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**WRITTEN STATEMENT OF  
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**Federal Civil Rights Engagement with Arab & Muslim American Communities Post-9/11**

**UNITED STATES COMMISSION ON CIVIL RIGHTS**

**December 5, 2012**

South Asian Americans Leading Together (SAALT) welcomes the opportunity to submit a statement for the November 9, 2012 briefing on “Federal Civil Rights Engagement with Arab and Muslim American Communities Post-9/11” before the U.S. Commission on Civil Rights (“U.S. Commission”). Given the history of post-9/11 backlash against these communities and the recent tragedy at a Sikh gurdwara in Oak Creek, Wisconsin, it is important and timely for the U.S. Commission to examine the impact of federal policies and the ongoing need for meaningful engagement with these communities in our nation. In this statement, SAALT provides an overview how such discrimination has affected the South Asian community, in particular, and outlines concrete recommendations – from the elimination of profiling to protection against hate crimes to rebuilding community relations – in order to fully and effectively protect the civil rights of all Americans.

SAALT is a national, nonpartisan, non-profit organization that elevates the voices and perspectives of South Asian individuals and organizations to build a more just and inclusive society in the United States. SAALT works with a base of individual members and advocates and is the coordinating entity of the National Coalition of South Asian Organizations (NCSO), a network of 41 organizations across the country that provide direct services to, organize, and advocate on behalf of South Asians in the United States.

Since 9/11, Arab, Muslim, and South Asian Americans generally have been subjected to numerous federal and state policies that directly impact our community’s civil rights, making them the subject of profiling and discrimination. For example, in New York City, these communities quickly became the victims of systemic racial and religious profiling by means of arrests, questioning, surveillance, and detention post-9/11.<sup>1</sup> Simultaneously, our communities became the target of acts of bias, discrimination, and hate in mainstream society and needed

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<sup>1</sup> See South Asian Americans Leading Together (SAALT), *In Our Own Words: Narratives of South Asian New Yorkers Affected by Racial and Religious Profiling* (March 2012) available at <http://www.saalt.org/filestore/Reports/In%20Our%20Own%20Words%20Web%20FINAL.pdf>. This report was a joint project coordinated by SAALT with the New York City Profiling Collaborative with Desis Rising Up and Moving (DRUM), The Sikh Coalition, United Sikhs, South Asian Youth Action (SAYA!), Coney Island Avenue Project, and Council of Peoples Youth Organization.

government assistance to address these issues. While agencies such as the Department of Justice Civil Rights Division and Community Relations Services engaged in outreach efforts to assist and protect our communities, other government agencies continued to violate our civil rights by way of profiling and surveillance. Thus, over the course of a decade, community members faced scrutiny by government agencies based on their race, national origin, ethnicity, and religion and so developed damaged and conflicted relationships between our communities and the government to whom they turned for protection and assistance.

Additionally, these sanctioned forms of discrimination fostered stereotypes that cast our community members as untrustworthy and dangerous members of society, in essence, as terrorists. As a result, federal and local policies in many ways contributed to a societal climate that allowed for bullying, harassment, and hate crimes. Most recently, the tragic shooting at the Sikh gurdwara in Oak Creek, Wisconsin took the lives of six people and was followed by a wave of apparent hate crimes and hate incidents around the country.

The United States was founded upon principles of inclusion, plurality, and diversity and, in the past, our government has taken active steps to protect these principles when they have been jeopardized on various occasions. Unfortunately, we are yet again at a moment in which our civil rights must be vigorously protected in order to prevent them from being destroyed. This protection must come in the form of non-discriminatory governmental policies, including enforcement of such existing policies and the elimination of those to the contrary, protection against hate crimes, outreach to impacted communities in order to rebuild community relations, and cultural and religious competency and educational training of law enforcement so that they may better understand the communities with which they are working.

