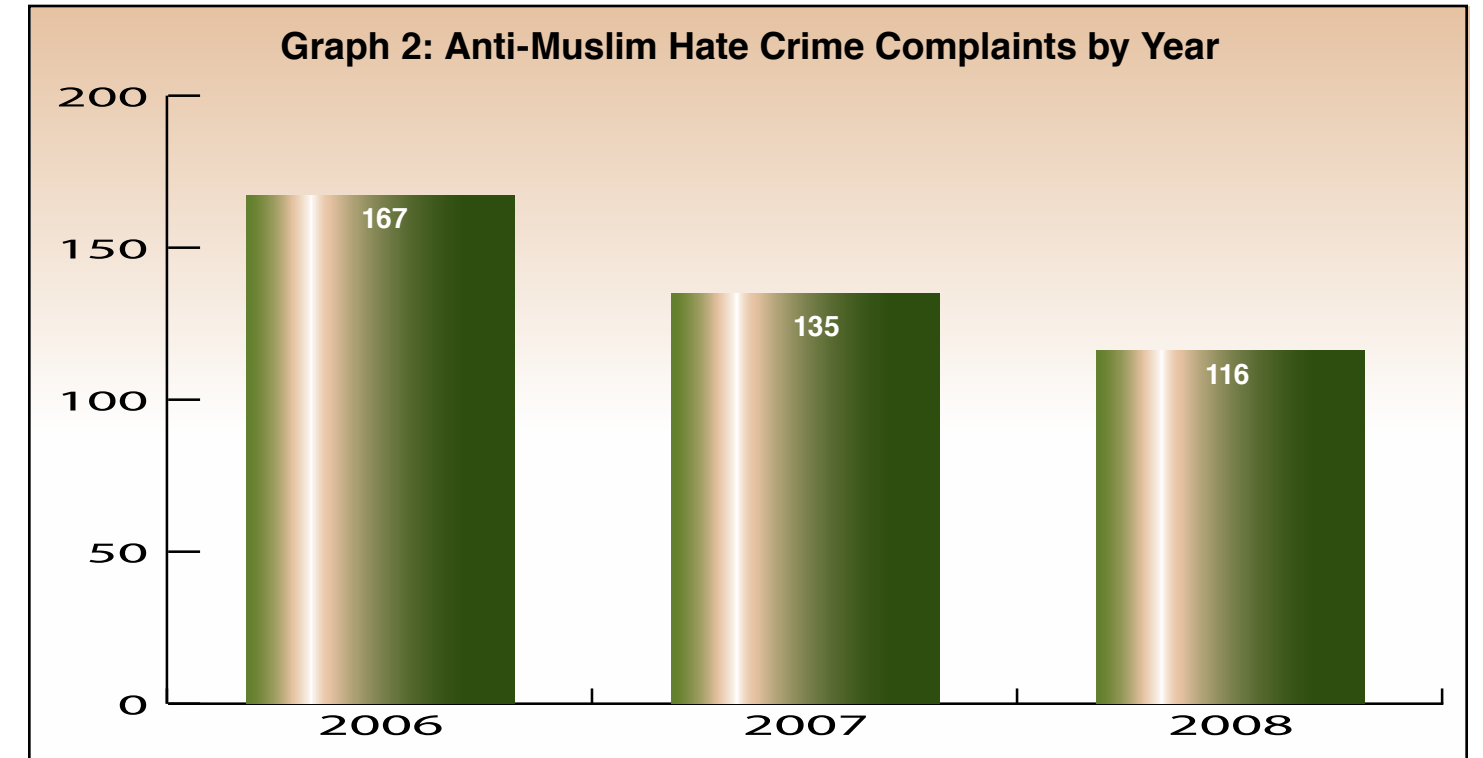
¹¹ Although CAIR received more than 3,222 reports of potential civil rights violations during the 2008 calendar year, organization staff determined that only 2,728 of these complaints warranted further investigation by CAIR.



**Because of the significant jump in hate crimes and civil rights complaints after 9/11, CAIR issued a separate report, entitled "American Muslims: One Year After 9/11," to analyze the 1,717 complaints CAIR received in the first six months after September 11, 2001. The report also reviews the 325 complaints CAIR received in the second six month period after the attacks.

Anti-Muslim Hate Crimes

Incidents of anti-Muslim hate crime complaints **fell by 14 percent** this year, decreasing from 135 total complaints in 2007 to 116 in 2008.



Civil Rights Cases by State

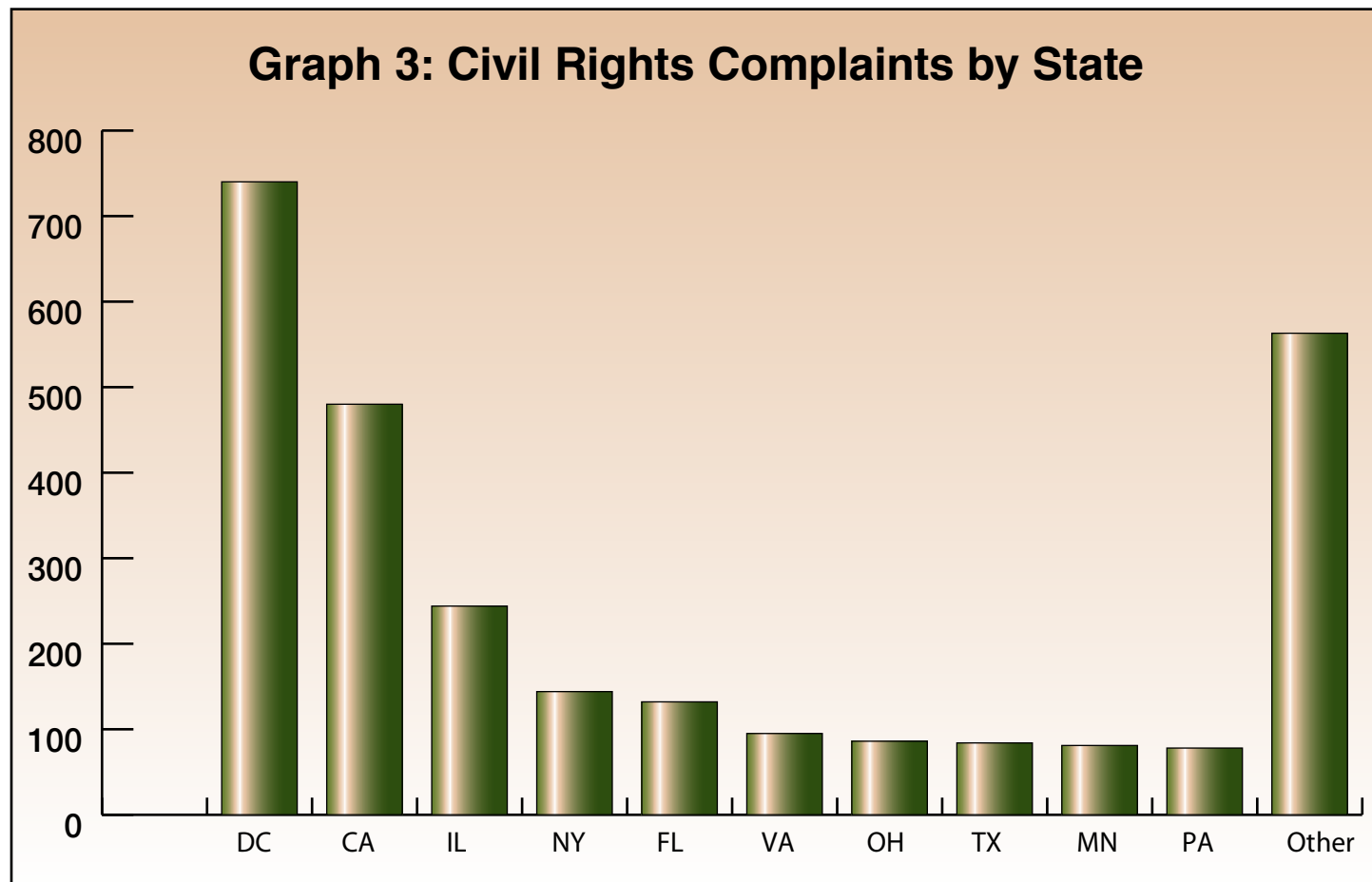
Overall, nine states and the District of Columbia accounted for **79 percent** of all incidents reported to CAIR in 2008. These locations (and their rounded respective percentages, see Table 1 for actual percentages) include: **the District of Columbia¹² (27 percent), California (18 percent), Illinois (9 percent), New York (5 percent), Florida (5 percent), Virginia (4 percent), Ohio (3 percent), Texas (3 percent), Minnesota (3 percent) and Pennsylvania (3 percent).**

The District of Columbia, California, Illinois, New York and Florida represent the five locations with the Highest Number of CAIR Civil Rights Complaints for 2008.

¹² Washington, DC is the location of CAIR's national headquarters. In 2006, CAIR reported only hate mail and violent threats received through the organization's general e-mail account. In 2007 and 2008, this tally also includes hate mail and violent threats received directly by staff.

Table 1: Number of Civil Rights Reports by State

Victim State	Number of Cases	Percentage Total
DC	740	27%
CA	480	18%
IL	244	9%
NY	144	5%
FL	132	5%
VA	95	3%
OH	86	3%
TX	84	3%
MN	81	3%
PA	78	3%
Other	563	21%



Civil Rights Cases by Place of Occurrence

The most common places of occurrence for civil rights violations were the following (in descending order): **Muslim organization/mosque**,¹³ **government agency**, **workplace**, **school** and **prison**. These five categories together constituted **79 percent** of all complaints received in 2008.

¹³ In "The Status of Muslim Civil Rights in the United States 2007" this category was labeled "mosques/community organizations."

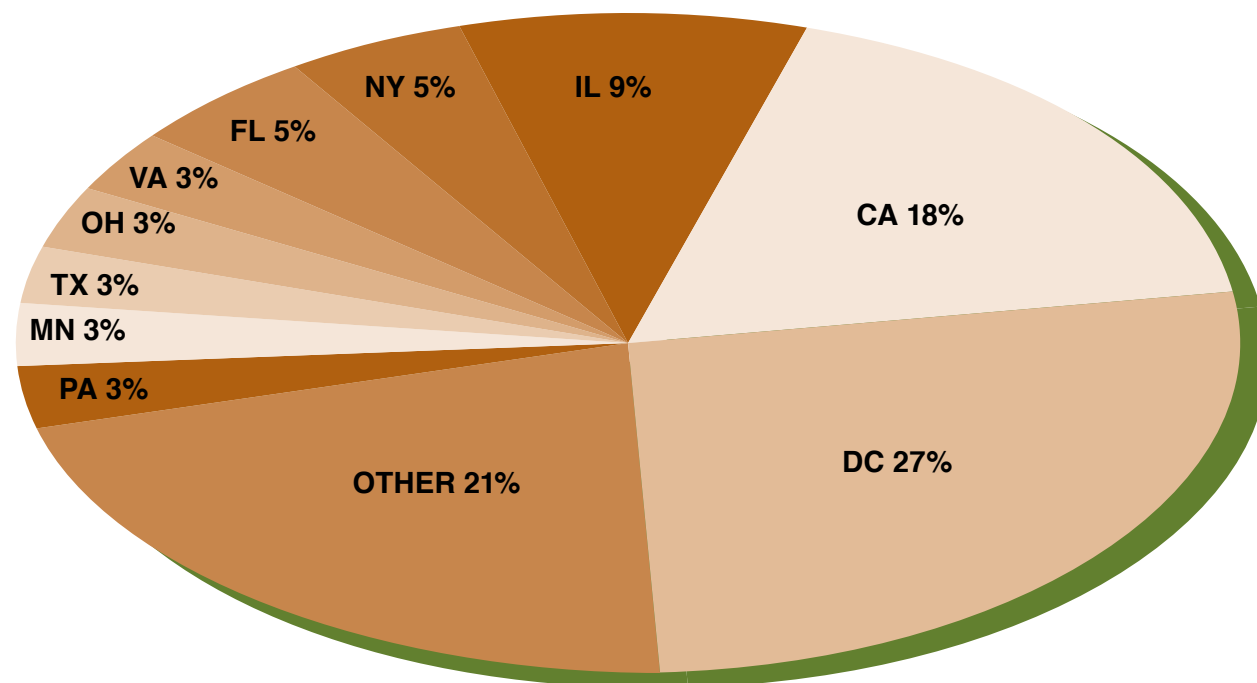
The occurrence of reported civil rights complaints **continues to increase** at mosques and Muslim organizations, rising from 221 cases in 2006 to 564 cases in 2007 ¹⁴ to 721 cases in 2008. This represents a **28 percent increase from 2007 to 2008**.

