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Members of the Arab-American community in Detroit, Michigan participate in a candlelight vigil in remembrance of the September 11 attack victims. September 19, 2001. © 2001 Agence France Presse

Those who feel like they can intimidate our fellow citizens to take out their anger don't represent the best of America, they represent the worst of humankind, and they should be ashamed of that kind of behavior.

-- George W. Bush

I stand for America all the way! I'm an American. Go ahead. Arrest me and let those terrorists run wild!

-- Frank Roque, after being arrested for the murder of Balbir Singh Sodhi

## **“WE ARE NOT THE ENEMY”**

### **Hate Crimes Against Arabs, Muslims, and Those Perceived to be Arab or Muslim after September 11**

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# UNITED STATES

## “WE ARE NOT THE ENEMY” Hate Crimes Against Arabs, Muslims, and Those Perceived to be Arab or Muslim after September 11

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## I. SUMMARY

In the aftermath of the September 11, 2001 terrorist attacks, Arabs and Muslims in the United States, and those perceived to be Arab or Muslim, such as Sikhs and South Asians, became victims of a severe wave of backlash violence. The hate crimes included murder, beatings, arson, attacks on mosques, shootings, vehicular assaults and verbal threats. This violence was directed at people solely because they shared or were perceived as sharing the national background or religion of the hijackers and al-Qaeda members deemed responsible for attacking the World Trade Center and the Pentagon.

The post-September 11 violence against Arabs and Muslims was not unprecedented. Over the past twenty years backlash hate crimes against Arabs and Muslims in the United States have become predictable, triggered by conflict in the Middle East and acts of terrorism associated with Arabs or Muslims. The hate crimes that followed the September 11 attacks nonetheless were unique in their severity and extent. While comprehensive and reliable national statistics are not available, Arab and Muslim groups report more than two thousand September 11-related backlash incidents. The Federal Bureau of Investigation reported a seventeen-fold increase in anti-Muslim crimes nationwide during 2001. In Los Angeles County and Chicago, officials reported fifteen times the number of anti-Arab and anti-Muslim crimes in 2001 compared to the preceding year.

In many cases, government officials responded quickly and vigorously to the backlash violence. President George W. Bush and numerous state and city officials publicly condemned anti-Arab and anti-Muslim hate crimes. In addition, as this report documents, state and local government across the nation undertook a series of steps seeking to contain acts of violence and bring perpetrators to justice. Nevertheless, aspects of the U.S. government's anti-terrorism campaign—the detention of twelve hundred mostly Middle Eastern and South Asians because of possible links to terrorism, the effort to

question over five thousand young Middle Eastern men, and the decision to fingerprint visitors from certain Middle Eastern and Muslim countries—reinforced a public perception that Arab and Muslim communities as a whole were suspect and linked to the “enemy” in the U.S. war against terrorism.

In this report, Human Rights Watch documents the nature of the September 11 backlash violence and the local, state, and federal government responses to it. Drawing on research in six large cities, Human Rights Watch identified public practices used to protect individuals and communities from hate crimes. The report focuses particularly on four areas of response: police deployment, prosecutions, bias crime monitoring, and outreach to affected communities.

Our research demonstrates that action in advance of potential outbreaks of hate crimes can help mitigate the harm to individuals and property from backlash crimes. The success in combating backlash violence in Dearborn, Michigan, for example, where only two violent September 11-related assaults occurred in a city with 30,000 Arab-Americans, reflected steps taken by local and state officials long before September 11. In particular, Dearborn police had already identified high-risk communities and were ready to deploy officers where needed within hours of the attacks on the World Trade Center and Pentagon; pre-existing relationships between community leaders and officials facilitated communications. In cities such as Los Angeles and New York City, where police departments did not have strong pre-existing relationships with Arab and Muslims, police quickly deployed officers in vulnerable areas once backlash incidents began.

Although various systems existed to track bias crimes in the United States, flaws in those systems limited complete and accurate reporting of the nature and extent of September 11 backlash violence. The effective allocation of public resources to prevent and respond to hate crimes requires better, complete, accurate and timely monitoring of such crime.

None of the cities researched developed backlash mitigation plans. Yet recent U.S. history, as described in this report, had clearly shown that backlash violence usually followed acts of terrorism attributed to Arabs or Muslims. Given that future acts of terrorism in the United States or conflict in the Middle East can be expected to generate new outbreaks of violence against members of Arab and Muslim communities, Human Rights Watch believes that federal, state and local government should develop plans to prevent and mitigate backlash violence.

Ultimately, prevention of anti-Arab violence will require an ongoing national commitment to tolerance, respect for multicultural diversity, and recognition that "guilt by association" has no place in the United States. In the meantime, public officials face the challenge—and the responsibility under U.S. and international law—of combating backlash violence undertaken by private individuals.

The September 11 backlash against Arabs and Muslims is part of a larger, long-standing problem of hate crimes in the United States. Over the past ten years, the Rodney King beating, the 1993 Yusef Hawkins racial murder in Bensonhurst, New York, the 1993 shooting spree on the Long Island Railroad, the summer of 1996 African American church burnings, the 1998 murder of James Byrd, and the 1999 murder of Mathew Shepard have strengthened calls in the U.S. for increased attention to violent bigotry and crimes motivated by bias against distinctive communities identified by race, religion, ethnicity, gender or sexual orientation. While the focus of this report is on violence against Arabs and Muslims, the strengths and weaknesses of official responses to the September 11 backlash reflect the strengths and weaknesses of the official response to all hate crimes.