#### **THE IMPACT OF RACIAL AND RELIGIOUS PROFILING OVER THE LAST DECADE**

For over ten years, South Asians have faced systemic racism in the form of profiling by various government officials. In the aftermath of 9/11, the Federal Bureau of Investigation, Immigration and Customs Enforcement, and the New York City Police Department began to aggressively monitor and interrogate Arab, Muslim, and South Asian Americans.<sup>2</sup> Frequently, during interactions with law enforcement, community members were stopped and searched on pretense as well as questioned about their immigration status, national origin, religious affiliation, or political beliefs.<sup>3</sup> Individuals were also asked to spy on their own communities, sometimes under the threat of adverse immigration consequences.<sup>4</sup> Similarly, community members have been selectively targeted by U.S. Customs and Border Protection and the Transportation Security Administration, under the Department of Homeland Security. Not only are these methods of profiling and questioning based on appearance discriminatory in nature, but they are also ineffective and divert limited law enforcement resources as well as damaging community relations.<sup>5</sup> Additionally, these government actions have a direct impact on the perception of Arabs, Muslims, and South Asians by the general public.<sup>6</sup>

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<sup>2</sup> *Id.* at p. 13.

<sup>3</sup> *Id.* at p. 13.

<sup>4</sup> *Id.* at 15-16.

<sup>5</sup> *Id.* at 3, 9.

<sup>6</sup> *Id.* at 19-22.

The frequent questioning of individuals in these communities regarding their faith, national origin, or immigration status impacts their status in society both collectively and individually.<sup>7</sup> Policies such as profiling and surveillance send the message to the public that individuals from these communities are a threat or danger to society.<sup>8</sup> Furthermore, the impact of this behavior by government is a psychological one, impacting their individual sense of identity and collective psyche.<sup>9</sup> It alters daily decisions on attire, travel, religious practice, the expression of identity, and interactions with family, neighbors, and government – essentially, impacting every facet of an individual's lifestyle and identity.<sup>10</sup> Additionally, the treatment individuals receive by law enforcement, only further alienates them from very agencies whose duty it is to protect them.<sup>11</sup> In effect, government policies and actions post-9/11 created an environment which fostered the perception of South Asians as dangerous, while making it increasingly difficult for them to reach out for assistance and protection.

### THE HISTORIC & CURRENT DANGER POSED BY HATE CRIMES

Unfortunately, assistance and protection from the government was and continues to be a necessity due, in part, to ongoing post-9/11 backlash. Since 9/11, Arab, Muslim, and South Asian Americans generally have endured an unprecedented backlash that has included an increase in hate crimes. In fact, within just one week of September 11<sup>th</sup>, SAALT identified 645 reported incidents of bias in these communities.<sup>12</sup> The difference in the number of all hate crimes from 2000 to 2001 was also significant, rising from 8,063 to 9,730.<sup>13</sup> Additionally, the FBI reported a 1600% increase in anti-Muslim crimes, from 28 in 2000 to 481 in 2001.<sup>14</sup> While the numbers of reported hate crimes lessened in subsequent years, from 2009 to 2010, the FBI reported an increase of almost 50% in anti-Muslim hate crimes.<sup>15</sup> It is also highly likely that hate crimes are being underreported in our communities.<sup>16</sup> A range of reasons, from language

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<sup>7</sup> *Id.* at 4.

<sup>8</sup> For example, these perceptions are fostered by actions such as the Transportation Security Administration's profiling of these individuals in airports, the Department of Homeland Security's discriminatory practice towards these individuals, and the New York City Police Department's surveillance of local communities. See South Asian Americans Leading Together (SAALT), *In Our Own Words: Narratives of South Asian New Yorkers Affected by Racial and Religious Profiling* (March 2012) available at <http://www.saalt.org/filestore/Reports/In%20Our%20Own%20Words%20Web%20FINAL.pdf>.

<sup>9</sup> See South Asian Americans Leading Together (SAALT), *In Our Own Words: Narratives of South Asian New Yorkers Affected by Racial and Religious Profiling* (March 2012) available at <http://www.saalt.org/filestore/Reports/In%20Our%20Own%20Words%20Web%20FINAL.pdf>.

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> South Asian Americans Leading Together, *American Backlash: Terrorists Bring War Home in More Ways Than One* (2001) available at <http://www.saalt.org/attachments/1/American%20Backlash%20report.pdf>.

<sup>13</sup> See, Uniform Crime Report, Hate Crime Statistics, U.S. Department of Justice, Federal Bureau of Investigation (2000) available at <http://www.fbi.gov/about-us/cjis/ucr/hate-crime/2000>; Uniform Crime Report, Hate Crime Statistics, U.S. Department of Justice, Federal Bureau of Investigation (2001) available at <http://www.fbi.gov/about-us/cjis/ucr/hate-crime/2001>.