Similar to what CAIR reported in 2007, complaints involving government agencies comprised the largest percentage of complaints -- 23 percent of complaints received in 2008. However, complaints in this category continued to

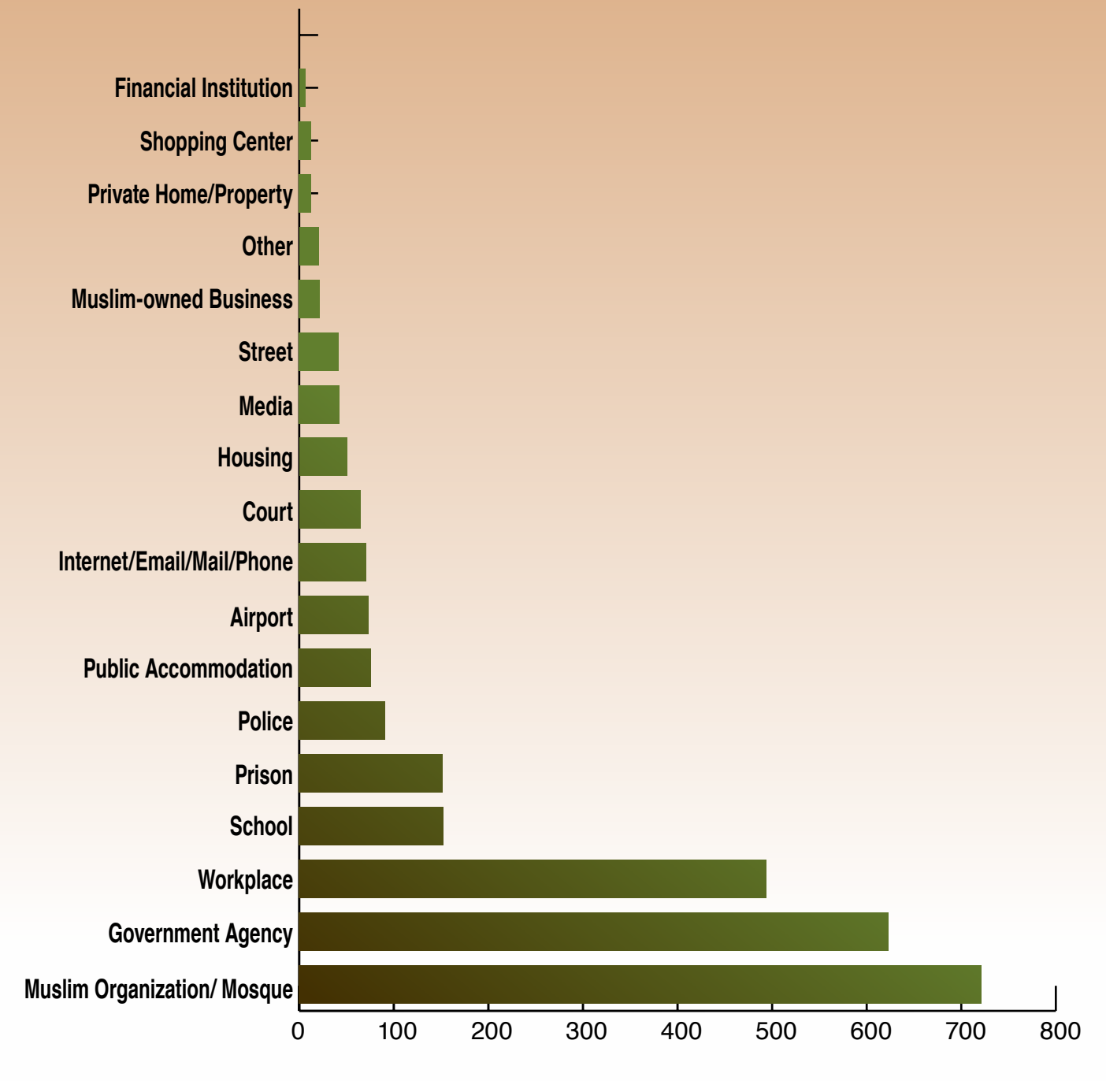
¹⁴ In 2007 CAIR started to include threats made against the organization and its staff in this category, which may have resulted in the dramatic rise in incidences from 2006 to 2007.

Table 2: Number of Civil Rights Cases by Place of Occurrence		
Place of Occurrence	Case Count	Percentage Total
Muslim Organization/ Mosque	721	26.43%
Government Agency	623	22.84%
Workplace	494	18.12%
School	153	5.61%
Prison	152	5.57%
Police	91	3.34%
Public Accommodation	76	2.79%
Airport	74	2.71%
Internet/Email/Mail/Phone	71	2.60%
Court	65	2.38%
Housing	51	1.87%
Media	43	1.58%
Street	42	1.54%
Muslim-owned Business	22	0.81%
Other	21	0.77%
Private Home/Property	13	0.48%
Shopping Center	13	0.48%
Financial Institution	3	0.11%

Graph 4: Percentage of Civil Rights Complaints by State



Graph 5: Number of Civil Rights Complaints by Place of Occurrence



drop from previous years.¹⁵ The 623 complaints received in 2008 represent a **22 percent** drop from 2007.

The number of incidents of discrimination in the workplace again held generally steady, accounting for 17 percent of total complaints in 2007 and 18 percent in 2008.

There were 118 reported cases of discrimination in schools in 2007 and 153 in 2008. This represents a **31 percent increase**. Unfortunately, this reverses the drop in complaints

observed in last year's report.

The number of cases reported from prisons increased by 17 percent in 2008.

¹⁵ In 2007 this drop may in part be explained by CAIR assigning some cases to the airport category that would have received the government agency classification in 2006.

Civil Rights Cases by Type of Alleged Abuse

Alleged Hate Mail/Propaganda/Internet Abuse was the most common type of report. There was a **significant increase of 38 percent** in this category.

Legal/Immigration¹⁶ cases were again the second most common type of alleged abuse; however, the number of complaints in this category declined significantly over the previous year with 576 complaints received in 2008 versus

767 received in 2007.¹⁷

Cases involving employment discrimination and religious accommodation increased by 20 percent and 18 percent respectively over the previous year.

¹⁶ This category also includes immigration issues (i.e. naturalization delays) and other civil domestic case complaints, which were reported separately in 2002. Also, the category "Unequal treatment" which appeared separately in previous reports was consolidated within this category in 2003.

¹⁷ On 4/2/2008 USCIS and the FBI announced a joint business plan that included elimination of the name check backlog. In a press release issued 6/22/2009 USCIS announced "the elimination of the FBI National Name Check Program (NNCP) backlog."

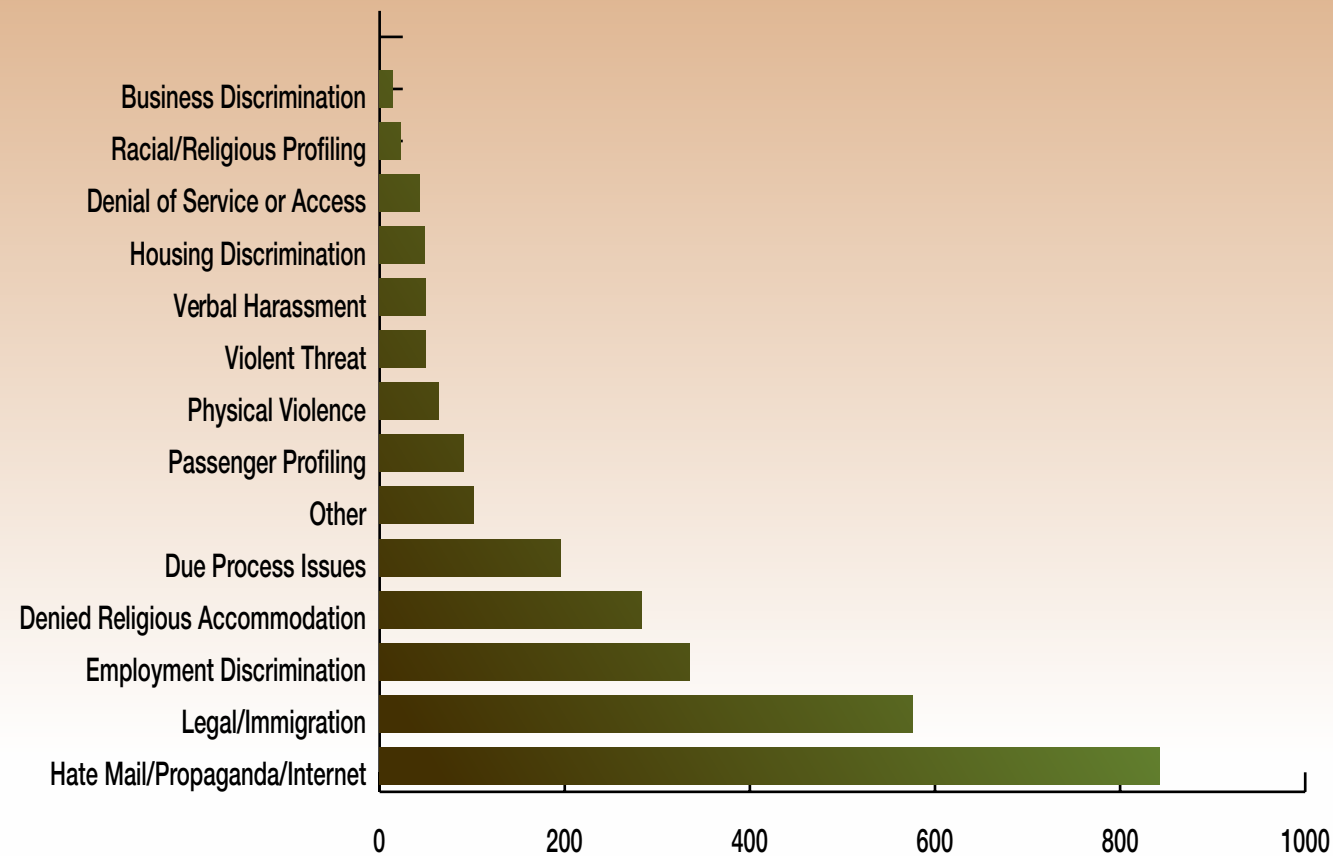
Table 4. Case Reports by Type of Alleged Abuse

Type of Alleged Abuse	Case Count	Percent Total
Hate Mail/Propaganda/Internet	843	30.90%
Legal/Immigration	576	21.11%
Employment Discrimination	336	12.32%
Denied Religious Accommodation	284	10.41%
Due Process Issues	196	7.18%
Other	102	3.73%
Passenger Profiling	92	3.37%
Physical Violence	65	2.38%
Violent Threat	51	1.87%
Verbal Harassment	51	1.87%
Housing Discrimination	49	1.80%
Denial of Service or Access	44	1.61%
Racial/Religious Profiling	24	0.88%
Business Discrimination	15	0.55%

Table 5: Percentage of Complaints by Type of Alleged Abuse

INCIDENT TYPE	99/00	00/01	01/02	2002	2003	2004	2005	2006	2007	2008
Employment discrimination	22	27	17	17	16	12.73	14.05	8.51	10.60	12.32
Verbal harassment	9	8	14	15	13	12.53	6.39	4.30	2.60	1.87
Denial of religious accommodation	31	37	12	13	15	14.84	15.01	9.04	9.05	10.41
Passenger profiling	1	2	24	12	4	2.64	1.93	1.30	5.32	3.37
Racial/religious profiling	-	-	-	-	13	4.02	2.28	1.13	1.06	0.88
Legal Discrimination*	20	10	2	9	13	7.45	13.74	29.55	28.92	21.11
Due Process Issues	5	6	19	12	4	25.4	17.39	15.04	7.65	7.18
Hate crime	7	4	6	7	9	7.98	6.54	5.23	3.70	2.38
Denial of service/Access to public facility	5	5	5	6	3	2.44	4.56	4.99	2.41	1.61
Attack threat	-	1	1	2	1	1.12	1.22	1.54	1.40	1.87
Hate mail/Propaganda/Internet	-	-	-	4	7	0.26	9.74	12.57	23.11	30.90
Business discrimination	-	-	-	-	1	1.45	0.46	0.24	.045	0.55
Housing discrimination	0	0	0	3	1	0.92	1.01	1.34	1.09	1.80
Other	-	-	-	-	-	-	5.68	5.23	2.64	3.73

Graph 6: Complaints by Type of Alleged Abuse



Factors that Trigger Discrimination

Consistent with previous years, an individual's ethnicity/religion remained the primary factor that triggered discrimination. This factor accounted for 42 percent of the total cases reported to CAIR during the 2008 calendar year.

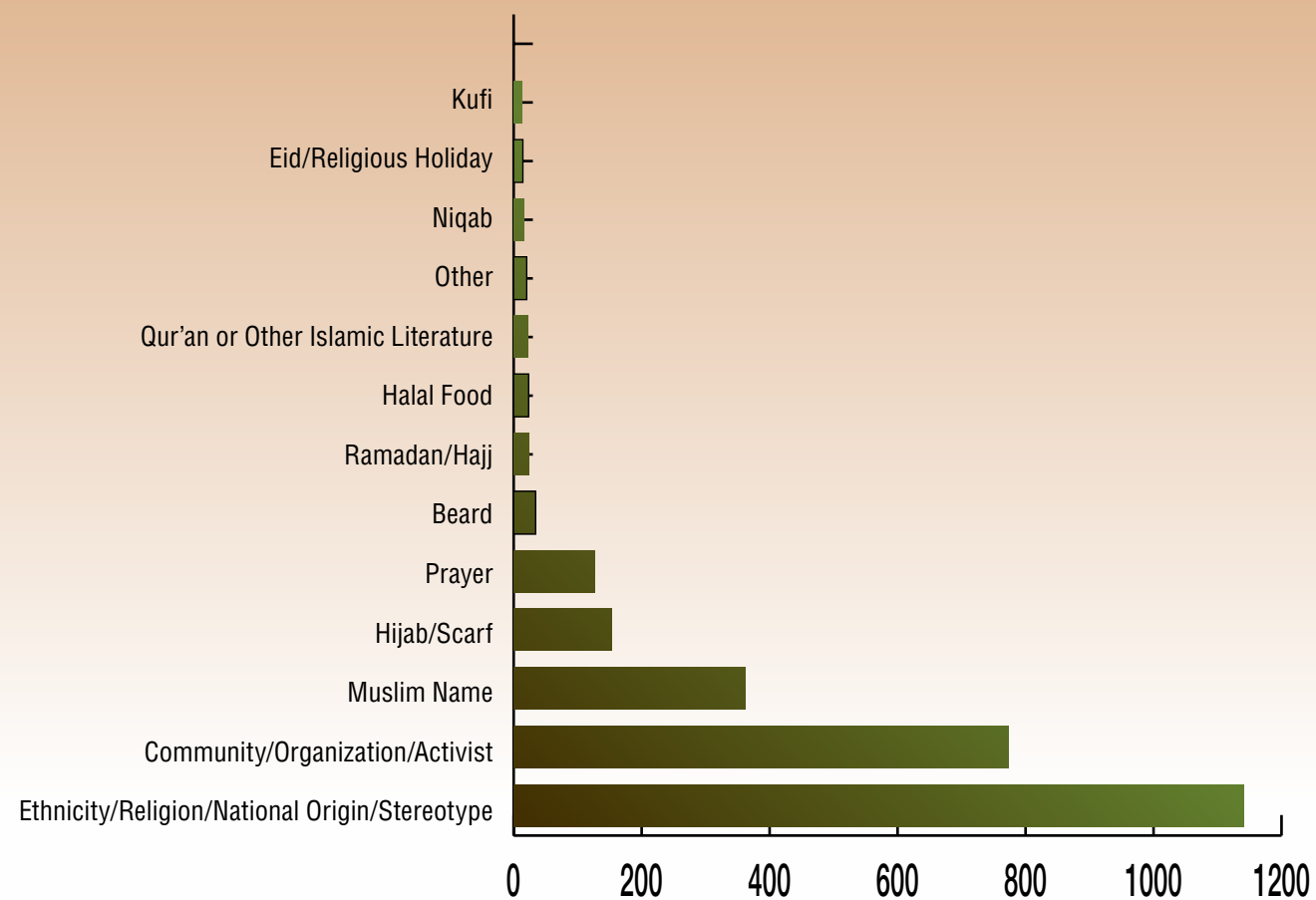
It is important to note that many acts of discrimination occur due to the perceived ethnicity or religion of the victim. For example, many Sikh-Americans, who are not Muslim, have been targets of anti-Muslim bias as a result of their appearance.