## II. RECOMMENDATIONS

Our research confirmed that local, state, and federal governments in the United States are committed to meet their obligation to protect Arab and Muslim communities from backlash

violence but vary in the extent to which they have succeeded in doing so. While no government can wholly prevent hate crimes against Arabs and Muslims—or any other vulnerable community—after September 11 public officials took steps to minimize such violence, to ensure its successful investigation and prosecution, and to reassure communities that the government is committed to their protection. We provide recommendations below drawn from our research. Because Human Rights Watch believes that some government entities have developed measures or practices that may serve as useful examples to others we have provided their contact information in the Appendix.

### Policing

1. Law enforcement authorities should prepare a "backlash emergency mitigation plan" that may be implemented immediately following any event that might trigger backlash violence.
2. Following any event that might trigger backlash violence, public officials, as well as civic and social leaders, should make unequivocal statements that bias-motivated violence will not be tolerated and that those who engage in it will be prosecuted.
3. When the possibility of backlash crimes arise, police should heighten their presence in vulnerable communities. Police should also insure open channels of communication with affected communities during these periods.
4. Every law enforcement agency should have one or more officers trained to identify and investigate bias-motivated crimes.
5. All police reports which indicate that a responding officer or a victim believes that a crime may be bias-motivated should be given for review and guidance to a law enforcement officer trained to detect and investigate bias-motivated crimes.
6. Law enforcement agencies should ensure that residents in their jurisdictions know where and to whom and how to report hate crimes. Literature summarizing how victims may report bias-motivated crimes should be

produced, translated into foreign languages as necessary, and distributed widely.

### **Prosecution**

1. Every county and city should provide specialized training to at least one, if not more, prosecutors in identifying and prosecuting criminal acts that may constitute a bias-motivated crime and should assign all hate crime prosecution to prosecutors who have received such training.

2. State attorney general offices should create hate crime prosecution units that provide assistance to county prosecutors.

3. Prosecutors should prominently publicize prosecution of bias-motivated crimes to the general public and to the targeted community, and should do so regardless of whether a bias-motivated act is prosecuted under hate crimes legislation

### **Bias Crime Tracking**

1. All local, county, state and federal law enforcement agencies should cooperate with the Federal Bureau of Investigation's National Incident-Based Reporting System (NIBRS) program to report all bias-motivated crimes.

2. Law enforcement agencies should regularly publish and make public comprehensive statistics on bias-motivated crimes in their jurisdictions regardless of whether the crimes are prosecuted under special hate crime legislation. Published statistics on bias-motivated crimes should include: the number of hate crimes committed in the jurisdiction for the specified period; whether the crime was based on the victim's race, ethnicity, religion, national origin, gender, disability, or sexual orientation; the victim's race, ethnicity, religion, national origin, gender, disability, or sexual orientation; the type of crime committed; the setting in which the crime was committed; whether the perpetrator was apprehended and how many of the reported bias-motivated crimes are being prosecuted.

### **Affected Community Outreach**

1. Government agencies should ensure that communities affected by backlash violence are

aware of the agencies within their jurisdiction that combat bias-motivated violence and know whom to contact within their jurisdiction in case they are a victim of a hate crime.

2. Where significant numbers of members of a community affected by bias-motivated violence live in a particular jurisdiction, government agencies should establish ongoing channels of communication and interaction with community leaders. They should also consider appointing a community liaison or an advisory council to facilitate interaction between government and the community.

## **III. U.S. LAW AND INTERNATIONAL HUMAN RIGHTS STANDARDS**

The violent acts against Arabs and Muslims after September 11 violate U.S. criminal law regardless of their motivation. U.S. officials recognize their responsibility to prevent, investigate, and prosecute crime in general and to ensure that all U.S. residents, without regard to their race, national origin, or religion, are protected. While flaws exist with the U.S. system of law enforcement and criminal justice, no one doubts that all levels of the U.S. government—federal, state, and local—take crime control seriously.

Hate crimes are a uniquely important and socially devastating kind of crime, however, that warrant enhanced public attention and action. What distinguishes a bias or hate crime<sup>1</sup> from others is not the act itself—e.g. murder or assault—but the racial, ethnic, religious, gender, or sexual orientation animus that propels its commission. While typically directed at a particular individual—often randomly chosen—hate crimes are motivated by anger toward an entire community distinguished by specific shared characteristics. While the bias that motivates a hate crime may be unusual in its ferocity, it is rooted in a wider public climate of discrimina-

<sup>1</sup> We use the terms bias-motivated crime and hate crime interchangeably in this report.

tion, fear, and intolerance against targeted communities, which may also be echoed in or enhanced by public policy. U.S. law as well as international human rights law single out hate crimes for particular attention precisely because of their broad social impact and their roots in discrimination and intolerance.

### Hate Crimes Legislation

Over the past several decades, the persistent problem of bias-motivated violence in the United States has spurred the enactment of hate crimes legislation. This legislation either enhances the penalties for a crime when it is motivated by bias or make a bias-motivated criminal act a distinct crime in the criminal code.

The first law uniquely criminalizing bias-motivated conduct in the United States was the federal hate crimes statute.<sup>2</sup> Originally created to protect civil rights workers in the 1960s, the law criminalizes bias-motivated conduct where the perpetrator attempts to stop the victim from engaging in one of six designated activities: (1) enrolling in or attending a public school; (2) participating in a service or facility provided by a state; (3) engaging in employment by any private or state employer; (4) serving as a juror; (5) traveling in or using a facility of interstate commerce; and (6) enjoying the services of certain public establishments. The federal hate crimes law only addresses racial, ethnic, national origin, or religious bias and does not protect persons who are attacked because of their gender or sexual orientation.