<sup>14</sup> Richard A. Serrano, *Hate Crimes Against Muslims Soar, Report Says* (November 26, 2002) available at <http://articles.latimes.com/2002/nov/26/nation/na-hate26>. See also, Uniform Crime Report, Hate Crime Statistics, U.S. Department of Justice, Federal Bureau of Investigation (2000), available at <http://www.fbi.gov/about-us/cjis/ucr/hate-crime/2000>; Uniform Crime Report, Hate Crime Statistics, U.S. Department of Justice, Federal Bureau of Investigation (2001) available at <http://www.fbi.gov/about-us/cjis/ucr/hate-crime/2001>.

<sup>15</sup> See Uniform Crime Report, Hate Crime Statistics, U.S. Department of Justice, Federal Bureau of Investigation (2009), available at [http://www2.fbi.gov/ucr/hc2009/data/table\\_01.html](http://www2.fbi.gov/ucr/hc2009/data/table_01.html); Uniform Crime Report, Hate Crime Statistics, U.S. Department of Justice, Federal Bureau of Investigation (2010) available at <http://www.fbi.gov/about-us/cjis/ucr/hate-crime/2010/tables/table-1-incidents-offenses-victims-and-known-offenders-by-bias-motivation-2010.xls>.

<sup>16</sup> In a 2005 study, the Bureau of Statistics noted that the actual number of hate crimes might be 15 times higher than that which is reported. Southern Poverty Law Center, *Report: FBI Hate Crime Statistics Vastly Understate Problem*, Intelligence Report, Issue No. 120 (Winter 2005) available at <http://www.splcenter.org/get-informed/intelligence-report/browse-all-issues/2005/winter/hate-crime>.

barriers to concerns about being targeted for terrorism investigations to fear of approaching law enforcement to lack of immigration status, often prevent immigrants from reporting hate crimes.

As is apparent, hate crimes continue to pose a serious threat to all Americans, despite the fact that nearly three years have passed since the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act was enacted. On August 5, 2012, this threat manifested itself in the massacre of Sikh congregants at the Sikh gurdwara in Oak Creek, Wisconsin and resulted in the death of the temple president, Satwant Singh Kaleka, three priests, Ranjit Singh, Sita Singh and Prakash Singh, and two congregants, Suveg Sing Khattrra and Paramjit Kaur.<sup>17</sup> Since this tragedy, numerous potential hate crimes have occurred, many of which have targeted particular faith groups. Islamic institutions have been vandalized,<sup>18</sup> shot at with paintballs<sup>19</sup> and a high velocity air rifle<sup>20</sup>, attacked with an acid bomb,<sup>21</sup> and suspiciously burned down<sup>22</sup>. Additionally, there have been direct attacks on individuals of particular races or faiths, such as the firebombing of a South Asian Muslim family's home in Florida.<sup>23</sup>

However, none of these are isolated incidents; they are, in fact, a part of a pervasive pattern that has threatened the safety of all Americans for many years. According to the Southern Poverty Law Center, the number of hate groups in the United States has grown by almost 70% since 2000, rising to over 1000 hate groups currently.<sup>24</sup> Hate crimes are similarly high, and yet, severely underreported. In 2010 alone, the Federal Bureau of Investigation (FBI) reported over 6,600 hate crimes in the United States<sup>25</sup> – approximately 18 hate crimes per day. Of these 6,600 hate crimes, the majority were motivated by race (approximately 47%), followed by religion (approximately 20%), sexual orientation (approximately 19%), and ethnicity or national origin (approximately 13%).<sup>26</sup>

As we all know, hate crimes affect not only the individuals they directly impact, but also the communities to which they belong. The trauma that individuals and communities suffer as a result of these attacks is long-lasting, and significant resources are expended to both address these crimes and deal with their consequences. For example, in response to the Oak Creek

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<sup>17</sup> Dinesh Ramde, *Sikh Temple Shooting Victims: Crowd Gathers to Honor, Mourn Fallen Worshippers* (August 10, 2012) available at [http://www.huffingtonpost.com/2012/08/10/sikh-temple-victims-thousands-expected-to-honor-mourn-fallen-worshippers\\_n\\_1764056.html](http://www.huffingtonpost.com/2012/08/10/sikh-temple-victims-thousands-expected-to-honor-mourn-fallen-worshippers_n_1764056.html).