Legal/Immigration and Hate Mail/Propaganda/Internet Complaints Accounted for 52 Percent of the Total Cases Reported in 2008

Table 6: Identification Factors Triggering Discrimination

Feature Trigger	Case Count	Percentage Total
Ethnicity/Religion/National Origin/Stereotype	1141	41.83%
Community/Organization/Activist	773	28.34%
Muslim Name	362	13.27%
Hijab/Scarf	153	5.61%
Prayer	128	4.69%
Beard	35	1.28%
Ramadan/Hajj	24	.88%
Halal Food	24	.88%
Qur'an or Other Islamic Literature	23	.84%
Other	21	.77%
Niqab	16	.59%
Eid/Religious Holiday	15	.55%
Kufi	13	.48%

Graph 7: Identification Factors Triggering Discrimination



SAMPLE CASES FROM THE 2008 CAIR CIVIL RIGHTS DATABASE

Hate Crimes

January 22, 2008 - A Muslim convenience store owner in Blaine, Minn. was closing and securing his business for the evening when three men entered the store. One of the men began throwing flaming glass bottles. The bottles damaged much of the store and almost hit the store owner. The victim escaped through the smoldering store with minor cuts and burns after the men left. "F***ing Arab" was founded spray painted on the building's side door that night. The FBI investigated the incident as a possible hate crime. CAIR-MN organized a community town hall in Blaine to address hate crimes. The store owner offered a \$3,000 reward for information about the attackers. For weeks after the incident, the victim remained fearful of going to the burnt side of the building where the offensive messages had been painted. Approximately two months before this incident, a racist note was found on the store's front window. A few months prior to that episode, the store owner's mailbox was set afire.

March 2008 - A clerk at a Lenexa, Kan., gas station told police that a man came into the store and asked the clerk if he was Muslim. When the clerk replied in the affirmative, the man reportedly began harassing him. Soon after the man left the store, an incendiary device was thrown through the front window of the store. A similar incident occurred at another store in the same region. A 26-year-old man was later charged with two counts of criminal use of explosives and one count of criminal damage.

June 2008 - A Muslim business owner was shot in the abdomen while pumping gas after work in Cleveland, Ohio. Immediately prior to the shooting, the man and his son were allegedly taunted by a group of men who had heard the father and son speak to each other in their native Uzbek language and heard the father utter an Islamic prayer in Arabic. The group of men reportedly imitated the languages in a mocking manner. The shooting was recorded on a surveillance camera. Police later charged William "Happy" Neal in the shooting.

October 2, 2008 - The Raleigh, N.C. *News and Observer* reported, "A Raleigh man who made graphic threats against national Hispanic and Islamic advocacy organizations will serve 45 days in federal prison. Christopher Michael Szaz...pleaded guilty...to two misdemeanor charges of sending threatening e-mails to the National Council of La Raza and the Council of American-Islamic Relations, both based in Washington. Prosecutors said he sent two e-mail

messages on June 8, 2007, threatening to bomb the CAIR office and an e-mail message to La Raza on July 27, 2007, threatening to kill employees." ¹⁸

October 10, 2008 - Irvine, Calif. City Council candidate Todd Gallinger, who is Muslim, received an anonymous threat in which the caller reportedly said that he "read the article...about Todd being a born-again Muslim." *The Los Angeles Times* reported that the caller said, "I want to cut off your head just like all the other Muslims deserve." The death threat came days after an Islamophobic comment made by Irvine City Council Member Stephen Choi, who allegedly attacked Gallinger's Muslim faith after an Irvine Chamber of Commerce candidate forum on September 19. Those attending the forum reported that Choi called Gallinger "a born-again Muslim" and questioned if such a person is fit to represent the residents of Irvine.

November 3, 2008 - Officials of the Islamic Center of Maryland (ICM) in Gaithersburg, Md., reported that up to 70 paintballs were shot at the facility.

Workplace

May 27, 2008 - Six Muslim workers were allegedly fired from a plant in New Brighton, Minn. for refusing to wear new uniforms that they said violated the Islamic requirement for men and women to dress in modest attire. Texas-based Mission Foods, which produces tortillas and chips, cited safety concerns in implementing the dress code, despite the fact that all six Muslim women were packagers stationed at tables and did not work on machinery that might pose a safety risk. No safety issues had emerged relating to Muslim attire in the two years the Muslim women had been employed and OSHA inspectors did not cite the plant for hazards relating to employee attire during an inspection earlier that year.

July 10, 2008 - A Muslim woman in Hazel Park, Mich., was told that she could not work as an Emergency Medical Services worker for the Detroit Fire Department while wearing her hijab. She had, however, passed all the tests necessary to be hired. A lawsuit was filed against the Detroit Fire Department.

July 17, 2008 - A Pennsylvania Muslim undergoing new-hire orientation at a local Marriott hotel was told he would have to shave his religiously-mandated beard in order to

¹⁸ News and Observer, 10/02/2008

work in food service. CAIR wrote a letter asking for a religious exemption. In that letter CAIR noted a beard net could be used to satisfy food service regulations and accommodate the man's religious belief. Marriott subsequently granted him a "beard card" denoting that he was allowed to keep a beard. Later the "no-beard" policy was revised to allow "neat and well-groomed" beards.

July 31, 2008 - A Muslim woman was allegedly denied employment at an Abercrombie Kids store in Oklahoma because of her headscarf. The woman told CAIR-OK that a district manager claimed he could not hire her because her Islamic headscarf "does not fit the Abercrombie image."

August 14, 2008 - A Muslim teenager who was initially denied a job at an Old Country Buffet restaurant in Minnesota was offered a second interview following the intervention of CAIR-MN. The Muslim job applicant told CAIR-MN she was denied employment at the Fridley, Minn., restaurant because of her religious headscarf. She reported that a restaurant manager informed her that her scarf violated the company's uniform regulations. The manager allegedly requested she reschedule the interview if she decided to remove the scarf. CAIR-MN welcomed what it called the "prompt and professional" response to the bias complaint by Buffets Inc, the company that operates the restaurant. The sixteen-year-old was eventually hired for the position.

August 26, 2008 - A major contractor providing janitorial services at Phoenix Sky Harbor International Airport in Arizona issued a "mandatory dress code" that required wearing pants and a tucked-in shirt. Muslim workers were allegedly told that unless they complied with this new policy, they would lose their jobs, be transferred or suffer a cut in pay. More than thirty Muslim workers complained to CAIR that this policy failed to accommodate their religious need for modest attire. After meetings with CAIR-AZ and the Equal Employment Opportunity Commission (EEOC), the workers were able to come up with a uniform they believed accommodated their religious needs and the legitimate needs of the company. The new uniform included a black skirt, an apron and a hijab. Airport officials were shown the new uniform and approved its use. The EEOC endorsed the uniform change.

School

July 10, 2008 - A representative of CAIR-San Diego met with an official of Mesa College over an incident in which a faculty member allegedly confronted a Muslim student who was performing ritual ablutions, or "wudu," in preparation for his prayers. According to the student, he was confronted by the faculty member while using water from a campus restroom sink to wash his feet. The faculty member reportedly demanded the student's name, telephone number and

student identification card. Both the student and the faculty member filed a report with the campus police over the incident. In the meeting, the Mesa College official affirmed that there are no college policies that prohibit students from washing their feet in the sink. The official also stated that the faculty member's actions in this incident were not appropriate.

Public Accommodation

July 11, 2008 - A young Muslim woman was arrested for driving with a suspended license in Garden City, Mich. When taken to jail, she was asked to remove her headscarf for her booking photograph. CAIR filed a complaint with the Garden City police department and met with the chief of police. The complaint and meeting resulted in a change in police department policy. Citizens will no longer have to compromise religious practices while taking a booking photograph. This change in policy applies to everyone. For example, it protects a Sikh man's right to wear his turban and a Jewish man's right to wear a yarmulke.

November 2008 - A Muslim woman was denied religious accommodation by the Department of Motor Vehicles in Washington, D.C. when she was required to take her driver's license photograph with her hairline and ears showing. CAIR contacted the DMV, and the complainant was allowed to take her photo without showing her ears.

December 2008 - A Muslim woman was jailed after she sought to wear her headscarf in a city courtroom. According to the woman's husband, she was seeking to enter the courtroom in Douglasville, Ga., to deal with a matter related to her nephew's traffic citation. After she walked through the security area, a bailiff absolutely refused her entry into the court as long as she wore her scarf. As she attempted to leave, the bailiff reportedly handcuffed her and brought her before the judge who sentenced her to 10 days in jail for "contempt."

The Associated Press reported: "She said she was unexpectedly released after the Washington-based Council on American-Islamic Relations urged federal authorities to investigate the incident as well as others in Georgia."¹⁹ CAIR also sent a letter to Georgia Attorney General Thurbert E. Baker calling for legal sanctions against the judge.

The *Atlanta Journal-Constitution* reported that this incident was not isolated: "[The woman], also known by her Islamic name, Miedah, 40, was arrested at the Douglasville Municipal Court for violating a court policy of no headgear, said Chris Womack, deputy chief of operations for the Douglasville police...Sabreen Abdul Rahman, 55, said she was asked to take off her scarf when she went to the municipal

¹⁹ Associated Press, 12/18/2008

court last week with her son...Halimah Abdullah, 43, said she spent 24 hours in jail in November 2007 after Judge Rollins held her in contempt of court for refusing to remove her head covering."²⁰

Later, the Judicial Council of Georgia unanimously voted to allow religious attire such as Islamic headscarves in that state's courtrooms.

Mosque Vandalism

February 9, 2008 - An official of the Islamic Center of Columbia, Tenn., told CAIR that a weekend fire "pretty much destroyed" the mosque. Several Nazi swastikas and the phrases "white power" and "we run the world" were painted on the outside walls of the mosque. Law enforcement officers swiftly arrested and charged three men, two of whom later acknowledged being part of the Christian Identity movement, with federal charges. Two of the three men ultimately "pleaded guilty in federal court to one count of destruction of religious property and one count of use of fire to damage religious property, both civil rights charges."²¹

October 10, 2008 - Officials of the Islamic Foundation Mosque in Villa Park, Ill. told CAIR that the facility was vandalized by unknown persons, which was the fourth such incident in less than two months. A mosque employee reportedly discovered two windows that were shattered and a five-gallon tank of flammable liquid that had been spilled in an area of the mosque's school that was under construction. Two weeks previously, mosque authorities found a Star of David painted in a section of the school that is undergoing expansion. The month before, anti-Islamic messages were spray-painted on the outer walls of the mosque. Two months previously, other windows were shattered. In the past, glass doors at the mosque's entrance had been shattered.

Profiling

August 7, 2008 - Muslim passengers were harassed and searched roughly at Richmond International Airport in Virginia while they were moving through routine security screening. After clearing the initial screening, a man identified as a TSA supervisor reportedly said to TSA staff, "You have to check them again. They are Muslim. They are from Sudan." The head of the family reported to CAIR that the TSA officers were rough in their search of his wife and of his mother, who is in a wheelchair. The family missed their flight and ultimately canceled their trip. The complainant's wife was subsequently admitted to the hospital due to extreme stomach pains, which the family believes were a result of

²⁰ Atlanta Journal-Constitution, 12/17/2008

²¹ Associated Press, 11/04/2008

“I want to cut off your head just like all the other Muslims deserve.”

-Anonymous caller to Muslim candidate for Irvine, Calif. City Council Todd Gallinger, 10/2008

Islamophobic remarks and actions continued throughout America’s presidential election campaign in 2008.²² A major theme relating to anti-Muslim bigotry in the presidential campaign was the use of Islam as a smear. A second converse and more encouraging theme displayed an emerging rejection of Islamophobia.

Islam as a Smear

The use of Islam or the name “Hussein” as an attempt to derail the candidacy of Barack Obama by appealing to anti-Muslim prejudice was widespread. In October 2008, a poll by the Pew Research Center for the People and the Press found that 12 percent of American voters believed the Illinois senator to be Muslim.²³

In part due to the success of the smear tactic, there was a widely-reported aversion to the “Muslim” charge within the Obama campaign. The campaign went so far as to declare “Barack Obama is a committed Christian, not a Muslim” on its www.fightthesmears.com website.²⁴

The New York Times reported that Rep. Keith Ellison (D-MN), the first Muslim elected to the U.S. Congress, withdrew from an appearance at which he was to “speak on Mr. Obama’s behalf at a mosque in Cedar Rapids” after “aides to Mr. Obama asked Mr. Ellison to cancel the trip because it might stir controversy.” According to Mr. Ellison, campaign aides told him, “We have a very tightly wrapped message.”²⁵

At an Obama campaign rally in Detroit, Mich. in June 2008, two Muslim women wearing headscarves were told by campaign volunteers in separate incidents they would not be allowed to stand behind the candidate during the event for fear of the associations that people may make between the candidate and the women. After news reports of the inci-

dents, Obama’s campaign apologized, denouncing the actions as “offensive and counter to Obama’s commitment to bring Americans together.”²⁶ The candidate later personally called both women and apologized.

On the cover of the July 21, 2008 issue of the *New Yorker* magazine, Mr. Obama was depicted in traditional Kenyan garb and a turban standing beside a caricature of Michelle Obama wearing military-style clothing and carrying an assault rifle. Both the McCain and Obama campaigns decried the sketch, with the Obama camp characterizing it as both “tasteless” and “offensive.”

While appearing on CNN’s *Larry King Live*, in part in response to the magazine cover, Mr. Obama declared, “You know, this is actually an insult against Muslim-Americans, something that we don’t spend a lot of time talking about. And sometimes I’ve been derelict in pointing that out. You know, there are wonderful Muslim-Americans all across the country who are doing wonderful things. And for this to be used as a sort of insult or to raise suspicions about me I think is unfortunate.”²⁷

In August, the Obama campaign’s Muslim Outreach Coordinator resigned within days of beginning his employment after being attacked about briefly serving on a board with a “suspicious” member. He stepped down in order to “avoid distracting from Barack Obama’s message of change.”²⁸

Many members of the Muslim community felt the response of the campaign against the label of “Muslim” being attached to Obama fell short of the campaign’s inclusive message. This feeling did not, however, result in a lessening of support for the candidate: a poll released by the American Muslim Taskforce for Civil Rights and Elections (AMT) in November indicated that 89 percent of Muslims who participated in the 2008 presidential election voted for Barack Obama.

Former Republican Secretary of State and retired general Colin Powell gained high praise from Muslims for his forceful rejection of the use of “Muslim” as a smear. In his words, “I’m also troubled by, not what Sen. McCain says, but what members of the party say, and it is permitted to be said such things as: ‘Well, you know that Mr. Obama is a Muslim.’ Well, the correct answer is: he is not a Muslim. He’s a Christian. He’s always been a Christian. But the really right answer is: What if he is? Is there something wrong with being a Muslim in this country? The answer is: No. That’s not America.”