The limited scope of the federal hate crimes law and the continuing problem of bias-motivated crime led to the creation of broader state hate crime laws during the 1980s and 1990s. All but five of the fifty U.S. states now have hate crimes legislation.<sup>3</sup> Supporters of hate crimes legislation marshaled a number of argu-

ments to support such laws, including: (1) Because hate crimes cause additional harms over and above the injury caused by crimes not motivated by hate, their unique nature should be recognized in the criminal law and receive greater punishment. For example, a swastika scrawled on a synagogue offends the entire Jewish community, not just the congregants of the affected temple; (2) Legislative recognition of bias-motivated crime encourages increased efforts by public officials to prevent, investigate, and prosecute such crimes; and (3) Hate crimes legislation is an important public affirmation of societal values against bias as well as bias-motivated violence, reinforcing society's commitment to equality among residents.

State hate crime laws typically either make a bias-motivated criminal act a distinct crime or enhance the punishment during sentencing for a crime shown to be motivated by bias.<sup>4</sup> At present, all state hate crime laws include crimes motivated by racial, religious, or ethnic animus. Twenty-six states include crimes motivated by animus against sexual orientation in their hate crime laws,<sup>5</sup> and twenty-four states include crimes motivated by gender animus.<sup>6</sup>

In addition to the federal hate crimes law, the U.S. Congress passed the Hate Crimes Sta-

<sup>2</sup> 18 U.S.C. § 245 (1994).

<sup>3</sup> The states that do not have a law uniquely punishing bias motivated crimes or enhancing punishment for bias-motivated crimes are: South Carolina, Indiana, Arkansas, New Mexico, and Wyoming. See, Anti-Defamation League, "State Hate Crime Statutory Provisions," retrieved on September 10, 2002, from <http://www.adl.org/99hatecrime/intro.html>.

<sup>4</sup> For example, Washington State makes bias motivated crime a distinct crime called "malicious harassment." See, § 9A.36.080, Revised Code of Washington (2001). Arizona state law, on the other hand, calls for an enhanced penalty during sentencing where the prosecutor can demonstrate that a criminal act was motivated by bias. See § 13-702, Arizona Revised Statutes (2001). The model for most state legislation enhancing penalties was developed in 1981 by the Anti-Defamation League (ADL), a Jewish civil rights organization. The ADL's model hate crimes legislation, however, also required hate crime data collection and police hate crimes investigatory training, features which are not typically included in state hate crime laws. Lu-in Wang, *Recognizing Opportunistic Bias Crimes*, 80 B.U.L. Rev. 1399, 1411 (December 2000).

<sup>5</sup> See Human Rights Campaign, "Does Your State's Hate Crimes Law Include Sexual Orientation and Gender Identity?" retrieved on September 19, 2002, from [http://www.hrc.org/issues/hate\\_crimes/background/statelaw.s.asp](http://www.hrc.org/issues/hate_crimes/background/statelaw.s.asp).

<sup>6</sup> See Anti-Defamation League, "State Hate Crime Statutory Provisions," retrieved on September 10, 2002, from <http://www.adl.org/99hatecrime/intro.html>.

tistics Act (HCSA) in 1990.<sup>7</sup> HCSA requires the U.S. Department of Justice to acquire data from law enforcement agencies across the country on crimes that "manifest prejudice based on race, religion, sexual orientation, or ethnicity" and to publish an annual summary of the findings. In 1996, Congress enacted the Church Arson Prevention Act of 1996.<sup>8</sup> The act criminalizes any intentional destruction, defacement or damage to religious property "because of the religious character" of the property.<sup>9</sup> The Act also criminalizes acts that interfere "with the enjoyment" of a person's "free exercise of religious beliefs."<sup>10</sup>

### State and Local Agencies Responsible for Addressing Hate Crimes

In the United States, the prevention, investigation, and prosecution of crimes against persons or property—whether or not bias-motivated—is primarily the responsibility of local authorities. The federal role is limited but nonetheless crucial, with federal authorities serving most often as a backstop when local efforts to address bias crimes issues fail.<sup>11</sup>

Local police are the front line in preventing and investigating hate crimes. The mandate of most police forces is similar to that contained in the New York City Charter: "the police department and force shall have the power and it shall be their duty to preserve the public peace, prevent crime, detect and arrest offenders, suppress riots, mobs and insurrections... protect the rights of persons and property... and for these purposes to arrest all person guilty of violating any law or ordinance...."<sup>12</sup> Police departments are also another source of statistics on hate crimes.

County prosecutors are primarily responsible for prosecuting crimes covered by state legislation, including hate crimes. In some counties, county officials have created

<sup>7</sup> 28 U.S.C. § 534.

<sup>8</sup> 18 U.S.C. § 247.

<sup>9</sup> *Ibid.*

<sup>10</sup> *Ibid.*

<sup>11</sup> Human Rights Watch telephone interview with Ralph Boyd, assistant attorney general for civil rights, United States Department of Justice, August 25, 2002.

<sup>12</sup> New York City Charter § 435 (2001).

ties, county officials have created specialized hate crime prosecution units staffed by prosecutors who receive specialized hate crime prosecution training.

Hate crimes also often fall within the mandate of local and state civil rights agencies. In recent years, some cities and states have created agencies that specifically address bias-motivated crime. For example, the California Civil Rights Commission on Hate Crimes, created in 1998, advises California's attorney general on methods to improve hate crime prevention, tolerance and appreciation for diversity, law enforcement training, and the monitoring and suppression of organized, extremist groups. Similarly, the Michigan Alliance Against Hate Crimes is a statewide coalition of federal, state, and local law enforcement agencies, civil rights organizations, and community-based groups who meet periodically to exchange ideas on ensuring that responses to hate crimes are complete and effective. In addition, a few entities have been created with a specific focus on issues affecting the Arab and Muslim communities. For example, the Chicago mayor's office has an Advisory Council on Arab Affairs which provides guidance and direction on issues affecting the Arab community in Chicago, including hate crimes.