<sup>18</sup> See e.g. Michael Wang, *Four Teens Arrested for Hate Crimes Against Mosque* (August 8, 2012) available at [http://abclocal.go.com/kgo/story?section=news/local/east\\_bay&id=8767266](http://abclocal.go.com/kgo/story?section=news/local/east_bay&id=8767266); Michelle R. Smith, *RI Muslims Seek FBI, Police Help After Vandalism* (August 7, 2012) available at <http://www.sfgate.com/news/article/RI-Muslims-seek-FBI-police-help-after-vandalism-3768913.php>; Jason Kandal, *Pigs Feet Left at Planned Site of Al-Nur Islamic Center in Ontario* (August 10, 2012) available at <http://www.nbclosangeles.com/news/local/Pigs-Legs-Al-Nur-Islamic-Center-Ontario-Mosque-Site-165742226.html>.

<sup>19</sup> Matt Dinger, *Vandals Shoot Paintballs at OKC Mosque* (August 12, 2012) available at <http://newsok.com/vandals-shoot-paintballs-at-okc-mosque/article/3700402>.

<sup>20</sup> Chris Roberts, *Man Arrested for Shooting at Chicago-area Mosque* (August 12, 2012) available at [http://articles.nydailynews.com/2012-08-12/news/33171054\\_1\\_chicago-area-mosque-chief-mark-erickson-ramadan](http://articles.nydailynews.com/2012-08-12/news/33171054_1_chicago-area-mosque-chief-mark-erickson-ramadan).

<sup>21</sup> Joseph Ruzich, *'MacGyver Bomb' Thrown at Islamic School in Lombard* (August 13, 2012) available at [www.chicagotribune.com/news/local/suburbs/lombard/chi-macgyver-bomb-thrown-at-islamic-school-in-lombard-20120813.0.7826161\\_story](http://www.chicagotribune.com/news/local/suburbs/lombard/chi-macgyver-bomb-thrown-at-islamic-school-in-lombard-20120813.0.7826161_story).

<sup>22</sup> Associated Press, *Missouri Mosque Destroyed by Second Fire in Weeks* (August 7, 2012) available at [www.latimes.com/news/nationworld/nation/la-na-joplin-mosque-fire-20120807.0.423146.story](http://www.latimes.com/news/nationworld/nation/la-na-joplin-mosque-fire-20120807.0.423146.story).

<sup>23</sup> *Firebomb Thrown at Local Home* (August 16, 2012) available at <http://www.wjhg.com/news/headlines/Fire-Bomb-Thrown-At-Local-Home--166351446.html>.

<sup>24</sup> Southern Poverty Law Center, *Stand Strong Against Hate*, available at <http://www.splcenter.org/get-involved/stand-strong-against-hate> (last accessed September 17, 2012).

<sup>25</sup> Uniform Crime Report, Hate Crime Statistics, U.S. Department of Justice, Federal Bureau of Investigation (2010) available at <http://www.fbi.gov/about-us/cjis/ucr/hate-crime/2010/narratives/hate-crime-2010-incidents-and-offenses.pdf>.

<sup>26</sup> *Id.*

tragedy, numerous organizations have come together to provide assistance to the Sikh community in the form of medical services for victims and families, psychological counseling for community members, and anti-bullying resources. Clearly, the Oak Creek tragedy will have long-term consequences for the Sikh community, but it also impacts other communities. Indeed, South Asians around the United States are coming to terms with the realization that Oak Creek could happen again in another place of worship or community center, particularly given the common perception that those belonging to our communities are un-American and worthy of suspicion and attack. Community members, even when not directly affected, become fearful of expressing their religious faiths, engaging in civic institutions, and speaking out against injustice – acts of democracy that are fundamental to living in America.