22 See “The Status of Muslim Civil Rights in the United States 2008” for a summary of anti-Muslim remarks and acts on the presidential campaign trail during the 2007 calendar year.

23 Associated Press, 10/23/2008

24

25 New York Times, 6/24/2008

26 http://newsweek.washingtonpost.com/onfaith/faithbook/2008/06/obama_and_muslims_again.html

27 <http://transcripts.cnn.com/TRANSCRIPTS/080715/lk1.01.html>, accessed 9/14/2009

28 <http://www.cnsnews.com/public/content/article.aspx?RsrcID=33780>

An Emerging Rejection of Islamophobia

Early in 2008, Muslims welcomed Republican Presidential candidate Senator John McCain’s (R-AZ) decision to reject the endorsement of Rod Parsley, pastor of the World Harvest Church of Columbus, Ohio who referred to Islam as an “anti-Christ religion” and has expressed support for “seeing this false religion [Islam] destroyed.”

In July, Sonny Landham, actor and Kentucky Libertarian Party Senate candidate, repeatedly and crudely insulted Muslims and Arabs during an interview with The *Weekly Filibuster* radio show. He called for an “outright bombing [of Arabs] back into the sand until they surrender” and said, “The Arabs, the camel dung-shovelers, the camel jockeys, whichever you wanna call ‘em, are terrorists.” The Libertarian Party of Kentucky dropped and denounced Mr. Landham a week later, declaring that the party does not “advocate or support the language or positions recently espoused by Mr. Landham.”

In October, Marcia Stirman, Chairperson of the Republican Women of Otero County (RWOOC), in Arizona, proclaimed “Muslims are our enemies” in a letter in her local newspaper titled, “Why I am a Republican.” The entire board of the Republican Women of Otero County unanimously resigned after Ms. Stirman ignored calls, including requests from the state Republican Party and the Republican Party of Otero County, to step down from her position. In November, the forty members of the RWOOC present at a gathering to replace the resigned board re-elected Stirman to her position. Ms. Stirman stated that she planned to “stand strong” on the issue “because I am not a peeing puppy.”²⁹

That same month, The *American News Project* posted footage of a McCain presidential rally in Woodbridge, Va., where several Muslim and Christian McCain supporters led by Dan Zubairi, confronted a man handing out anti-Obama bumper stickers and asserting that the Democratic candidate had ties to “radical Islam.” As rally attendees confronted the man, Zubairi approached them and said, “Let me talk to you. I’m Dan Zubairi. I’m one of the campaign chairs. I’m Muslim. I’m chairman of the Maryland campaign. I was an elected McCain delegate...” The tape cuts for a moment and then Zubairi continues, “Yeah, but he’s not with the campaign so you do not have to worry. I’m with the campaign and we don’t endorse that behavior.”³⁰

Asked “Do you think the Republican Party should embrace its own Muslims?” by an *American News Project* representative, Republican Vice-Presidential Candidate Sarah Palin

29 Alamogordo Daily News, 11/06/2008

30

replied, “We’re not going to discriminate against a person’s religion at all. No that’s not appropriate and not acceptable in my book to discriminate.”³¹

Endorsing a challenger in a Virginia congressional race, *Esquire Magazine* had this to say of the incumbent; “[Congressman] Virgil Goode is the hick who saw the swearing-in of Keith Ellison, America’s first Muslim congressman, on the Koran as a Grave Threat to National Security.” Goode ultimately lost his re-election bid.

Both parties included positive statements about Muslims in their 2008 platforms:

- According to the 2008 Democratic Party Platform, “(t)he vast majority of Muslims believe in a future of peace, tolerance, development and democratization...To empower the forces of moderation America must live up to our values, respect civil liberties, reject torture, and lead by example.”
- The 2008 Republican Party Platform asserted: “The struggle in which we are engaged is ideological, not ethnic or religious. The extremists we face are abusers of faith, not its champions. We appreciate the loyalty of all Americans whose family roots lie in the Middle East, and we gratefully acknowledge the contributions of American Arabs and Muslims, especially those in the Armed Forces and the intelligence community.”

Additional Examples of Anti-Muslim Bigotry During the 2008 Presidential Election Cycle

- Republican Presidential Candidate Mike Huckabee hired Jim Pinkerton as an advisor to his campaign. Pinkerton is known for advocating putting “a cop in front of every mosque” in America “just for safekeeping.”³²
- In a July telephone interview, Colonel Bud Day, described by CNN as a “leading John McCain surrogate” said, “The Muslims have said either we kneel or they’re going to kill us...I don’t intend to kneel and I don’t advocate to anybody that we kneel, and John doesn’t advocate to anybody that we kneel.”³³
- That same month, South Carolina State Senator Kevin Bryant posted a picture of a t-shirt on his blog that depicted Barack Obama and Osama Bin Laden with the text, “The difference between Obama and Osama is just a little B.S.” Bryant later removed the photograph from his blog and stated that it was meant “for satire.”
- In September, during a speech at the Republican National Convention, former New York City mayor Rudy

31 American News Project interview 10/2008

32 CAIR op-ed as published in the Chicago Tribune, 2/24/2008

33 <http://politicalticker.blogs.cnn.com/tag/cnns-shirley-zilberstein/>, accessed 7/14/2009

Giuliani claimed that the term “Islamic terrorists” is insulting only to terrorists. Saqib Ali, a member of the Maryland House of Delegates, disagreed, saying it insulted “all hard-working, loyal, Muslim-Americans.”³⁴

- The only presidential candidate known to have personally visited a mosque during the campaign was Democrat Dennis Kucinich.
- In the Republican primary race for Colorado’s 6th House District, candidate Joshua Sharf repeatedly attacked his opponent’s Muslim faith and referred to her as an “Islamist” and “terror apologist.”
- In Minnesota’s 5th Congressional District, challenger Barb Davis White referred to the incumbent’s Muslim faith saying, “We took them out in the Barbary Coast and we’re going to take them out now.”

In October, an *Associated Press* reporter called the Muslim community during the 2008 Presidential election: “Lepers. Untouchables. Politically radioactive.” The report included a quote from an American Muslim that “Muslim or Arab is

³⁴ New York Times, 9/08/2008

seen as a scarlet letter, political leprosy, kryptonite. There is that taint there. We’re the lowest of the low.”³⁵

Muslim activist Safiya Ghori told the *New York Times*, “The joke within the national Muslim organizations is that we should endorse the person we don’t want to win.”

Despite the sting many Muslims felt as a result of being ignored in the 2008 presidential election, the presence of two Muslims in the U.S. Congress, both elected post-9/11, presents the community with a real sense of opportunity. American Muslims must recognize that prejudice is an unfortunate chapter in every American minority group’s history as it emerged into the American political landscape. But history has also shown that through organizing and participating in the political process, a minority group will eventually emerge as a unique contributor.

³⁵ Associated Press, 10/23/2008

“We have come a long way in this country. In 2000, Al Gore chose Joe Lieberman as his running mate, calculating that America’s long bigotry toward Jews had receded. In this year’s campaign, Mitt Romney’s Mormonism drew only token attention. The 2008 race has featured not one but two high-profile female candidates. And the notion that an African American may well become our next president can still take your breath away. Amid all of this, anti-Islamic bigotry remains. It would behoove all of us to heed Powell’s example and challenge such prejudice wherever we find it, swiftly and sincerely.”

-Concord Monitor, 10/22/2008

CAIR and the 2008 Election

In an effort to encourage Muslim Americans nationwide to participate in the national presidential elections, CAIR 1) held candidate forums, 2) distributed voter guides, 3) organized voter registration drives, 4) hosted political participation workshops in mosques, 5) sponsored meetings with elected representatives, 6) participated in get-out-the-vote drives, and 7) urged American Muslims to vote as a positive response to Islamophobia in the election campaign.

CAIR’s 2008 election site contained perhaps the most comprehensive picture of the successes and concerns of the community in the campaign season. The site included: frequent updates on media reports, original content in the form of opinion articles, a list of Muslims who ran for public office and a record of anti-Muslim rhetoric throughout the primaries and general election.

The site also included a universal voter guide that provided general information about the election, such as candidate positions and biographies, and voter guides specific to twenty states and the District of Columbia to inform citizens of polling times and locations, absentee voting, and voter rights in their places of residence.

Some specific highlights of CAIR’s work in furthering American Muslim civic participation include the following:

- In total, CAIR affiliate chapters organized 123 specific voter registration drives and held numerous voter registration efforts at community functions.
- CAIR-Cleveland held Get-Out-The-Vote calling drives during Ohio’s primary, reaching some 4,000 Muslim voters.

- In the course of five voter drives, CAIR-San Francisco Bay Area registered over 400 new voters.
- CAIR-Los Angeles brought Rep. Andre Carson (D-IN), a Muslim Member of Congress, to host a candidate’s night in California.
- CAIR-Nevada addressed 2,000 people at a citizenship ceremony on the importance of uniting as Americans and the importance of voting.
- CAIR-Oklahoma participated in a candidate forum that drew over 800 Oklahomans.

CAIR conducted 42 civic participation trainings for the community nationwide. These courses are intended to provide specific, roll-up-your-sleeves-and-get-involved information on election participation as well as advocating issues to officials once they are in office. Five additional youth-specific forums were held in California, Illinois, Washington state, Texas and New Jersey.

You can get a copy of the Civic Participation Handbook on CAIR’s website, here:

http://www.cair.com/Portals/0/pdf/CAIR_Civic_Guide.pdf

The organization worked with like-minded groups to bring candidates to speak directly to the community in California, Florida, New Jersey, Ohio and Oklahoma.

OBSESSION: RADICAL ISLAM'S WAR AGAINST THE WEST

“*[Obsession]*...is designed to make naive Americans believe that B-52s filled with radical jihadists are about to carpet-bomb their churches...”

-Jeffrey Goldberg, *The Atlantic*, 10/27/2008



Obsession: Radical Islam's War Against the West, is a 2005 work of anti-Muslim propaganda filmed and produced by The Clarion Fund. In an unprecedented campaign, the Clarion Fund distributed approximately 28 million copies of the DVD in 14 states, mainly

key presidential election battleground states, in the months immediately preceding the 2008 presidential election.

Little noticed upon its initial 2005 release, the 2008 distribution garnered massive attention, much of which was negative.

CAIR acted quickly following reports of the DVD's distribution; the organization's critical analysis of the film and its suspicious distribution was strongly featured in ensuing press reports.

CAIR called on anyone who received the *Obsession* DVD as a paid ad in their newspaper to contact the paper's publishers to ask why they believed it was appropriate to profit from anti-Muslim hate.

The organization filed complaints with both the Internal Revenue Service and the Federal Election Commission as the film's distribution may have violated rules that The Clarion Fund must abide by as a tax-exempt organization. CAIR also worked in concert with interfaith partners, such as the Hate Hurts America Multifaith Community Coalition (HHA), a group of religious and civic organizations seeking to challenge hate speech in our society.

A number of newspapers that distributed copies of the DVD received an outpouring of negative feedback from readers of all faiths. Many newspapers refused to carry the DVD as an insert and there were reports of anti-Muslim bias related to the film's distribution.

According to an analysis of *Obsession* published on the "Obsession with Hate" website, the film employs two main tactics:

"First, it exploits Americans' unfamiliarity with Islam and Muslims to suggest that deviant groups are somehow representative of most, if not all, Muslims. It scours the Muslim world for bizarre incidents and falsely projects them as the accepted norm. It then concludes that the Muslim world is an overall radical hotbed that wishes death and destruction upon the West.

"In fact, while the Muslim world has its share of fanatics, they comprise a tiny fraction of the population and are highly at odds with a mainstream society that aspires to peace and prosperity.

"Second, 'Obsession' exploits the legitimate apprehension that many feel in this country as a result of 9/11 and attempts to instigate a state of full-blown hysteria. Only widespread hysteria could make questionable military excursions such as the Iraq occupation a possible sell yet again.

"In fact, America faces no imminent threat from Muslim nations, who are themselves wary of the minority radicals in their midst. No Muslim nation has ever attacked our homeland, and none is likely to ever initiate such an attack."³⁶

The film includes interviews with post-September 11 opportunists such as Brigitte Gabriel, Walid Shoebat, Daniel Pipes, and Steven Emerson.

- Brigitte Gabriel was described by the *New York Times Magazine* as a "radical Islamophobe."³⁷
- Walid Shoebat has said that he sees "many parallels between the Antichrist and Islam."³⁸
- Daniel Pipes, who has written in favor of the internment

³⁶ <http://www.obsessionwithhate.com/>, accessed 6/24/2009

³⁷ *New York Times*, 8/21/2008

³⁸ *Springfield News-Leader*, 9/24/2007

of Japanese-Americans during World War II,³⁹ once said: "Western European societies are unprepared for the massive immigration of brown-skinned peoples cooking strange foods and maintaining different standards of hygiene...All immigrants bring exotic customs and attitudes, but Muslim customs are more troublesome than most."⁴⁰

• Steven Emerson was the so-called "terrorism expert" who initially blamed Muslims for the 1995 bombing of the Murrah Federal Building in Oklahoma City. He told CBS News the bombing was a reflection of "a Middle Eastern trait."⁴¹ As early as 1991, the *New York Times Book Review* said Emerson's work was "marred by factual errors... that betray an unfamiliarity with the Middle East and a pervasive anti-Arab and anti-Palestinian bias."⁴²

Dr. Khaleel Mohammed, a Muslim interviewee for the film now calls the production a "vile piece of propaganda." In a statement sent to the website www.obsessionwithhate.com,

"The big unknown here is who is donating all the money? Who is paying for this mass mailing? Twenty-eight million DVDs, seventy newspapers, that takes cold hard cash."

-CNN Reporter Deborah Feyerick

Dr. Mohammed said: "Sadly, it would seem that I have allowed myself to be used."⁴³

The distributor of the film, the Clarion Fund, is a non-profit group with shadowy roots and questionable motives. According to the *Associated Press*, the group "has declined to identify all of its board members or the sources of its funding..."⁴⁴ In 2008, the Federal Election Commission (FEC) investigated the mass distribution of the film. The FEC's report alluded to the involvement of a man "...operating under the alias Peter Mier (whose true identity remains unknown)..."⁴⁵

According to the *St. Louis Post-Dispatch*, "The Clarion Fund is affiliated with Aish HaTorah, an orthodox Jewish education network based in Jerusalem. It is listed as a 'foreign not-for-profit' organization by the New York secretary of state's office."⁴⁶

An investigative piece published by the *St. Petersburg Times*⁴⁷ found that, "[t]here are a number of connections be-

³⁹ <http://www.danielpipes.org/2309/why-the-japanese-internment-still-matters>, accessed 6/24/2009

⁴⁰ *National Review*, 11/19/1990

⁴¹ *CBS News*, 4/19/95

⁴² *New York Times Book Review*, 5/19/1991

⁴³ <http://www.obsessionwithhate.com/thepundits.php#khaleel>, accessed 6/24/2009

⁴⁴ *Associated Press*, 10/04/2009

⁴⁵ *Factual and Legal Analysis re: MUR 6080, Federal Election Commission*, 4/01/2009

⁴⁶ *St. Louis Post-Dispatch*, 10/28/2009. Foreign in this instance means not of that state.