### Federal Agencies Responsible for Addressing Hate Crimes

Federal officials complement and supplement the efforts of state and local agencies to prevent, investigate, monitor, and prosecute hate crimes.

The Civil Rights Division of the U.S. Department of Justice is charged with enforcing and prosecuting federal hate crimes laws. Federal hate crimes prosecutions under 18 U.S. Code Section 245, the federal hate crimes statute are relatively few in number however, both because of the narrow scope of the federal hate crimes law and because of federal reluctance to preempt or disrupt local prosecutions. The Department of Justice does, however, define certain prosecutions that use statutes other than Section 245, such as assault, to prosecute hate crimes. According to the Department of Justice, from



Fiscal Years 1998 to 2001, the average number of prosecutions was 28.<sup>13</sup>

Numerous federal agencies assist in addressing bias-motivated violence. Established by the 1964 Civil Rights Act, the Community Relations Service (CRS), an agency within the U.S. Department of Justice, assists communities in addressing inter-group disputes. CRS mediators, working with police officials and civil rights organizations, have often acted to defuse community tensions that might otherwise escalate into racial or ethnic violence. CRS also has played a leading role in the implementation of the HCSA, organizing HCSA training sessions for law enforcement officials from dozens of police agencies across the country.

Also established by the 1964 Civil Rights Act, the U.S. Commission on Civil Rights (UCCR) holds hearings and briefings on race relations and hate violence. It presents its findings on civil rights issues, such as hate violence, in reports submitted to the U.S. Congress and relevant federal agencies. UCCR has branch offices in each of the fifty states in the United States.

The Federal Bureau of Investigation (FBI) is the primary domestic law enforcement agency of the federal government. It conducts investigations into crimes covered by federal hate crimes legislation and can assist local police with hate crime investigations. The results of its investigations are used by the Civil Rights Division and the United States attorneys to initiate federal hate crime prosecution. In conjunction with CRS, the FBI also trains local law en-

<sup>13</sup> Fiscal Years run from October 1 to September 30. Fiscal Year 2001 prosecutions related to 9-11 backlash consider only the first few weeks following the attacks. According to an interview on July 23, 2003 with a staff member of the Criminal Section of the Civil Rights Division, only one September 11-related hate crime prosecution is included in the FY2001 data. U.S. Department of Justice, "Fiscal Year 2000 Performance Report and Fiscal Year 2002 Performance Plan: Appendix A," April 1, 2001 [online] <http://www.usdoj.gov:80/ag/annualreports/pr2000/AppAFY2000disc.htm> (retrieved July 22, 2003) and Human Rights Watch telephone interview with a staff member of the Criminal Section of the Civil Rights Division, Washington DC, July 23, 2003.

forcement agencies in federal standards of data collection contained in the HCSA and publishes hate crime data collection guidelines for local police agencies.

The Bureau of Justice Statistics (BJS), an office within the U.S. Department of Justice, collects, analyzes, publishes, and disseminates information on crime, including hate crimes, criminal offenders, victims of crime, and the operation of justice systems at all levels of government. BJS is responsible for publishing an annual nationwide hate crimes report that provides the most comprehensive national statistical overview of hate crimes.

The Bureau of Justice Assistance (BJA), another arm of the Justice Department, provides grants to support local police and government agency efforts to build safe communities. BJA has funded numerous local initiatives to prevent and address hate crimes.

### International Law

The condemnation and prohibition of racial or ethnic discrimination plays a pivotal role in international human right law. Both the International Covenant on Civil and Political Rights (ICCPR) and the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), enjoin state parties from race discrimination (including discrimination based on ethnicity or national origin) and require them to provide their residents with equal protection of all laws.<sup>14</sup> The United States is a party to both treaties. In addition, article four of the United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief requires states to "prevent and eliminate discrimination on the grounds of religions" and to "take all appropriate measures to combat intolerance on the grounds of religion...."<sup>15</sup>

<sup>14</sup> International Covenant on Civil and Political Rights (ICCPR), article 26; International Convention on the Elimination of All Forms of Racial Discrimination (CERD), article 2(1).

<sup>15</sup> Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, article 4, General Assembly resolution 36/55, November 25, 1981.

CERD requires governments to punish by law all acts of violence motivated by racial, ethnic, or national origin animus. Specifically, CERD article 4(a) obliges governments to declare "all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin" as offenses punishable by law.<sup>16</sup> Nevertheless, a question remains under international law of whether bias-motivated violence must be penalized by special legislation or whether it can simply be punished through ordinary criminal laws. Some countries have adopted the position that bias-motivated violence must be uniquely criminalized through the creation of hate crimes legislation.<sup>17</sup> The plain text of CERD, however, is silent on this question. It simply calls for bias-motivated violence to be punished without prescribing a means for doing so.<sup>18</sup>

The *Programme of Action of the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance*, published on January 25, 2002, did not call on governments to pass specific hate crime laws. Instead, it recommended that bias motivation be considered by judges during sentencing as an aggravating factor. In particular, the report urged

<sup>16</sup> The Committee on the Elimination of Racial Discrimination, a treaty monitoring committee created pursuant to CERD, similarly calls on states parties to penalize "acts of violence against any race or group of persons of another colour or ethnic origin. Committee on the Elimination of Racial Discrimination, "General Recommendation XV," paras. 3 and 4, retrieved on September 19, 2002, from [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/e51277010496eb2cc12563ee004b9768?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/e51277010496eb2cc12563ee004b9768?Opendocument).