## THE IMPACT OF GOVERNMENT POLICIES & ACTIONS ON PUBLIC PERCEPTION

Finally, the connection between government policies and public perception must be comprehensively acknowledged and addressed. As government and politics are such powerful forces in our society, public perception is greatly influenced by the actions of government and statements of those in positions of power. Therefore, when government officials make racist, xenophobic, sexist, or homophobic statements, such rhetoric can shape how individuals and society as a whole view particular communities.<sup>27</sup> These statements can foster similar sentiments by society at large, perpetuating misconceptions and stereotypes. In turn, these actions can create an environment that allows for or even fuels actions motivated by hate. Furthermore, the inaction of government in response to hate crimes can be detrimental in their own regard.

For decades, xenophobic and racist rhetoric has been targeted at African Americans and Latinos in the political sphere. More recently, Arab, Muslim, and South Asian Americans generally have become the target of such rhetoric by government officials, sometimes impacting actions in their local communities.

SAALT's 2010 report, *From Macacas to Turban Toppers: The Rise in Xenophobic and Racist Rhetoric in American Political Discourse*, documents the steady rise in this type of language regardless of political persuasion. For example, during the late summer of 2010, debate across the country focused on the proposed construction of the Park51 Muslim community center in Lower Manhattan.<sup>28</sup> SAALT documented at least 23 remarks made by members of Congress, governors, local officials and candidates, objecting to its construction.<sup>29</sup> Comments ranged from calling the construction insensitive<sup>30</sup> to characterizing it as an Islamic "training center"<sup>31</sup>. In the wake of this controversy, several hate crimes occurred, including the vicious assault of a Bangladeshi taxicab driver in New York (whose attacker was a passenger who asked if the driver was a Muslim)<sup>32</sup> and an attack on a turbaned Sikh convenience store clerk in the state of

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<sup>27</sup> See South Asian Americans Leading Together, *From Macacas to Turban Toppers: The Rise in Xenophobic and Racist Rhetoric in American Political Discourse* (October 2010) available at

<http://saalt.org/attachments/1/From%20Macacas%20to%20Turban%20Toppers%20Report.small.pdf>.

<sup>28</sup> See *id.* at Part I, p. 4-6.

<sup>29</sup> *Id.* at Part I, p. 4-6.

<sup>30</sup> *Id.* at Part I, p. 6 citing Andrea Peyser, *Mosque Madness at Ground Zero* (May 13, 2010) available at [http://www.nypost.com/p/news/national/mosque\\_madness\\_at\\_ground\\_zero\\_OQ34EB0MWS0IXuAnQau5uL](http://www.nypost.com/p/news/national/mosque_madness_at_ground_zero_OQ34EB0MWS0IXuAnQau5uL).

<sup>31</sup> *Id.* at Part I, p. 5 citing Zelenik Issues Statement on Proposed Islamic Center (June 24, 2010) available at <http://www.murfreesboropost.com/zelenik-issues-statement-on-proposed-islamic-center-cms-23606>.

<sup>32</sup> Tom Hays, *Michael Enright Charged with Hate Crime: Ahmed Sharif, Muslim Cab Driver, Attacked for Religion* (August 25, 2010) available at [http://www.huffingtonpost.com/2010/08/25/michael-enright-stabbed-c\\_n\\_694285.html](http://www.huffingtonpost.com/2010/08/25/michael-enright-stabbed-c_n_694285.html).

Washington (who was punched after being called “al-Qaeda”)<sup>33</sup>. Mosques in California, Connecticut, Illinois, Michigan and New York were vandalized<sup>34</sup> and Quran burnings were planned in Florida and elsewhere in the country<sup>35</sup>. Sadly, this pattern of anti-Muslim discourse still exists today and at times, is in disturbingly close proximity to potential hate crimes.<sup>36</sup>

The words and actions of government and their representatives can create a climate in which hate crimes are not only tolerated but also emboldened. It is the responsibility of government and its officials to protect the safety of our country and its people by engaging in actions that further the fundamental values of pluralism, diversity, and equality upon which our country was founded.