⁴⁷ *St. Petersburg Times*, 9/26/2008

tween the Clarion Fund and a well-known organization called Aish HaTorah, an international charity founded in Israel in the 1970s." The *St. Petersburg Times* writer went on to report:

- "Clarion's address, according to Manhattan directory assistance, is the same address as Aish HaTorah International, a fundraising arm of Aish HaTorah."
- "Two of the three Clarion Fund directors at the time of its incorporation in November 2006 appeared as Aish employees on Aish web sites at the same time. The third appeared on the Aish executive committee."
- "It is not clear who paid for the extensive mailing of the DVD from Freeport, N.Y. The permit number belongs to Clarion Fund, but Clarion Fund had no money in its bulk-mail account, according to postal administrators."

What does remain clear, however, is that people of all faiths have been unabashedly vocal in their condemnation of the documentary. Howard Gordon, the executive producer of Fox's drama "24," withdrew his endorsement of the film because "the goal of co-existence and tolerance is not being served by films like *Obsession*."

California Rabbi Steven Jacobs told a Clarion Fund employee, "If you think your film is so righteous that it doesn't set up Jew against Muslim you are particularly naive."⁴⁸ Rabbi Haim Beliak of Jews on First and an HHA member said: "That many of the spokespeople in this anti-Muslim hate film are uninformed Evangelical Christian and Jewish extremists—religious and otherwise—adds to the burden of refutation placed on the shoulders of all clergy, journalists and academics."⁴⁹

The pro-Israel think tank the Endowment for Middle East Truth (EMET) pulled out of "The Obsession Project."

While not explicitly stated, it is felt by many that the movie was intended to persuade voters to vote for the Republican candidate, John McCain, in the 2008 presidential election. Larry Sabato, a political observer and director of the Center for Politics at the University of Virginia stated "[i]t's pretty obvious that the group sponsoring it wants people to think more about terrorism, about national security, about Middle East politics and maybe less about the economy. Well, that obviously favors one side — the Republicans."⁵⁰ In referring to the *Obsession* DVD, the editorial page editor of the *Palm Beach Post* agreed, writing: "Last week, an ad for John McCain came with *The Post*. But it wasn't labeled as an ad for John McCain..."⁵¹ *Newsweek* also concluded, "[*Obsession's*] arrival on the eve of the election was clearly intended to scare voters into supporting McCain..."⁵²

⁴⁸ <http://www.youtube.com/watch?v=C7sdHWk1Q8>, accessed 6/24/2009

⁴⁹ CAIR Press Release, 9/24/2008

⁵⁰ <http://www.cnn.com/2008/US/10/14/muslim.dvd/index.html>, accessed 7/14/2009

⁵¹ http://www.palmbeachpost.com/search/content/opinion/epaper/2008/09/21/a16a_schultz_col_0921.html, accessed 7/14/2009

⁵² *Newsweek*, 11/07/2008

“Time and again, I’ve been cleared for entry into the United States. So why does my name remain on the list? Will I have to go through this for the rest of my life? In desperation, I always ask airport-security officers how my name can be removed. I’ve heard it all, from writing my congressman (as if that would do any good) to filling out a form (never mind that no one has been able to produce the document or tell me where I can find it). The most honest answer came from a young Afghan American officer at Dulles a couple of weeks ago: There’s absolutely nothing you can do.”

-Juan Fernando Gamez, Washington Post, 12/28/2008

“Profiling is simply not good law enforcement.”

-Attorney General Eric Holder, 5/07/2009. He was responding to a question about racial profiling posed by Sen. Frank Lautenberg (D-NJ).

In April, 2003, the Government Accounting Office (GAO) issued a report that identified no fewer than 12 separate terrorist-related watch lists. These included the aviation lists well-known to today’s airline passengers as the No Fly and Selectee lists.

In September of that year, President Bush signed Homeland Security Presidential Directive-6 (HSPD-6), which resulted in the creation of the Terrorist Screening Center (TSC). “The goal,” according to the GAO, “was to create a unified, unclassified terrorist watch list, not to replace existing watch lists.”⁵³

According to the TSC’s website, “The Terrorist Screening Center (TSC) maintains the U.S. government’s consolidated Terrorist Watchlist—a single database of identifying information about those known or reasonably suspected of being involved in terrorist activity.”⁵⁴ This consolidated watch list is known as the Terrorist Screening Database (TSDB).

The TSDB is “used to generate the Federal Aviation Administration’s No Fly List and many other intelligence, border security and law enforcement watch lists.”⁵⁵

Civil liberties groups and advocates severely criticize the

⁵³ Review of the Terrorist Screening Center, U.S. Department of Justice Office of the Inspector General Audit Division, 6/2005

⁵⁴ <http://www.fbi.gov/terrorinfo/counterrorism/tsc.htm>, accessed 8/10/2009

⁵⁵ Memo from subcommittee staff to Subcommittee on Investigations and Oversight Chairman Brad Miller, 8/21/2008

constitutionality of government watch lists, but perhaps the most scathing criticism originates from passengers who are inexplicably forced to delay or cancel their travel plans.

In 2008, two separate government reports, one produced by the Department of Justice’s Inspector General and another produced for the office of the Director of National Intelligence, found that “the government is still struggling to establish a uniform procedure to put people on its master watch list of known or suspected terrorists.”⁵⁶

Covering one of the reports, the *New York Times* noted that, “...the Justice Department released a report that said that the Federal Bureau of Investigation improperly kept nearly 24,000 people on a terrorist watch list based on outdated or sometimes irrelevant information, while it missed others with legitimate terror ties.”⁵⁷

During a House Judiciary Committee oversight hearing in May, 2008, Rep. Louie Gohmert (R-TX) cited the following data from one of the reports: “In 8 percent of closed terrorism cases, [the FBI] failed to remove subjects from the watch list, and that when the FBI removed a subject from the watch list, 72 percent of the time it was untimely.”⁵⁸

The Raw Story reported that, “[a]s of 31 December 2008, 1.1 million records exist on the government’s combined

⁵⁶ Washington Post, 3/18/2008

⁵⁷ New York Times, 5/06/2009

⁵⁸ Political Transcript Wire, 5/20/2009

watch list...”⁵⁹ This number includes multiple, deliberate misspellings of some names and aliases.

According to CAIR’s National Legislative Director Corey Saylor, over-inflated watch lists are likely to undermine the confidence of those who use them. “TSA Screeners,” Saylor said, “cannot help but question the list’s validity as they pull toddlers, the elderly, members of Congress and others—including veterans returning from serving our nation overseas—from line for additional screening. At what point do they begin to lose faith in the list’s integrity?”

CAIR receives many complaints from constituents who feel that they may be on a government watch list because they have experienced one or more unexplained delays for additional screening, questioning, and/or an unexplained search and seizure of their property while traveling.

In 2008, a Muslim family reported to CAIR that they continuously experienced delays and secondary screening by TSA each time they traveled across a U.S. border from an overseas trip. On one occasion, their electronic equipment was confiscated and held for several months. After CAIR repeatedly called the FBI field office, the equipment was returned to their home. CAIR filed a number of Freedom of Information Act requests with government agencies and is

⁵⁹ *The Raw Story*, 5/06/2009

also aiding the family to determine if any of their names are listed on a government watch list, and if so, what they can do to have them removed.

Pilot, first Gulf War veteran and convert to Islam Erich Scherfen found that his job was endangered after his employer informed him that his name was included on a government watchlist. Mr. Scherfen filed suit against his employer and was allowed to resume flying. The case is still pending.

Some other famous watch listed names include U.S. Senator Ted Kennedy (D-MA), U.S. Representative John Lewis (D-GA), Nobel Peace Prize Recipient Nelson Mandela (who was removed from the list only after the intervention of Secretary of State Condoleezza Rice), Drew Griffin of CNN who maintains that his name was added after he conducted a series of reports criticizing the No Fly list⁶⁰ and James Moore allegedly began suffering security nuisances while traveling after he co-authored a book critical of Karl Rove.

⁶⁰ Griffin has experienced no problems with being watch listed after Rep. Sheila Jackson Lee (D-TX) asked DHS Secretary Chertoff about the issue during a congressional hearing.

“[A]fter reviewing the plain language of the [Foreign Intelligence Surveillance Act] statute, and the order issued yesterday by the President ...and in the absence of further clarification of the legality of the program from the Attorney General, I am forced to withdraw the FBI from participation in the program. Further, should the President order the continuation of the FBI’s participation in the program, and in the absence of further legal advice from the AG, I would be constrained to resign as Director of the FBI.”

—FBI Director Mueller expressing his concerns over the Presidential Surveillance Program (PSP) authorized by President Bush. The letter was never sent, but reflects Mueller’s—and other high ranking officials—concerns over the legality of the program.

Fear of government surveillance ranks consistently high as a key concern in the American Muslim community. Two main themes emerge as CAIR constituents voice their concerns to the organization’s staff: mosque surveillance and the warrantless wiretapping component of the Presidential Surveillance Program.

Mosque Surveillance

In early 2003, CAIR called on the Department of Justice to rescind a new policy directive that would have FBI field offices count local mosques to determine goals for counter terrorism investigations and secret wiretaps. According to news reports, FBI field offices nationwide were to develop demographic profiles of their regions, including the number of local mosques. The profiles would then be used to set specific numerical goals for investigations and wiretaps in each area. If field offices did not meet their goals, they may have been subjected to special reviews by teams from FBI headquarters.

In 2005, CAIR’s Sacramento Valley office reported that it was receiving a large number of complaints of inappropriate conduct by law enforcement officials including threats of arrest or deportation used to coerce cooperation, unnecessary use of force, denial of medical treatment, and constant FBI surveillance of regular mosque attendees.

In November of 2006, leaders of the American Muslim and Arab-American communities met with FBI Deputy Director John Pistole in Washington, D.C., to discuss concerns about the secret monitoring of radiation levels at Muslim homes, businesses and mosques nationwide.

Immediately following the revelation of the radiation monitoring program, CAIR held a news conference at its Capitol

Hill headquarters to offer the reaction of Muslim and inter-faith leaders. CAIR later announced the filing of a Freedom of Information Act (FOIA) request for all government records relating to the secret government program.

An ill-conceived “mapping” program brought forth by the Los Angeles Police Department was abandoned after community protests in 2007. On its surface, the proposal appeared to be a legitimate law enforcement measure. However, the “mapping” program was based on the faulty premise that the local Muslim community was more prone to committing acts of violence than people of other faiths or ethnicities. It sought to map out Muslims according to factors such as which websites they visited, what mosques they attended, which Islamic schools of thought they followed, who they interacted with and their income levels. The proposed project would have inevitably infringed on the First Amendment rights of law-abiding, peaceful citizens by holding them suspect based on legitimate religious and political views.

On May 22, 2008, the *San Diego Union-Tribune* reported that court records and investigative reports obtained in an investigation into a “group suspected of stealing secret files” from Camp Pendleton “...reveals that a mosque in San Diego’s Clairemont neighborhood was monitored by a federal surveillance program targeting Muslim groups.”⁶¹ The group consisted of military reservists and law enforcement officers.

CAIR-California, the Islamic Shura Council of Southern California and the ACLU jointly sent a letter to key Congressional leaders asking them to hold hearings on the Camp Pendleton security breach.

In 2009, a Marine gunnery sergeant pleaded guilty to leaking classified intelligence information to a detective with

⁶¹ San Diego Union-Tribune, 5/22/2008

the Los Angeles County Sheriff’s Department. A Marine reserve colonel, who was also a Los Angeles County Sheriff’s Department officer and co-founder of the Los Angeles Terrorism Early Warning Group, was also charged.

The ACLU has filed a Freedom of Information Act request “to determine if the intelligence including spying on civilians, particularly Southern California Muslims and their mosques.”⁶² The request is currently pending.

In early 2009, The New York chapter of the Council on American-Islamic Relations (CAIR-NY) called on the FBI to confirm or deny a claim by Rep. Peter King (R-NY) that “a number” of Long Island mosques are under law enforcement surveillance. In a *Newsday* interview, King said, “right now there are a number of [Long Island] mosques under surveillance by law enforcement agencies.” King also claimed the mosques have been under surveillance “for four or five years.”⁶³

In responding to ongoing Muslim concerns about reports of informants and agents provocateurs being placed in American mosques, FBI spokesman John Miller stated recently: “The FBI does not investigate mosques, we investigate people.”⁶⁴ Similarly, at a Senate Judiciary Committee hearing, Sen. Russ Feingold (D-WI) asked FBI Director Robert Mueller “whether mosques have been entered by FBI agents or informants without disclosing their identities under the authority of the attorney general guidelines and, if so, how many?” Mueller stated: “I will say that we do not focus on institutions, we focus on individuals.”

Law enforcement authorities have every right to follow up on legitimate leads in any investigation, but a “round up the usual suspects” approach will only serve to intimidate those whose cooperation is sought.

Warrantless Wiretapping

In late 2005, the *New York Times* revealed that President Bush had initiated a classified program that “authorized the National Security Agency to eavesdrop on Americans and others inside the United States to search for evidence of terrorist activity without the court-approved warrants ordinarily required for domestic spying...”⁶⁵ This warrantless wiretapping was one aspect of a series of surveillance actions authorized by President Bush known as the President’s Surveillance Program (PSP).

At the time, the Foreign Intelligence Surveillance Act (FISA) of 1978 prohibited domestic spying without a warrant from a special court established by the law.

In a startling failure of traditional peer review process-

⁶² Los Angeles Times, 6/12/2009

⁶³ Newsday, 4/18/2009

⁶⁴ Washington Post, 3/28/09

⁶⁵ New York Times, 12/16/2005

es, John Yoo—now famous as the author of the “torture memos”—was the “single [Department of Justice Office of Legal Counsel] attorney to draft the legal rationale for the program.”⁶⁶

Summing up the conclusions in a 2009 report on the PSP produced by the Inspectors General of multiple federal agencies, Center for Democracy & Technology Senior Counsel Gregory Nojeim said:

“The report shows that Administration officials held information about the surveillance program so closely that many intelligence personnel who might have used the information it produced never received it, and those who did often could not judge the value of what they received because it lacked context. It also shows that claims about its effectiveness were exaggerated. Officials had difficulty ascribing counterterrorism successes to the program, and frequently characterized it as no more than one of many counterterrorism tools at their disposal.”