<sup>17</sup> The Canadian Department of Justice (CDOC) concluded that "the creation of special criminal legislation to combat hate-motivated violence more forthrightly satisfies Canada's obligations under international law." Glenn A. Gilmore, *Hate-Motivated Violence*, Canadian Department of Justice, WD1994-6e (1994), retrieved on September 19, 2002, from [http://canada.justice.gc.ca/en/dept/pub/hmv/hate\\_42.html](http://canada.justice.gc.ca/en/dept/pub/hmv/hate_42.html). The Law Reform Commission of Australia, citing Article 4(a) also concluded CERD requires the creation of specific hate crimes legislation. The Law Reform Commission of Australia, *Multiculturalism and the Law*, p. 153, 155, Report 57 (1992) retrieved on September 19, 2002, from <http://www.austlii.edu.au/au/other/alcrc/publications/reports/57>.

<sup>18</sup> CERD, article 4(a).

governments to: "take measures so that such motivations are considered an aggravating factor for the purposes of sentencing, to prevent these crimes from going unpunished and to ensure the rule of law."<sup>19</sup>

The program of action also enumerates a range of other measures that governments should take to address and remedy bias-motivated violence. Taken together, these measures provide a useful list of actions that states parties to CERD, including the United States, may employ to combat bias-motivated violence. The measures include:

- establishing working groups of community leaders and national and local law enforcement officials to coordinate efforts to address bias motivated violence;<sup>20</sup>
- enhancing data collection on bias-motivated violence;<sup>21</sup>
- ensuring that civil rights laws prohibiting bias-motivated violence are rigorously enforced;<sup>22</sup>
- training law enforcement on how to investigate bias motivated crimes;<sup>23</sup>
- developing educational materials to teach young persons the importance of tolerance and respect;<sup>24</sup> and
- recognizing the need of all states parties to CERD to counter the present rise of "anti-Arabism and Islamophobia world-wide."<sup>25</sup>

<sup>19</sup> Report of the World Conference Against Racism, Racial Discrimination, Xenophobia, and Related Intolerance, Programme of Action (WCAR Report), para. 84, retrieved on September 19, 2002, from [http://www.unhchr.ch/huridocda/huridoca.nsf/\(Symbol\)/A.Conf.189.12.En?Opendocument](http://www.unhchr.ch/huridocda/huridoca.nsf/(Symbol)/A.Conf.189.12.En?Opendocument).

<sup>20</sup> WCAR Report, *Programme of Action*, para. 74(b).

<sup>21</sup> Ibid.

<sup>22</sup> Ibid.

<sup>23</sup> Ibid.

<sup>24</sup> Ibid.

<sup>25</sup> Ibid., para. 150.

Many of these measures are discussed below in our assessment of the government response to September 11-related hate crimes in the United States.

#### IV. A HISTORY OF BACKLASH ATTACKS AGAINST ARABS AND MUSLIMS IN AMERICA

Long before September 11, the stereotype of the Arab or Muslim as a "terrorist" had taken hold in the American imagination and fueled anti-Arab and anti-Muslim prejudice. That prejudice sometimes led to hate crimes, particularly after acts of violence ascribed rightly or wrongly to Arab or Muslim terrorists. In light of the history of backlash violence against Arabs and Muslims in the United States before September 11 2001, the hate crimes that followed September 11 were all too predictable. Government officials should be aware that there is a danger of an anti-Arab or anti-Muslim backlash anytime terrorism is linked to these communities.

The victims of this violence have not been limited to one nationality or religion. Those who have been attacked include persons who only appear—at least to some Americans—to be Middle Eastern, Arab, or Muslim. South Asians, for example, have regularly been attacked. So have people who "appear" Muslim—even though Muslims are found among all races, ethnic groups, and nationalities. In the context of U.S. hate-violence, however, "Muslim" has been equated with Middle Eastern or Arab. Sikh men who wear turbans have also been lumped with "Arab" terrorists and victimized. In short, a confluence of events in U.S. history has led to the construction of a new racial stereotype and target for bias, fear, and hate crimes: persons who are or appear to be "Middle Eastern, Arab or Muslim." For brevity's sake, in this report we refer to this violence as anti-Arab and anti-Muslim, while fully cognizant of the heterogeneous composition of the victims.<sup>26</sup>

##### Middle East Tensions in the 1970s and 1980s

Though neither government agencies nor Arab or Muslim nongovernmental organiza-

<sup>26</sup> See Leti Volpp, "The Citizen and the Terrorist," 49 *UCLA Law Review* 1575 (2002).

tions tracked incidents of bias-motivated crime in the 1970s,<sup>27</sup> Arab and Muslim activists point to the 1973 Arab-Israeli war and oil embargo as a starting point for increased prejudice and hostility against their communities in the United States.<sup>28</sup> An Arab-American from Dearborn, Michigan described the change in public attitudes towards Arab-Americans after 1973 in the following way: "suddenly we were being held responsible for things we had nothing to do with and no control over and maybe didn't even support in the first place."<sup>29</sup> Activists contend that hostility increased during the Iran hostage crisis in 1979. According to Albert Mokhiber, former President of the American Arab Anti-Discrimination Committee (ADC), the oldest Arab-American civil rights organization, "Iranians were being targeted for hate crimes at that point... so were Arab-Americans, and Arabs and Iranians aren't the same...."<sup>30</sup>

Arab-American activists also believe the ABSCAM scandal of 1980 heightened negative stereotypes of Arabs.<sup>31</sup> ABSCAM, short for "Arab Scam," was a federal political corruption sting operation in which federal agents posed as wealthy sheiks and offered bribes to politicians. As one Arab-American noted, after ABSCAM: "[A]ll Arabs were bad. Everybody was lumped together. You became that horrible, hook-nosed, terrorizing murderer. You were not to be trusted."<sup>32</sup> The founders of the ADC credit the

<sup>27</sup> The federal government began tracking hate crimes data with the passage of the Hate Crime Statistics Act in 1990.