## RECOMMENDATIONS

As a result of these government policies and actions and their implications, the effect on Arabs, Muslims, and South Asians generally in the last decade is astounding. These communities continue to struggle against the ever-growing conflict of reaching out for assistance to the very agencies that profile and survey them, also impacting their identity and religious practice. The briefing by the U.S. Commission is particularly timely given this current moment of crisis and the need for effective community relations. As the U.S. Commission plays an invaluable role in the development and enforcement of civil rights policy and law, we submit a wide-range of recommendations from investigation and research on these issues to the promotion of policies and laws with the Administration and Congress that protect the fundamental rights of all Americans, namely:

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<sup>33</sup> *Man Charged with Hate Crime After Hitting 7-11 Clerk for Wearing a Turban* (September 1, 2010) available at

<http://entertainment.wagerweb.com/wtf/man-charged-with-hate-crime-after-hitting-7-11-clerk-for-wearing-a-turban-25275.html>.

<sup>34</sup> South Asian Americans Leading Together, *From Macacas to Turban Toppers: The Rise in Xenophobic and Racist Rhetoric in American Political Discourse*, Part I, p. 4 (October 2010) available at

<http://saalt.org/attachments/1/From%20Macacas%20to%20Turban%20Toppers%20Report.small.pdf> citing Mike Magnoli, *Car Burned At Islamic Center* (September 21, 2010) available at <http://www.katc.com/news/car-burned-at-islamic-center/> and USA Today, *Arson Reported at Tennessee Mosque Construction Site* (August 29, 2010) available at [http://www.usatoday.com/news/religion/2010-08-29-arson28\\_ST\\_N.htm](http://www.usatoday.com/news/religion/2010-08-29-arson28_ST_N.htm). See also, American Civil Liberties Union, *Map – Nationwide Anti-Mosque Activity* available at <http://www.aclu.org/maps/map-nationwide-anti-mosque-activity>.

<sup>35</sup> South Asian Americans Leading Together, *From Macacas to Turban Toppers: The Rise in Xenophobic and Racist Rhetoric in American Political Discourse*, Part I, p. 4 (October 2010) available at

<http://saalt.org/attachments/1/From%20Macacas%20to%20Turban%20Toppers%20Report.small.pdf> citing Brent Begin, *Burnt Quran Found Outside Tenderloin Mosque* (September 18, 2010) available at <http://www.sfoxaminer.com/local/Burnt-Quran-found-outside-Tenderloinmosque-103213924.html>, Chicago Tribune, *Burnt Copy of Quran Found Outside Muslim Community Center* (September 14, 2010) available at [http://www.chicagotribune.com/news/local/ct-metburnt-quran-0915-20100914.0.1630281\\_story](http://www.chicagotribune.com/news/local/ct-metburnt-quran-0915-20100914.0.1630281_story), The Star-Ledger Continuous News Desk, *Bloomington Man Is Fired from NJ Transit Job for Burning Quran Near Ground Zero* (September 15, 2010) available at [http://www.nj.com/news/index.ssf/2010/09/bloomington\\_man\\_fired\\_by\\_nj\\_t.html](http://www.nj.com/news/index.ssf/2010/09/bloomington_man_fired_by_nj_t.html), Steve Pardo, *Quran Burned in East Lansing* (September 13, 2010) available at <http://www.detnews.com/article/20100913/METRO/9130336/Quran-burned-in-East-Lansing#ixzz0zSJwfPcL>.

<sup>36</sup> For example, Illinois Congressman Joe Walsh recently remarked that “radical” Muslims were “trying to kill Americans every week.” Bernie Tafoya, *Representative Walsh’s Comments Infuriate Muslims* (August 10, 2012) available at <http://chicago.cbslocal.com/2012/08/10/rep-walshs-comments-infuriate-muslims/>. Soon after these comments were made, a man shot a high velocity air rifle at a Muslim community center, an acid bomb was thrown at an Islamic school, and on two separate occasions, anti-Muslim hate graffiti was sprayed on gravestones at a cemetery hosting approximately 500 Muslim graves. Christine Roberts, *Man Arrested for Shooting at Chicago-area Mosque*, (August 12, 2012) available at [http://articles.nydailynews.com/2012-08-12/news/33171054\\_1\\_chicago-area-mosque-chief-mark-erickson-ramadan](http://articles.nydailynews.com/2012-08-12/news/33171054_1_chicago-area-mosque-chief-mark-erickson-ramadan); Joseph Ruzich, *‘MacGyver Bomb’ Thrown at Islamic School in Lombard* (August 13, 2012) available at [http://www.chicagotribune.com/news/local/suburbs/lombard/chi-macgyver-bomb-thrown-at-islamic-school-in-lombard-20120813.0.7826161\\_story](http://www.chicagotribune.com/news/local/suburbs/lombard/chi-macgyver-bomb-thrown-at-islamic-school-in-lombard-20120813.0.7826161_story); *Hate Graffiti Found on Muslim Grave in Illinois* (August 17, 2012) available at <http://www.nbcchicago.com/news/local/Hate-Graffiti-Muslim-Graves-Evergreen-Park-Illinois-166522676.html>; Dan Lambert, *Grave Defaced with Anti-Islamic Writing for Second Time This Month* (September 1, 2012) available at