Shortly after revelations of the program, the ACLU led a lawsuit challenging it. The plaintiffs in the ACLU lawsuit included CAIR, the American Civil Liberties Union Foundation, the National Association of Criminal Defense Lawyers, the environmental advocacy group Greenpeace, award-winning author James Bamford, Larry Diamond of the Hoover Institution at Stanford University, author Christopher Hitchens, American Prospect Senior Editor Tara McKelvey, and Barnett Rubin, a senior fellow at the New York University Center on International Cooperation.

In part the ACLU lawsuit stated:

“[M]embers of the American Muslim community, many of whom are members of CAIR, are engaged in efforts of commerce, education and social services with individuals and institutions in the Muslim world. The work of the American Muslim community in being able to engage freely in commerce, education and social services in the Muslim world is a vital part of building bridges between America and the Muslim world and thus, is integral to America’s national security and vital interests.”

“The First and Fourth Amendment protections of free speech and freedom from unreasonable searches and seizure are hallmarks of the Constitution that should not be tossed aside so casually by any branch of our government,” said then CAIR Board Chairman Parvez Ahmed. “CAIR joined this lawsuit to protect the legal foundation of America and the civil rights of all its citizens.”

In 2006, CAIR and other civil rights groups scored an initial victory when a federal judge ruled that the U.S. government’s domestic eavesdropping program violated freedom

⁶⁶ Unclassified Report on the President’s Surveillance Program, Prepared by the Offices of the Inspectors General of the Department of Defense, Department of Justice, Central Intelligence Agency, National Security Agency and Office of the Director of National Intelligence, 7/10/2009

of speech and privacy rights. The judge also ruled that the wiretapping violated the separation of powers doctrine mandated by the Constitution and ordered an immediate halt to the program.

Later, judges of the Sixth Circuit Court of Appeals dismissed the suit. The dismissal was not a judgment on the legality of the program, rather it rejected the suit because none of the plaintiffs could demonstrate that they had indeed been subjects of the secret surveillance program.

In December 2006, CAIR filed a Freedom of Information Act (FOIA) request for all government records relating to President Bush's post-9/11 executive orders authorizing electronic surveillance of Americans and others in the United States without first obtaining court approval, as required by the Foreign Intelligence Surveillance Act (FISA). CAIR had also called for the appointment of a special counsel to investigate revelations that the National Security Agency (NSA) had built a giant database of Americans' phone records.

In August 2007, Congress passed the Protect America Act. "The bill," reported the Washington Post, "would give the National Security Agency the right to collect such communications in the future without a warrant. But it goes further than that: It also would allow the monitoring, under certain conditions, of electronic communications between people

on U.S. soil, including U.S. citizens, and people 'reasonably believed to be outside the United States,' without a court's order or oversight."⁶⁷ Since the bill came up for approval on the eve of a major election and in an atmosphere that implied opposition to it signaled Congressional weakness on counterterrorism issues, the bill faced little opposition.

In 2008, CAIR called on its supporters to oppose any language in the FISA Amendments Act that endorsed unchecked domestic surveillance programs and retroactive immunity for telecom companies that may have aided such surveillance. However, passage of that bill again expanded warrantless surveillance powers and granted retroactive immunity to telecom companies for participating in the program.

⁶⁷ Washington Post, 8/05/2007

ATTORNEY GENERAL MUKASEY'S GUIDELINES

"Men may be without restraints upon their liberty; they may pass to and fro at pleasure: but if their steps are tracked by spies and informers, their words noted down for crimination, their associates watched as conspirators -- who shall say that they are free?"

-Sir Thomas May, as quoted in the Church Committee Report, a product of a Senate investigation into law enforcement power abuses in the 50's and 60's

In the waning days of the Bush administration, Attorney General Michael Mukasey implemented new guidelines to oversee domestic FBI investigations.

Such guidelines were originally implemented in 1976 by then Attorney General Edward Levi. The 1976 guidelines came at the same time that the Church Committee's investigations were shedding light on a number of abuses of power by law enforcement agencies, including that for a 15-year period the FBI "conducted a sophisticated vigilante operation aimed squarely at preventing the exercise

of First Amendment rights of speech and association...."⁶⁸In congressional testimony prior to the release of the first guidelines, Attorney General Levi stated that the guidelines "proceed from the proposition that Government monitoring of individuals or groups because they hold unpopular or controversial political views is intolerable in our society."⁶⁹

While the Justice Department did consult with elected officials and civil liberties groups on the 2008 version of the

⁶⁸ Supplementary Detailed Staff Reports on Intelligence Activities and the Rights of Americans, Book 3, Final Report of the Select Committee to Study Governmental Operations with Respect to Intelligence Activities, United States Senate, 4/23/1976

⁶⁹ Special Report: The Federal Bureau of Investigation's Compliance with the Attorney General's Investigative Guidelines (Redacted) issued by the Department of Justice Office of the Inspector General, 9/2005

guidelines, many feel that a real opportunity to review the draft changes was not offered and substantive proposed changes were not incorporated.

A letter to AG Mukasey signed by Senators Durbin (D-IL), Kennedy (D-MA) and Feingold (D-WI) noted: "...you have only permitted members of Congress, congressional staff and a small number of advocacy groups to review the guidelines for limited periods of time in the presence of Justice Department personnel."⁷⁰

Upon the final release of the new guidelines, Senator Dick Durbin said: "The Justice Department claims that they consulted with Congress, but they made only cosmetic and superficial changes and ignored all of the significant changes we suggested, including prohibiting racial profiling and requiring some factual basis for FBI surveillance."⁷¹

The ACLU concurred, issuing a releasing saying that they were "invited to the Department of Justice to review and comment on the guidelines during the drafting process, although not allowed to take a copy of the draft guidelines. The final version, however, lacks the changes requested by not only the ACLU but members of Congress and the American people."⁷²

The newly implemented guidelines consolidate previously existing guidelines. This beneficial aspect of the new guidelines is undermined by three significant civil liberties concerns.

The guidelines:

1) **Allow Investigations Without Suspicion** - The Electronic Frontier Foundation (EFF) has reported: "The new guidelines, inter alia, give the FBI the authority to open investigative 'assessments' of any American without any factual predicate or suspicion. Such 'assessments' allow the use of intrusive techniques to

⁷⁰ Letter to Attorney General Michael Mukasey, 9/23/2008

⁷¹ Durbin Statement on Announcement of New FBI Guidelines, 10/03/2008

⁷² American Civil Liberties Union, Fact Sheet - New Attorney General Guidelines, 10/08/2008

surreptitiously collect information on people suspected of no wrongdoing and no connection with any foreign entity. These inquiries may include the collection of information from online sources and commercial databases, and the use of grand jury subpoenas to obtain telephone and e-mail subscriber information."⁷³

2) **Reduce Oversight** - The Center for Democracy and Technology (CDT) has reported: "...FBI field offices do not have to report the opening of most preliminary investigations to FBI headquarters, even though the preliminary inquiries can use all investigative techniques except wiretaps and physical searches requiring a search warrant. Likewise, field offices do not have to report the opening of full national security investigations unless they pertain to a U.S. citizen of lawful permanent resident. Even when notification is required under the new guidelines it need not be timely."⁷⁴

3) **Open the Door to Racial or Religious Profiling** - The Constitution Project has reported: "The new guidelines 'Do not authorize any conduct prohibited by the Guidance Regarding the Use of Race by Federal Law Enforcement Agencies.' That sounds nice but the Guidance Regarding the Use of Race by Federal Law Enforcement Agencies included an exemption for national security and border integrity investigations. By erasing the line between criminal investigations and national security investigations the guidelines open the door to racial profiling."⁷⁵ "In testimony regarding the new Guidelines, FBI officials have confirmed that race, religion, ethnicity and national origin can be used as 'a' factor in determining whether a person is subject to investigation, though not the 'sole' factor."⁷⁶

⁷³ http://www.eff.org/files/filenode/FBI_guidelines/fbi_diog_complaint_final.pdf, accessed 8/06/2009

⁷⁴ Center for Democracy & Technology, Policy Post 14.16, 10/29/2008

⁷⁵ American Civil Liberties Union, Fact Sheet - New Attorney General Guidelines, 10/08/2008

⁷⁶ The Constitution Project, "Liberty and Security: Recommendations for the Next Administration and Congress"

CONCLUSIONS

“CAIR exists to uphold the right to liberty that Americans are guaranteed under the Constitution. We will challenge any attempts to erode constitutionally-protected liberties. We will also continue to work to ensure that American Muslims play a positive and productive role in our society.”

-CAIR Board Chairman and North Carolina State Senator Larry Shaw

The government’s ability to conduct surveillance without adequate oversight or control has expanded and shows no immediate sign of contracting. In their places of worship, on the telephone and in their private affairs, large numbers of Muslims continue to report fear that protected speech and constitutionally-sanctioned political activity will leave them with a Suspicious Activity Report on some government official’s desk. As one survivor of the Soviet occupation of Afghanistan put it, “I feel like it’s 1980 in Kabul all over again.” Others who gratefully immigrated to America to escape repressive regimes have expressed similar sentiments.

Near unchecked expansion of watch lists strongly contributes to the “flying while Muslim” phenomenon. The ongoing problems for those who have had their names added to government watch lists coupled with the absence of meaningful methods to address their complaints are unacceptable in a free society. It is inexcusable that Nobel Peace Prize winner Nelson Mandela was forced to call upon the Secretary of State to have his name removed from an American watch list.

As reported, last minute alterations to the Attorney General’s Guidelines allow for investigative “assessments” of individuals or groups without any accompanying factual predicate. This, along with less oversight and profiling factors having a role in investigations, sounds a warning bell.

While we believe in the sincerity of the vast majority of our nation’s law enforcement professionals, there is great wisdom in the Founding Fathers’ creation of separate branches of government whereby one branch of government is constitutionally permitted to limit the actions of another, in a system of checks and balances. Distrust of unchecked authority lies at the core of America’s founding. In this light

the reduced oversight that accompanies the new guidelines is troubling.

CAIR’s advocacy model—working closely with media and providing direct services to local Muslim communities—continues to pay dividends. Indeed, our track record of success solidly repudiates extremist arguments that Muslims cannot get fair treatment in our nation.

Observing a second year’s decline in reported hate crimes, CAIR reaffirms its cautious optimism that America may be witnessing a leveling-off of the post-9/11 backlash against Americans of the Islamic faith. This hope is greatly welcome.

At the same time, the reported increases in incidents at Muslim institutions and at schools remind us that continued vigilance, education and unapologetically assertive efforts to combat bigotry are necessary.

CAIR applauds the vast number of sincere public servants, both elected and career, trying to balance our nation’s liberty and security needs. It is possible that their efforts are contributing to the reduction in the number of complaints CAIR receives involving government agencies.

The 2008 election showed an emerging trend toward mainstream willingness to reject Islamophobia. As this report illustrates, this trend is tempered by the reality that powerful influencers can use the premise that “friendliness to Muslims equals weakness on national security” to troubling effect. This was clearly demonstrated by the anti-Muslim propaganda film *Obsession*. The distribution of that film revealed that “fear-for-votes” efforts can draw large amounts of financial support.

CAIR RECOMMENDATIONS

“... (T)he Council on American-Islamic Relations has emerged as a vigilant force against discrimination against Muslims.”

(Source: East Valley Tribune, 1/19/2008)

CAIR’s Recommendations to the Obama Administration

1. Review and Revise the Attorney General Guidelines Issued by AG Mukasey in Late 2008

In a letter to the Chairman of the Senate Select Committee on Intelligence, the General Counsel of the FBI committed to a review of the guidelines after one year.⁷⁷ Without implying any doubt of the General Counsel’s integrity, CAIR believes this review is better conducted by a more disinterested party such as the Department of Justice’s Inspector General.

Significant concerns have been raised that the guidelines allow investigative “assessments” without factual predicate or suspicion, that they reduce oversight and that they open the door for racial or religious profiling. Given that a 2008 Inspector General report found that the FBI “privacy abuse continued to rise in 2006”⁷⁸ and the below cited 2005 report found troublingly high compliance errors in the use of confidential informants we believe this oversight is crucial.

2. Revisit the Department of Justice’s 2005 Inspector General’s Report “The Federal Bureau of Investigation’s Compliance with the Attorney General’s Investigative Guidelines”

In 2005, DOJ Inspector General Fine “found significant problems in the FBI’s compliance with [Attorney General’s Guidelines Regarding the Use of Confidential Informants] provisions...In total, we found one or more Guidelines compliance errors in 87 percent of the informant files we examined.” The report goes on to note, “The FBI also did not plan for, or provide, adequate training of agents, supervisors, and Confidential Informant Coordinators on informant policies and practices.”⁷⁹

Troubling revelations have emerged regarding the use of confidential informants in the Muslim community in recent months, in particular in Southern California. Given the rift these revelations have caused in Muslim-law enforcement relations and the extraordinarily high percent of compliance errors Inspector Fine found in 2005, we recommend this re-

port be updated and compliance with the guidelines again reviewed.⁸⁰

CAIR welcomed Attorney General Holder’s statement on “Department of Justice’s Outreach and Enforcement Efforts to Protect American Muslims” and present this as one opportunity to ensure that not only American Muslims are protected, but all Americans.

3. Reduce the Size of the Watch Lists, Implement Means for Effective Traveler Redress

The 1.1 million name Terrorist Screening Database needs to be reduced in size.

As this report goes to print the TSA is phasing in Secure Flight. CAIR will monitor the program to determine its impact on personal privacy and if it achieves its intended reduction in watch list mismatches.

A disinterested bi-partisan commission should be empowered to conduct a review of the Terrorist Screening Database to determine if some names were nominated for reasons other than National Security. The cases of author James Moore and CNN reporter Drew Griffin serve as troubling examples.

4. Appoint and Empower the Privacy and Civil Liberties Oversight Board

The Board was recommended by the 9/11 Commission and authorized by Congress in the Intelligence Reform and Terrorism Prevention Act of 2004. The board as appointed by President Bush was widely considered disappointing and its lone Democrat resigned. In its Cyberspace Policy Review, the Obama Administration states, “It is important to reconstitute the Privacy and Civil Liberties Oversight Board (PCLOB), accelerate the selection process for its board members...”⁸¹

CAIR urges President Obama to quickly appoint a new board and asks that the Senate quickly confirms these appointees.