<sup>28</sup> David Lamb, "Loyalty Questioned; U.S. Arabs Close Ranks Over Bias," *Los Angeles Times*, March 13, 1987.

<sup>29</sup> David Lamb, "Loyalty Questioned; U.S. Arabs Close Ranks Over Bias," *Los Angeles Times*, March 13, 1987.

<sup>30</sup> Albert Mokhiber, "American Arab Anti-Discrimination Committee News Conference," National Press Club, Washington, D.C., Federal News Service, February 20, 1992.

<sup>31</sup> Patrick Cooper, "Daschle's Proud Mentor Looks Back," *Roll Call*, July 19, 2001; "Human Rights: American-Arab Committee Fights Discrimination," Inter Press Service, August 20, 1985; Alan Achkar and Michele Fuetsch, "Taking Pride In Their Heritage; Arab-Americans Battle The Sting Of Stereotypes As They Work To Open Others' Eyes To Reality Of Their Culture," *Plain Dealer*, November 26, 1995.

<sup>32</sup> Alan Achkar and Michele Fuetsch, "Taking Pride In Their Heritage; Arab-Americans Battle The Sting Of Stereotypes As They Work To Open Others' Eyes To Reality Of Their Culture," *Plain Dealer*, November 26, 1995.

negative publicity surrounding the ABSCAM scandal as the impetus for the group's creation.<sup>33</sup>

The hijacking of TWA Flight 847 by Shiite militants on June 14, 1985 and the hijacking of the Italian cruise liner the Achille Lauro on October 7, 1985 by the Palestinian Liberation Organization were followed by a spate of violent crimes against Arab and Muslims in the United States. On October 11, 1985, the regional director of the ADC Southern California office, Alex Odeh, was killed when a bomb exploded outside the front door of his office.<sup>34</sup> The day before, Odeh had been on local television denying PLO involvement in the hijacking.<sup>35</sup> The ADC office in Washington, D.C., was firebombed two months after Odeh's death.<sup>36</sup> Two months before Odeh's murder, a bomb outside the ADC's Boston office injured a policeman when it detonated while the officer was trying to defuse it.<sup>37</sup> In the same time period, a Houston mosque was pipe-bombed (causing \$50,000 in damage),<sup>38</sup> the windows of the Islamic Institute in Dearborn, Michigan were broken,<sup>39</sup> and a mosque in Potomac, Maryland was vandalized.<sup>40</sup> In 1986, the day the United States attacked Libya, five Arab students at Syracuse University were beaten while their attackers yelled anti-Arab epithets.<sup>41</sup> Arab-American businesses in Dearborn, Michigan were also vandalized soon after the attack on Libya.<sup>42</sup>

<sup>33</sup> Chris Tricarico and Marison Mull, "The Arab: No More Mister Bad Guy?" *Los Angeles Times*, September 14, 1986.

<sup>34</sup> Steve Lerner, "Terror Against Arabs in America: No More Looking the Other Way," *New Republic*, July 28, 1986.

<sup>35</sup> Steve Lerner, "Terror Against Arabs in America: No More Looking the Other Way," *New Republic*, July 28, 1986.

<sup>36</sup> Thomas Lerner, "Cover Story Language, incidents increasingly [sic]," *United Press International*, December 15, 1985.

<sup>37</sup> Thomas Lerner, "Cover Story Language, incidents increasingly [sic]," *United Press International*, December 15, 1985.

<sup>38</sup> "Terror Against Arabs in America: No More Looking the Other Way," *New Republic*, July 28, 1986.

<sup>39</sup> "Human Rights: American-Arab Committee Fights Discrimination," *Inter Press Service*, August 20, 1985.

<sup>40</sup> Ibid.

<sup>41</sup> "Arab-Americans Are Targets Of Terrorism In U.S.," *Seattle Times*, September 7, 1986.

<sup>42</sup> Murray Dubin, "'Hate acts' against minorities are on the rise, experts say," *Houston Chronicle*, December 7, 1986.

## Persian Gulf War

The beginning of the Persian Gulf crisis in August 1990 led to a major wave of hate crimes nationwide against Arabs and Muslims in the United States. The ADC recorded four anti-Arab hate crimes, from January to August 1990, before the crisis began<sup>43</sup>; between August and the start of the war on January 16, 1991 it recorded forty hate crimes. During the first week of the war, it recorded another forty-four.<sup>44</sup>

In Los Angeles, fires destroyed the businesses of a Lebanese-American and an Iranian Jew.<sup>45</sup> In Cincinnati, a store owned by an Arab-American was firebombed.<sup>46</sup> In New York, ten men with a bottle beat a man who looked Arab on the subway.<sup>47</sup> In Baltimore, four or five men yelling "filthy Arab" attacked and broke the car window of a Polynesian Jew.<sup>48</sup> In San Francisco, vandals smashed the windows of four Arab-American businesses.<sup>49</sup> In Tulsa, Oklahoma, the house of an Iraqi native was burned down.<sup>50</sup> Threats against Arab and Muslim Americans were so numerous in Detroit that

<sup>43</sup> "American Arab Anti-Discrimination Committee News Conference," Federal News Service, February 20, 1992. The ADC data is based on reports of hate crimes filed by victims with its national office. Unlike a law enforcement agency, the ADC does not conduct an investigation to confirm whether a report of a bias incident is true. In classifying a criminal act and as a hate crime, the ADC used the federal definition of a hate crime.

<sup>44</sup> Albert Mokhiber, "American Arab Anti-Discrimination Committee News Conference," National Press Club, Washington, D.C., Federal News Service, February 20, 1992.