<http://evergreenpark.patch.com/articles/grave-defaced-with-anti-islamic-writing-for-second-time-this-month>.



## **1. Conduct Hearings, Publish Studies and Reports, and Issue Press Releases on Post-9/11 Discrimination and Profiling and Its Impact**

While the impact of discrimination and profiling on our communities seems apparent, documentation and studies regarding this issue predominantly come from agencies like SAALT with limited resources and capacity. Additionally, the lack of government studies and statistics regarding these issues as well as those of hate crimes affecting specific South Asian communities make it increasingly difficult to effectively understand these issues or thoroughly address them.

A comprehensive assessment of post-9/11 discrimination and profiling is essential to understanding the ongoing civil rights violations faced by our community members and the extensive damage these actions have on government-community relations as well as the perception of Arabs, Muslims, and South Asian Americans generally in America. Hearings, studies and reports, and press releases would create more transparency, allowing for a thorough understanding of the implications of government policies and actions as well as government accountability for any civil rights violations. For example, an audit of the training materials used by law enforcement agencies around the country on the racial, ethnic, and religious identity of individuals with whom they interact is necessary in order to prevent profiling of our communities. Additionally, such an assessment would play a role in rebuilding community relations by acknowledging the importance of these issues and taking steps towards adequately understanding them. Finally, these actions would make society more aware of these problems, emphasize that such issues are important to government, and assist in the movement towards changing the perception of Arab, Muslim, and South Asian Americans generally in our nation.

By taking this initiative, the U.S. Commission would be taking active steps towards rebuilding community relations and protecting the civil rights of all Americans, while also making us safer as a nation.

## **2. Establish Policies that Prevent Profiling and Targeting of Individuals**

As indicated in SAALT's 2012 Report, *In Our Own Words: Narratives of South Asian New Yorkers Affected by Racial and Religious Profiling*, there are numerous measures that must be taken at federal, state, and local levels regarding profiling in order to protect the civil rights of all Americans and maintain the principles upon which this country was founded.<sup>37</sup>

First, anti-profiling legislation in the context of travel, surveillance, and immigration enforcement must be passed at federal, state, and local levels, including that of the End Racial Profiling Act, which (1) prohibits profiling based on race, religion, ethnicity, gender, or national origin by federal, state, and local law enforcement; (2) establishes requirements for law enforcement data collection; (3) provides anti-profiling trainings; (4) develops a complaint mechanism for affected individuals; (5) allows the Department of Justice to withhold grants to

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<sup>37</sup> See South Asian Americans Leading Together (SAALT), *In Our Own Words: Narratives of South Asian New Yorkers Affected by Racial and Religious Profiling* (March 2012) available at <http://www.saalt.org/filestore/Reports/In%20Our%20Own%20Words%20Web%20FINAL.pdf>.

entitles that fail to comply with the law and provides funding to those who seek to eliminate profiling; and, (6) allows affected individuals to seek redress in the court system.

Additionally, the Department of Justice should amend its 2003 Guidance Regarding the Use of Race by Federal Law Enforcement Agencies to (1) prohibit profiling based on religion and national origin; (2) remove national and boarder security loopholes; (3) include law enforcement surveillance activities; (4) apply to state and local law enforcement agencies working in partnership with federal agencies or receiving federal funds; and, (5) create provisions for enforceability.

It is only with clear anti-profiling policies, an understanding of their repercussions, and government accountability for actions to the contrary, that our civil rights can be effectively protected and ensured.