5. Have the President Make a Speech at or a High Profile Visit to an American Mosque

President Obama’s comprehensive, balanced and forthright address in Cairo covered almost all the bases in terms

⁷⁷ <http://intelligence.senate.gov/pdfs/1116.pdf>, accessed 8/14/2009

⁷⁸ Fox News.com, 3/13/2008

⁷⁹ The Federal Bureau of Investigation’s Compliance with the Attorney General’s Investigative Guidelines (Redacted), Department of Justice Office of the Inspector General, 9/2005

⁸⁰ <http://www.usdoj.gov/ag/speeches/2009/ag-speech-090604.html>, accessed 8/13/2009

⁸¹ http://www.whitehouse.gov/assets/documents/Cyberspace_Policy_Review_final.pdf, accessed 8/13/2009

of issues of concern to Americans, American Muslims and those in Muslim-majority nations. The president's call for a 'new beginning' in relations between the United States and Muslims worldwide was well-received by all people of good will. CAIR agrees with the president that the 'cycle of suspicion and discord must end.'

A speech or high profile visit to an American mosque would be a powerful message. As outlined in this report's section on the 2008 election, many observers noted a distancing between candidates for office and their Muslim supporters. While stops at diverse places of worship were commonplace in the Presidential race, only Democratic candidate Dennis Kucinich is known to have visited a mosque.

The symbolic importance of such a visit cannot be understated. As Dalia Mogahed of the Gallup Center for Muslim Studies, and more recently an appointee to the White House Advisory Council on Faith-Based and Neighborhood Partnerships, told a Senate Committee, "...Muslim Americans' legal and social welfare in their own country is viewed as a litmus test for America's position toward Muslims in general."⁸²

CAIR's Recommendations to the United States Congress

1. Pass the End Racial Profiling Act (ERPA)

According to the White House "President Obama and Vice President Biden will ban racial profiling by federal law enforcement agencies and provide federal incentives to state and local police departments to prohibit the practice."⁸³

The End Racial Profiling Act would require the following:⁸⁴

- Federal law enforcement agencies must maintain policies and procedures to eliminate racial profiling and eliminate any pre-existing practices of racial profiling.
- States and local governments applying for federal law enforcement assistance grants must certify that they maintain similar policies and practices to eliminate racial profiling. They must also establish procedures and programs for addressing complaints of racial profiling.
- The Attorney General must collect data on hit rates for stops and searches by law enforcement agents. He or she must also create grants to develop and implement best practice devices and systems to eliminate racial profiling.

2. Pass the Fair, Accurate, Secure, and Timely Redress Act of 2009 (FAST Redress Act of 2009)

The bill was previously passed easily in the House by a

vote of 413-3 and has since been waiting for in the Senate Committee on Commerce, Science, and Transportation.

According to Speaker of the House Pelosi's web page on Homeland Security legislation,⁸⁵ the FAST Redress Act of 2009:

- Enhances accountability by requiring the Department of Homeland Security (DHS) to establish a more effective redress process for individuals who have been misidentified by security personnel and therefore blocked from travel, through the establishment of the Office of Appeals and Redress at DHS.
- Also requires DHS to establish a Comprehensive Cleared List containing the names of all individuals who have been misidentified by security personnel but have subsequently been cleared.
- Requires DHS to ensure that the Comprehensive Cleared List is maintained by the Office of Appeals and Redress and is furnished to and used by all DHS components that perform screening.
- Requires DHS to also ensure that the Comprehensive Cleared List is furnished to all federal, state, local, and tribal agencies that use the terrorist watch list.

3. Refuse to Offer a Legitimizing Platform to Those Who Spout Anti-Muslim Bigotry

Free speech is essential in an open society. People of conscience must be willing to defend speech that repulses their humanity. However, we at CAIR believe that bigoted speech should be relegated to where it belongs- the fringes of society and out of serious policy discussion.

Thus when Rep. Paul Broun (R-GA) invited David Yerushalmi, the president and founder of the Society of Americans for National Existence (SANE) to speak in a U.S. House of office building, he legitimized a group that advocated imposing prison terms for "adherence to Islam" and questioned whether women and African-Americans should be allowed to vote. The *New York Jewish Week* newspaper reported that Yerushalmi "condemns democracy in the United States and, in comments that evoke classical anti-Semitic stereotypes, says he finds truth in the view that Jews 'destroy their host nations like a fatal parasite.'"⁸⁶

Equally, when Senator Jon Kyl (R-AZ) hosted Dutch politician Geert Wilders, who in 2007 wrote, "I have had enough of the Koran in the Netherlands. Ban that wretched book" at a closed-door screening of Wilders 17 minute anti-Islam film *Fitna* in a tax-payer funded Senate office building, the Senator presents Wilders with cover for his intolerance.

⁸² Testimony before the United States Senate Committee on Foreign Relations, 2/26/2009

⁸³ http://www.whitehouse.gov/agenda/civil_rights/, accessed 1/27/2009

⁸⁴ U.S. Library of Congress. Congressional Research Service. 110th Congress"S.2481 Title: A bill to prohibit racial profiling."

⁸⁵ <http://www.speaker.gov/newsroom/legislation?id=0275>, accessed 8/13/2009

⁸⁶ *New York Jewish Week*, (8/24/07)

CAIR's Recommendations to the American Muslim Community

1. Report any Anti-Muslim Incident or Concern to CAIR; Ensure that Such Incidents are also Reported to the Appropriate Authorities

The Leadership Conference on Civil Rights Education Fund recently reported that, "evidence strongly suggests a significant underreporting of hate crimes in the United States."⁸⁷ CAIR concurs. If you feel you are being discriminated against due to your faith, contact CAIR immediately by filing a complaint online at <http://www.cair.com/FileaComplaint.aspx> or by calling (202) 488-8787.

You can also obtain a copy of CAIR's "Muslim Community Safety Kit" which has been developed to better equip you and your community with the knowledge necessary to protect against anti-Muslim bigotry or attacks, and to secure your basic legal rights.

Download your copy of the "Muslim Community Safety Kit here:

<http://www.cair.com/ActionCenter/CommunityToolKit.aspx>

2. Connect Local Muslim Community Efforts with a National Organization

Many excellent local efforts are not fully capitalized on or integrated with larger national endeavors, frequently purely because the organizers are unaware of other's activities. We recommend that individuals, local and regional groups form partnerships or consider signing a Memorandum of Understanding with a national organization to synergize their work, inshaAllah granting all better results. Working with any one of CAIR's 35 local chapters may serve to further your cause.

3. Sponsor a CAIR "Know Your Rights and Responsibilities" Workshop in your Area

See the appendix of this report for more information on the workshop. To schedule one for your community or company, please contact info@cair.com or call (202) 488-8787.

4. Empower Your Community through Civic Engagement

CAIR offers civic participation trainings for those who are interested in improving the impact of the ideas and efforts. To schedule a training in your community call (202) 488-8787 or e-mail info@cair.com.

Download a copy of CAIR's Civic Participation Handbook, a manual designed to help you roll up your sleeves and start impacting the public sector here:

http://www.cair.com/Portals/0/pdf/CAIR_Civic_Guide.pdf

⁸⁷ *Confronting the New Faces of Hate: Hate Crimes in America*, Leadership Conference on Civil Rights Education Fund, 6/2009

5. Continue and Strengthen Outreach to Law Enforcement

In a 2004 press statement, Dr. Asma Mobin-Uddin of CAIR-Ohio said: "We would like to help law enforcement officials and Muslims have an appreciation for each other's needs and concerns. This way, we can improve understanding and cooperation between the groups."

American Muslims strongly support law enforcement and the protection of our national security. As Americans, we also value the civil rights of all Americans. All Americans have the constitutional right of due process and to be politically active.

If you know of any criminal activity taking place in your community, it is both your religious and civic duty to immediately report such activity to local and federal law enforcement agencies.

CAIR's Recommendations to Other Key Societal Influencers

1. Avoid Stereotyping of Muslims in Entertainment Media

Movie and television producers have historically portrayed Muslims and Arabs as one of the "Three Bs" --- billionaires, bombers or belly dancers. The seductive Arab/Muslim "Sheik" of Rudolph Valentino's day became the greedy, oil-rich "Sheik" of the '70s and '80s. Today's "Sheik" has been transformed into a wild-eyed "fundamentalist" terrorist leader. None of these portrayals comes close to describing the rich mosaic of Islamic culture.

A news article printed in 2008 tells the story of how actor Ahmed Ahmed was told by his agent, "If you don't call yourself Ricky, or Matt, or Dave you're never going to get work except as a terrorist."⁸⁸

In another 2008 article, Brookings non-resident scholar Cynthia Schneider noted that American popular culture's "influence far exceeds that of the U.S. government; yet its purpose is to entertain - not educate."⁸⁹ That same year, Schneider took part in a panel discussion host by the Writers Guild of America and Brookings Institution titled "Re-writing the Divide: Hollywood and the Muslim World."

CAIR supports the consensus reported to come out of that panel: "Hollywood has dealt in stereotypes for far too long, just as previous generations of filmmakers stereotyped Italians as gangsters or blacks as criminals or house servants. Since the news media has largely fallen down on the job of explaining Islam and the Middle East in terms of anything other than fear and confrontation, it is now up to the entertainment industry to fill the void."

⁸⁸ *The National*, 7/01/2008

⁸⁹ http://www.brookings.edu/opinions/2008/0903_islamic_world_schneider.aspx?rssid=schneiderc

CAIR urges those involved in entertainment media to promote positive portrayals of Muslims.

2. De-link Islam from Criminal Actions

We suggest removing labels such as “Islamic” or “Muslim” from terrorists or other criminals not because we worry about offending sensitivities, but because it serves the strategic purpose of isolating extremists and removing the false cloak of religiosity that they use to justify their barbarism.

Followers of the Christian Identity movement or the Army of God are not typically labeled “Christian terrorists.” Similarly, followers of the Jewish Defense League or Kahane Chai (Kach) are often not labeled as “Jewish terrorists.”

In January 2008, the Department of Homeland Security’s Office for Civil Rights and Civil Liberties published a guide called “Terminology to Define the Terrorists: Recommen-

dations from American Muslims,” and in March 2008, the National Counterterrorism Center produced a similar publication called “Words that Work and Words that Don’t: A Guide for Counterterrorism Communication.”

According to these recommendations, by using phrases such as “Islamic terrorism,” U.S. officials may be “unintentionally portraying terrorists, who lack moral and religious legitimacy, as brave fighters, legitimate soldiers or spokesman (sic) for ordinary Muslims.” Report authors also urged “caution in using terms such as ‘jihadist,’ ‘Islamist,’ and ‘holy warrior’ as grandiose descriptions,” to avoid associating acts of violence or terrorism with religious concepts.

GLOSSARY OF ISLAMIC TERMS

Allah - The most commonly used linguistic term for “God” in Arabic. The term translates as “The One” and has no plural. Allah is the same monotheistic God of Abraham worshipped by Christians and Jews.

Beard - Many devout Muslim men grow beards in observance of the tradition of the Prophet Muhammad. This tradition frequently involves allowing the bearding to grow long while keeping the moustache trimmed short.

Eid - Islamic holiday. There are two Eid celebrations each year. Eid al-Fitr is the holiday celebrating the end of Ramadan on the first day of the 10th lunar month of the Islamic calendar. Eid al-Adha, the most important Islamic holiday, commemorates the end of Hajj in Mecca, Saudi Arabia every year.

Hajj - A pilgrimage to Mecca, Saudi Arabia that is a once-in-a-lifetime obligation for Muslims who are physically and financially able to undertake this journey. The rituals of Hajj are a commemoration of the sacrifices of Prophet Abraham, his son Prophet Ishmael and his wife Hagar.

Halal - Permissible by Islamic law.

Hijab - Modest clothing that many Muslim women choose to wear in public. Generally, it involves loose-fitting clothes that cover the limbs and includes a head covering.

Imam - A prayer leader. Since Islam has no hierarchical authority or priesthood, a learned and respected Muslim chosen by each congregation leads the prayers.

Kufi - A cap worn by some Muslim men.

Masjid - The Arabic word for “mosque” - an Islamic house of worship. Plural: masaajid.

Niqab - A face veil.

Prayer - Muslims are commanded to perform five prayers each day at predetermined intervals. Muslims believe their prayers are a direct link with God. During the month of Ramadan, many devout Muslims also observe extended evening prayers.

Quran - Islam’s revealed text. It is considered by Muslims to be the final and literal word of God.

Ramadan - Every year in the Islamic lunar month of Ramadan, Muslims who are physically able are commanded by God to fast from the break of dawn until sunset, abstaining from food, drink and other sensual pleasures.

APPENDIX

“Know Your Rights” and Diversity Trainings

Know Your Rights

CAIR’s “Know Your Rights” training program is one of the most widely requested and beneficial workshops available for our community. This workshop familiarizes civilians with their constitutional rights and covers preventive measures against possible hate crimes and discrimination. “Know Your Rights” not only informs individuals how to identify when their civil rights are being violated, but also of the different courses of action that are available to pursue if this occurs. It addresses topics such as your rights as a student, an employee or an airline passenger and what you should know if the FBI contacts you.

The “Know Your Rights” program also focuses on building intercommunity bridges. It deals with developing positive relationships with law enforcement agents, meeting with elected officials to discuss community concerns, building coalitions with interfaith and minority groups and even reporting suspicious activities in the community. All of these skills can aid in clearing any misconceptions or notions of distrust within a neighborhood. CAIR’s “Know Your Rights” program teaches lessons that build and strengthen positive, long-lasting relationships among the different members of a community.

CAIR also provides media relations and civic participation trainings.

Diversity Training

Representatives of CAIR frequently conduct diversity training on Islam and Muslims for corporations, law enforcement and others who regularly interact with Muslims.

Topics covered included the basic beliefs and practices of Islam and practical advice to help develop cultural competency when interacting with the Muslim community. Diversity training sessions can include sections on cultural awareness about certain segments of the American Muslim community.

For more information on the workshops or to schedule one for your community or company, please e-mail info@cair.com

CAIR 2008 Year in Review

Interfaith Bridge-Building

CAIR representatives met with Pope Benedict XVI and participated in groundbreaking interfaith conferences in Mecca, Saudi Arabia; Madrid, Spain; and Vienna, Austria. CAIR defended the rights of other faith traditions to not be subjected to bigotry and hatred. CAIR joined with Japanese-Americans to reflect upon that community’s internment during WWII and promoted the “20,000 Dialogues” interfaith effort.

Get Out the Vote

On January 2, 2008 CAIR launched its 2008 elections initiative, which included a website and handbook intended to encourage civic participation and empower Muslims to play a more effective role in the political process. CAIR’s chapters across the country conducted non-partisan election efforts including holding voter registration drives, producing voter guides, hosting candidates forums and encouraging Muslim registered voters to vote on Election Day.

CAIR representatives gave lectures across the country to promote Muslim political involvement. Voters were further educated through CAIR’s “Eight Points of Political Empowerment” guide.