<sup>45</sup> Kenneth Reich and Richard A. Serrano, "Suspicious Fires Probed for Ties to Gulf Tension Crime: An Arson Unit studies a West Los Angeles Market Blaze and Police Label the Torching of a Sherman Oaks Store a Likely Hate Crime. Owners of Both Businesses are of Mideast Descent," *Los Angeles Times*, January 24, 1991.

<sup>46</sup> Adam Gelb, "War's Backlash: Two Communities Torn by Conflict; Arabs Emerge as New Target of Prejudice," *Atlanta Journal and Constitution*, January 19, 1991.

<sup>47</sup> Cynthia Ducanin, "Crisis in the Middle East: American Sentiment: Threats Against Arab-Americans Rise, Hotline Set for Victims; Savannah Station Stirs Outcry," *Atlanta Journal and Constitution*, September 1, 1990.

<sup>48</sup> Adam Gelb, "War's Backlash: Two Communities Torn by Conflict. Arabs Emerge as New Target of Prejudice," *Atlanta Journal and Constitution*, January 19, 1991.

<sup>49</sup> "Vandals Strike at Arabs in The City," *San Francisco Examiner*, January 25, 1991.

<sup>50</sup> Ted Bridis, "Suspected 'Hate Crime' Yields to Flood of Support," Associated Press, February 23, 1991.

Mayor Coleman Young asked Michigan's Governor to assign National Guard troops to protect the city's Arab and Muslim population.<sup>51</sup>

The severe nature and extent of the crimes prompted the first efforts by public officials to address violence against Arab and Muslim Americans. President George H.W. Bush strongly called for an end to hate attacks against Arab-Americans, insisting on September 24, 1990 that "death threats, physical attacks, vandalism, religious violence and discrimination against Arab-Americans must end."<sup>52</sup> In California, noting that the current "wave of hate crimes is greater than we have seen since the brutal heyday of the Klu Klux Klan," Lieutenant Governor Leo McCarthy introduced hate crimes legislation that proposed to increase civil and criminal penalties for those who commit bias-motivated crime.<sup>53</sup> In Los Angeles, the district attorney's office released a public service announcement asking viewers to call the Los Angeles County district attorney's office if they had any knowledge of crimes against Arabs, Muslims or Jews.<sup>54</sup> In Chicago, the Human Relations Commission helped Arab and Muslim shopkeepers post signs warning against committing hate crimes.<sup>55</sup>

### Oklahoma City Bombing and TWA Flight 800

On April 19, 1985, a bomb destroyed the Alfred P. Murrah Federal Building in Oklahoma City, Oklahoma, killing 168 people. In the two days before federal authorities stated that foreign terrorists were not responsible, many Americans assumed Arab terrorists were behind the attack.<sup>56</sup> The Council on Islamic Relations

<sup>51</sup> Rick Hampson, "Arab-Americans: Dual Loyalties and Nagging Worries," Associated Press, January 20, 1991.

<sup>52</sup> "Home-Grown Hatemongers," *New York Times*, February 27, 1991.

<sup>53</sup> "McCarthy, Lockyer Announce Legislation to Battle Hate Crimes," *Business Wire*, February 6, 1991. The California State Legislature enacted the legislation that year.

<sup>54</sup> "Southland: Briefly TV Ads to Fight Hate Crimes," *Los Angeles Daily News*, February 1991.

<sup>55</sup> Frank Burgos and Zay N. Smith, "Shops Asked to Help Fight Hate Crimes," *Chicago Sun-Times*, January 30, 1991.

<sup>56</sup> Bonnie Miller Rubin, "U.S. Muslims Are Looking For Apology," *Chicago Tribune*, April 22, 1995. Timothy McVeigh, a U.S. citizen who was neither Arab or Muslim, was eventually tried and executed for the bombing.

(CAIR), a Muslim civil rights organization, recorded over two hundred incidents of anti-Muslim harassment, assault, or property damage in the days immediately following the bombing.<sup>57</sup>

In Oklahoma City, a Muslim woman who was seven months pregnant suffered a miscarriage after a brick thrown through her window traumatized her the morning after the bombing.<sup>58</sup> At a Muslim day care center in Texas, a teacher and sixty young students were frightened when a passing driver shouted to the teacher, "Here's a bomb for you lady," and then threw a bag of soda cans at her.<sup>59</sup> In New York City, callers threatened to bomb Arab-owned business and attack the families of the owners.<sup>60</sup> In Richardson, Texas, a mosque received ten threatening phone calls.<sup>61</sup> Just one day after the bombing, as reports of backlash attacks began to surface, President Bill Clinton called on Americans not to rush to any judgments or blame any religion for the attack.<sup>62</sup>

On July 17, 1996, TWA Flight 800 exploded soon after leaving New York, killing all its passengers. As with the Oklahoma City bombing, there was public speculation in the media that Muslim or Arab terrorists were responsible for the explosion.<sup>63</sup> Ultimately, the downing of TWA Flight 800 was blamed on a

<sup>57</sup> Farhan Haq, "United States: Terrorism Fears Put Muslims on the Alert," *Inter Press Service*, August 17, 1995. CAIR data is based on reports of bias incidents filed by victims with its national office. These incidents include everything from verbal harassment to discrimination to bias-motivated criminal acts. CAIR accepts the facts reported to it as true.

<sup>58</sup> Charles M. Sennott, "After the bombings, America Faces up to Prejudice," *Boston Globe*, June 21, 1995.

<sup>59</sup> Hamzi Moghradi, "A Rush to Judgment - Again," *Plain Dealer*, April 23, 1995.

<sup>60</sup> Laura Outerbridge, "American Muslims Articulate Fear of Backlash," *Washington Times*, April 21, 1995.