### **3. Create Holistic and Effective Protection Against Hate Crimes**

As history has proven, the highest levels of government can be very effective in setting a framework to prevent hate crimes. For example, in the mid-1990s, there were numerous attacks on African American churches primarily in the South, including actual and attempted arsons and bombings.<sup>38</sup> President Clinton declared the issue a national priority and directed the Administration to investigate and prosecute perpetrators, assist communities in rebuilding houses of worship, and assist with preventative measures for the future.<sup>39</sup> The impact of these efforts was invaluable and within four years, the number of attacks on African American churches dropped by 53%.<sup>40</sup> Similarly, a comprehensive response at the federal and local level can make a meaningful difference in addressing hate crimes. The current situation requires the creation of a taskforce with the explicit mission of coordinating agencies, building relationships and partnerships with community-based organizations, and tracking and reporting benchmarks, so that the government can establish a wide-ranging response to hate crimes, deeply rooted in the communities directly affected by these crimes, and send a message to society regarding the unacceptable nature of these acts.

Additionally, the existing legal protections set forth by the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act (HCPA) must be strengthened and implemented by through the following actions by the Department of Justice: (1) filing appropriate cases under the HCPA; and, (2) ensuring continued education, outreach, and training to federal, state, and local law enforcement officials on the HCPA and its authority, including the importance of obtaining data regarding the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, national origin, ethnicity, or disability.

Finally, the categorization, reporting, and disaggregation mechanisms of hate crime reporting must be greatly improved. Such improvement can be accomplished by: (1) the Department of Justice promoting mandatory, comprehensive participation in the existing hate crimes reporting guidelines; (2) the inclusion of anti-Sikh, anti-Hindu, and anti-Arab on the hate crime incident

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<sup>38</sup> National Church Arson Task Force Issues Fourth Report, *Number of Arson's at America's Houses of Worship Continues to Decline* (September 15, 2000) available at <http://www.justice.gov/opa/pr/2000/September/542cr.htm>.

<sup>39</sup> *Id.*

<sup>40</sup> *Id.*



report form; and, (3) the disaggregation of the Asian/Pacific Islander category, in order to account for the tremendous diversity within the Asian American, Native Hawaiian, and Pacific Islander communities. These improvements to hate crime reporting would greatly assist in allowing for a thorough assessment of the root of hate crimes and developing preventative measures to effectively address them.

#### **4. Rebuild Community Relations**

Though the last decade has been more than damaging on relationships with Arab, Muslim, and South Asian American communities, the damage done is not yet irreparable. However, the government must take active steps to restore the trust that has been broken by years of profiling, surveillance, and misperceiving these communities. Federal, state, and local law enforcement must receive cultural and religious competency and educational trainings so that they may understand the communities with whom they are interacting, the complicated nature of these relationships historically, the challenges that certain communities face in trusting government today, and the sensitive nature of these relationships. Additionally, there must be government issued clarity that these interactions are to rebuild community relations, not to gather or share information for purposes of investigation or surveillance. Clearly, the use of such relationships for this purpose yet again would only further damage government trust and dissuade community engagement.

#### **5. Publicly Discourage Profiling, Surveillance, Discrimination, Hate Crimes, and Xenophobic Rhetoric**

The actions and rhetoric of government agencies and officials have a significant influence on how members of the general public view minority communities. In order to foster a climate of plurality and inclusion, the U.S. Commission on Civil Rights must take active steps to dissuade profiling, surveillance, discrimination, hate crimes, and xenophobic rhetoric. The Commission should issue regular public service announcements and press releases to condemn any such actions and speak out against such actions or statements when they take place in the public sphere in order to further the fundamental principles of inclusion and plurality in our nation. A return to civility in our societal discourse will lead to greater unity and respect in both the governmental sphere and our national climate as a whole.

#### **CONCLUSION**

SAALT is heartened that the U.S. Commission on Civil Rights held this briefing and is grateful for the opportunity to present our concerns regarding engagement with Arab and Muslim American communities post-9/11. We urge the Commission to consider our recommendations and any related measures that may be taken to help protect our civil rights as a nation. Together, we can ensure that our country remains true to its fundamental principles of plurality, inclusion and respect.

*For further information about the impact of civil rights issues affecting the South Asian American community, please contact Manar Waheed, SAALT's Policy Director at [manar@saalt.org](mailto:manar@saalt.org) or (301) 270-1855.*