CAIR also monitored issues related to Islam and Muslims in the 2008 elections. CAIR repeatedly took a stand against Islamophobic rhetoric when it was used by politicians, their advisors and political commentators.

“Beyond Stereotypes” Educational Campaign

Launched in November 2007, CAIR’s “Beyond Stereotypes” educational campaign made great strides in 2008. The campaign, intended for members of the media, raised awareness about Islam and Muslims through the creation of a website and the publishing of “American Muslims: A Journalist’s Guide to Understanding Islam and Muslims,” over 40,000 copies of which were distributed to members of the media. Recipients of the guides included editors, reporters and producers for numerous well-known agencies including the New York Times, USA Today, the LA Times and the Washington Post, among others.

As part of this effort, CAIR also provided support for Muslim communities nationwide by offering media relations training workshops, and dedicating sections of the “Beyond Stereotypes” website to tips on pro-active educational opportunities for Muslim communities such as hosting media events and meeting with editorial boards.

Obsession

When the Clarion Fund distributed 28 million copies of the anti-Muslim film *Obsession: Radical Islam's War Against the West* CAIR acted quickly. A national action plan was promptly established that resulted in a forceful interfaith response to the film's hate message, editorials and a web site.

In September 2008, the Hate Hurts American Multifaith Community Coalition (HHA), of which CAIR is a coordinating member, launched its web site "Obsession with Hate," which offers a point-by-point rebuttal to propagandistic claims made in the film, a list of newspapers that delivered the DVD as a advertising insert, a sample of bigoted statements made by controversial anti-Muslim figures interviewed in the film and examples of the overwhelmingly negative media coverage of Clarion Fund's alleged efforts to influence voters prior to the presidential election.

CAIR also called on the Federal Election Commission (FEC) to investigate whether the film's distributors had violated election laws by apparently targeting presidential election swing states. The organization also filed a complaint with the IRS seeking a determination if Clarion Fund's actions violated its tax-exempt status.

Savage Lawsuit

CAIR furthered its campaign against anti-Muslim comments made by talk show host Michael Savage on his radio show *The Savage Nation* in October of 2007. Working in concert with interfaith partners, CAIR called on its supporters to contact the show's advertisers and express a desire to see those corporations boycott the show. Companies that withdrew their advertising from Savage's programming included AutoZone, Citrix, Trusted ID, JC Penney, Office-Max, Wal-Mart and AT&T. The boycott of the show is known to have cost Savage over \$1 million in advertising revenue.

In response to CAIR's efforts, Savage filed a lawsuit accusing the organization of copyright infringement after CAIR posted a 4 minute audio clip of the anti-Muslim content.

A federal judge dismissed the suit in 2008 but allowed for Savage to amend it if he chose to do so. Savage declined and, realizing the frivolity, dropped the suit.

In a statement reacting to Savage's decision to drop the lawsuit, CAIR stated: "It is obvious that Mr. Savage finally came to realize that his bizarre and frivolous smears would not stand up in a court of law. It is a pity that he does not show as much common sense while spewing invective daily against religious, ethnic and even medical minorities on his 'hate radio' program."

Targeting of Mosques

In 2008 CAIR continued to actively advocate for the rights of places of worship across the country. After a newspaper article released in May confirmed suspicions of government surveillance of mosques, CAIR acted to ensure that faith does not move from a personal choice to probable cause. CAIR, along with the ACLU and Islamic Shura Council of Southern California, asked the U.S. House and Senate to hold a hearing to address the surveillance.



CAIR also took a stance against a drill conducted by officials from almost 30 government agencies in Irving, Il., targeting a community facility that had been renamed the "Irving Mosque" for the purposes of the exercise. The "mosque" was stormed using an armored car and one "hostage" was connected to an explosive device. The "suspects" in the mosque released nerve gas. CAIR maintained that drills such as this transmit negative stereotypes to law enforcement officials and cause them to view mainstream institutions, such as Islamic houses of worship, as potential security threats. In response to the concerns raised by the drill, Undersheriff Rick Robbins of the Montgomery County Sheriff's Office, one of the drill's planners, stated: "I apologize for the message that was received by many. After reviewing statements made regarding the use of the word mosque, I understand the misuse of the word."

Empowering American Muslim Youth

CAIR continued its efforts to train the future leaders of the American Muslim community. The efforts include its annual internship program where college students, both Muslims and those of other faiths, from across the country gain valuable experience in advocacy work in the organization's national headquarters, just three blocks from the U.S. Capitol building. CAIR chapters in South Carolina, California, New Jersey, Washington state and Illinois hosted Muslim Youth Leadership programs to help train high school and college students in effective civil rights, media relations and government affairs strategies.

Sample CAIR Opinion Pieces

American Muslims Must Balance Caution with Hope

by Nihad Awad, National Executive Director, Council on American-Islamic Relations (CAIR)

As American Muslims hope for better civil liberties protections, increased inclusion in society and improved relations with the Islamic world in the next decade, that hope must be balanced with the reality that Muslims and Islam are often viewed with suspicion in the post-9/11 era.

American Muslims should continue to demonstrate to their fellow citizens that Islam is a vital and productive part of our nation's social and religious fabric.

This can be accomplished by taking our dinner table conversations about healthcare, education and the economy into the public sphere. Our faith preaches charitable giving. That value can become manifest by joining with like-minded partners to end hunger in America and around the world.

Our community should partner with the new administration to help project the best of our nation's universal values of freedom and justice to the world. This includes continuing to speak out forcefully against those who falsely claim religious justification for un-Islamic acts.

Our youth should focus on entering the public service sector, whether working on Capitol Hill, in the media or running free clinics.

Islamophobia must be confronted. An anti-Muslim fear industry has flourished in America in recent years. All Americans must repudiate these hate-mongers with the same determination that won America's women the right to vote, challenged McCarthyism and ended racial segregation.

The rights enjoyed in our nation are part of what creates long lines of hopeful immigrants around our embassies worldwide. Some post-9/11 laws have eroded these rights. Muslims must not be shy or hesitant about protecting civil liberties.

These actions, which are designed to promote common values and prevent conflicts, are certain to help move American Muslims from being a suspect community to one that is celebrated for its positive contributions.

Collective Punishment: Bad Idea Then and Now

by Julia A. Shearson, Executive Director, Council on American-Islamic Relations – Cleveland (CAIR-Cleveland)

German and Italian Americans are working with Congress to pass the Wartime Treatment Study Act, which would establish commissions to review injustices suffered by European Americans, European Latin Americans, and Jewish refugees during World War II.

During the war, our government branded as “enemy aliens” 600,000 German Americans and 300,000 Italian Americans. Thousands were interned, and hundreds of thousands were forced to carry special identification cards and had their travel restricted and property seized. Japanese Americans have received recognition for their suffering and wrongful internment, but the plight of German and Italian Americans is less well-known.

The Wartime Treatment Study Act is overdue, and its swift passage is necessary before the living memories and first-hand evidence perish with age. Immigrants helped build our nation, and collective guilt and punishment should never be tolerated in a democracy.

Similarly, Muslim Americans should not be punished for the crimes of Bin Laden and his followers. Yet, seven years after 9/11, in which nearly 3,000 victims of all colors and creeds were murdered, are we certain that the right people are being punished in the War on Terror?

Like all Americans, Muslim Americans love their country, care about their neighbors, worry about the economy, hope to send their kids to good schools, and try to cope with the insecurities of modern life. Islam shares much with Christianity and Judaism. Readers of the Koran will find in its pages values similar to those taught in the Ten Commandments.

Yet, Muslim Americans have endured hate speech and insults to their religion from every quarter, from those in Congress who should know better, to those on the pulpit who should do better, to radio shock jocks who are up to no good. Islam and is distorted and Muslims are demonized until neither the faith nor the people bear any resemblance to reality.

Muslim Americans endure targeted and over-reaching government policies that amount to collective punishment and guilt by association. Tens of thousands of law-abiding American citizens are watch-listed and detained, searched, and interrogated, especially while traveling.

Thousands of innocent Muslim Americans have been hauled off planes, dragged out of vehicles, illegally searched, fired from jobs, denied citizenship, deported without due process, targeted by surveillance, and subjected to bank account closures. Some onlookers give the thumbs up. Some come to the rescue while others keep silent. Those who complain are labeled unpatriotic.

Perhaps it is a small price to pay. A few lives and families ruined here and there are the price of keeping America safe, so the thinking goes. But do such measures keep us safe?

When repeated across the United States, such tactics amount to the virtual internment of an entire population in an invisible Manzanar. Manzanar was one of the largest internment camps for Japanese Americans during WWII. The problem with virtual internment is that its walls can neither be seen nor railed against.

While a watchful eye is trained on Muslim Americans, bureaucrats have profoundly changed our nation’s security methods, unleashing a national security and intelligence technology arms race. The new domestic intelligence systems, if abused, will make the population control methods of China and the former Soviet Union seem quaint.

We have allowed our government to spin a tight web around us. Well-intentioned intelligence collection projects--such as the Department of Homeland Security’s new Enterprise Records System, the Automated Targeting System, the Border Crossing Information System, the Western Hemisphere Travel Initiative, Real ID, the Advance Passenger Information System, Fusion Centers, Total Information Awareness, the MATRIX System, and the Terrorist Identities Datamart Environment (TIDE)--answer our every security need.

Are we safe yet? What would our American ancestors say? Ralph Waldo Emerson, the man who lauded “self reliance”? Patrick Henry, who preferred death if he could not have liberty? What happened to limited government?

What happened to the American ideal of a government that minded its own business as long as its citizens minded theirs and did not break the law? What happened to privacy? Granted, it is the government’s business to keep us safe. Yet, the government failed miserably during 9/11 and then again in Hurricane Katrina. And it may fail again, because an overly fearful government loses perspective on the world and, even worse, on the enemy.

Like the vast majority of German, Italian, and Japanese Americans during World War II, American Muslims remain loyal and should be treated as such, right here and now, not fifty years from now in hindsight and in the midst of overdue apologies. George Washington cautioned that “Government is not reason; it is not eloquent; it is force. Like fire, it is a dangerous servant and a fearful master.” His wish to keep government on a short leash reminds us that no matter how great the risk and fear of terrorism, we Americans must cling to our fundamental rights. In ceding certain powers and consenting to be governed, we must keep a watchful eye on our government, lest it wrongly punish the innocent and diminish the liberty of good citizens.

Why was an Anti-Muslim Racist Welcome on Capitol Hill?

By Ibrahim Hooper, National Strategic Communications Director, Council on American-Islamic Relations

At a recent House briefing titled “The Truth Behind Sharia/Islamic Finance” hosted by Rep. Paul C. Broun (R-GA), dozens of congressional staffers were told that Islam teaches Muslims they can lie to people of other faiths, that Islamic law mandates female genital mutilation and that Islamic financial transactions are comparable to “Nazi finance.”

In his opening remarks at the briefing, Rep. Broun said, “I just want to know the facts,” then promptly left the room.

Had he stayed, Broun would have heard presentations by two individuals known for their hostility to Islam and Muslims. (Broun’s office ignored calls to add a balancing perspective to the briefing panel.)

One of the presenters, David Yerushalmi, is the president and founder of the Society of Americans for National Existence (SANE), a group that has advocated imposing prison terms for “adherence to Islam” and questions whether women and African-Americans should be allowed to vote.

In February of last year, Yerushalmi’s group offered a policy proposal that stated in part:

“Whereas, adherence to Islam as a Muslim is prima facie evidence of an act in support of the overthrow of the U.S. Government through the abrogation, destruction, or violation of the U.S. Constitution and the imposition of Shari’a on the American People...It shall be a felony punishable by 20 years in prison to knowingly act in furtherance of, or to support the, adherence to Islam.”

(The final reference to “adherence to Islam” has since been changed to “adherence to Shari’a” in the text. The SANE website is currently undergoing “renovation,” but all its previous pages are available in cached memory on the Internet.)

Other articles on the SANE website make racist statements such as: “There is a reason the founding fathers did not give women or black slaves the right to vote.”

Another SANE article states: “Race matters and affects your intelligence. Jews are the smartest white people around. Orientals smarter than Whites. Latinos next. Then Blacks.”

The New York Jewish Week newspaper reported last year that Yerushalmi “condemns democracy in the United States and, in comments that evoke classical anti-Semitic stereotypes, says he finds truth in the view that Jews ‘destroy their host nations like a fatal parasite.’” (8/24/07)

In a March 2, 2006, article for The American Spectator, Yerushalmi wrote: “Muslim civilization is at war with Judeo-Christian civilization...The Muslim peoples, those committed to Islam as we know it today, are our enemies.”

Yerushalmi is the attorney for Alex Alexiev, the other speaker on the congressional panel and one of the producers of the controversial PBS documentary “Islam vs. Islamists.”

The taxpayer-supported documentary linked to the founder of SANE has been criticized as agenda-driven and biased. An article in the Arizona Republic newspaper quoted the executive producer for the PBS series that funded the documentary as saying the film had “serious structural problems (and)...was irresponsible because the writing was alarmist.” (4/10/07)

A handout written by Alexiev and provided to briefing participants makes the Islam-Nazi comparison described above.

Rep. Broun’s “Dear Colleague” letter inviting fellow representatives and their staff to attend the briefing claimed Islamic finance “violates U.S. laws” and “has supported Islamist extremists and sponsors of terrorism.”

Despite repeated calls and e-mails, Broun’s staff refused to explain why an avowed racist and an Islam-basher would be invited to speak before Congress, or why no balancing views were offered at the briefing.

Unfortunately, this is only the most recent evidence of growing collaboration between racists and Islamophobes worldwide.

Several European far-right parties recently announced a new organization aimed at fighting the “Islamisation” of that continent.

The group, called “Cities against Islamisation,” was represented to the media by Filip Dewinter, head of the far-right Belgian Vlaams Belang party. Media reports indicate that other organizations represented at the news conference announcing the new group, the logo of which is a crossed-out mosque, included the racist British National Party (BNP).

In an ominous move, prominent American Islamophobes such as Robert Spencer recently took part in a European gathering that included representatives of racist or “neo-Nazi” political parties.

Spencer spoke at a so-called “Counterjihad Brussels 2007” conference in Belgium attended by those with links to far-right parties such as Vlaams Belang’s Dewinter.

Those we elect to Congress are charged with enacting laws that will benefit the people of this nation. They can hardly be expected to accomplish that noble goal if they are fed only agenda-driven lies, distortions and half-truths by individuals who have such deep hostility to the subject they seek to address.

If this incident teaches us anything, it is that American Muslims and others who support fact-based and just legislation must increase their pro-active involvement in the political process.

Otherwise, the political field is left to those who would take our nation down a path of bigotry and extremism.



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