<sup>61</sup> Hamzi Moghradi, "A Rush to Judgment - Again," *Plain Dealer*, April 23, 1995.

<sup>62</sup> John Nichols, "Bumbling Analysis Of Bombing Promoted Ethnic Stereotypes," *Capital Times*, April 24, 1995.

<sup>63</sup> David Johnston, "Terror In Oklahoma City: The Investigation; At Least 31 Are Dead, Scores Are Missing After Car Bomb Attack In Oklahoma City Wrecks 9-Story Federal Office Building," *New York Times*, April 20, 1995; Stewart M. Powell and Holly Yeager, "FBI Issues Bulletin for 3 Suspects," *Seattle Post-Intelligencer*, April 20, 1995.

mechanical failure.<sup>64</sup> Nevertheless, CAIR received ten reports of anti-Muslim verbal harassment and threats of violence prompted by anger against Muslims after the plane exploded.<sup>65</sup>

### September 11: Expectations of Backlash Violence

The past history of backlash violence left many of Arabs, Muslims, and those perceived to be Arab or Muslim, apprehensive that they would be targets of backlash violence whenever a terrorist incident was blamed on Arabs or Muslims. This fear was vividly expressed in messages sent by Muslims, Arabs, and Sikhs to community e-mail groups in the hours immediately after the September 11 attacks. A few of the messages are excerpted below:

- "Both towers of the World Trade Center are burning. In the coming hours (minutes?), the finger pointing will start just as it did after Oklahoma City."<sup>66</sup>
- "I apologize for this haphazard email. I am shocked beyond belief as our great country is going through crisis as none before. At this time we stand with our hands folded in Ardas (Sikh prayer) to all victims of this dastardly attack. However...it is critical that we as Sikh-Americans do not become victims of this terror...What I am saying is very simple, "though we are peace loving people with no connections whatsoever to... (Osama bin Laden etal[sic]), there are individuals which may not see the difference"... Everyone's work or school situation is different but noone [sic] should go under any bullying or

<sup>64</sup> Rick Hampson, "Another Grim Task," *USA Today*, November 1, 1999.

<sup>65</sup> Suzanne Cassidy, "Muslim Report Validates Local, National Aura of Bias: Pervasive Bigotry Alleged to Arise from Unjust, Constant Media Pairing of Islam with Terrorism," *The Harrisburg Patriot*, August 5, 1997.

<sup>66</sup> Alex Khalil, September 11, 2001, written to Global Network of Arab Activists Yahoogroup at 9:49 a.m.

even be made uncomfortable by fellow colleagues."<sup>67</sup>

- "I'm sure we've all heard of the tragedy this morning... Needless to say, we all realize that no Muslim in their right mind would condone such an action. I'm only writing to be sure you are all aware of the unavoidable atmosphere that will rise as a result of this attack: we're non-white, we're Arab... we're Muslims... There will be some 'serious' anti-arab, anti-Muslim sentiment running rampant through this country... So be careful, stay with your families, stay off the streets unnecessarily, and watch your fellow sisters and brothers."<sup>68</sup>
- "During this period of time in which events unfold in NY and Washington, we urge Arabs and Muslims to be watchful and proactive in handling what may result in backlash against our communities, property and persons."<sup>69</sup>

## V. THE SEPTEMBER 11 BACKLASH

The September 11 hate crime backlash confirmed the fears of Arabs and Muslims in the United States: a major terrorist attack gave rise to a nationwide wave of hate crimes against persons and institutions perceived to be Arab or Muslim. Unlike previous hate crime waves, however, the September 11 backlash distin-

<sup>67</sup> "Sikh-Americans: we need to be proactive During this Crisis!!!!!!," retrieved on September 11, 2001, from <http://groups.yahoo.com/group/sikh-sewa/>. Accessed by subscribing to Sikh-Sewa Yahoogroup and viewing archives.

<sup>68</sup> "Bismillah," retrieved on September 11, 2001, from <http://groups.yahoo.com/group/ymaonline>. Accessed by subscribing to Young Muslim Association Yahoogroup and viewing archives.

<sup>69</sup> "Action Alert: Report Hate Crimes and Contact Media Outlets," from <http://groups.yahoo.com/group/adcsf>. Accessed by subscribing to American Arab Anti-Discrimination Committee Yahoogroup and viewing archives.

guished itself by its ferocity and extent. The violence included murder, physical assaults, arson, vandalism of places of worship and other property damage, death threats, and public harassment. Most incidents occurred in the first months after September 11, with the violence tapering off by December.

Both official and community-based organization tabulations—derived from self-reported incidents and newspaper accounts—clearly demonstrate the severity of the September 11 backlash. The FBI reported that the number of anti-Muslim hate crimes rose from twenty-eight in 2000 to 481 in 2001, a seventeen-fold increase.<sup>70</sup> The ADC reported over six hundred September 11-related hate crimes committed against Arabs, Muslims, and those perceived to be Arab or Muslim, such as Sikhs and South Asians.<sup>71</sup> Tabulating backlash incidents ranging from verbal taunts to employment discrimination to airport profiling to hate crimes, CAIR reported one thousand seven hundred and seventeen incidents of backlash discrimination against Muslims from September 11 through February 2002.<sup>72</sup>

State and local agency data provide additional perspective on the extent of the violence. In Chicago, the police department reported only four anti-Muslim or anti-Arab hate crimes during the year 2000; in the three months of September through November 2001, the number was fifty-one.<sup>73</sup> In Los Angeles County, California, there were twelve hate crimes against persons of Middle Eastern descent in the year 2000, compared to 188 such hate crimes in 2001.<sup>74</sup> In

Florida, the attorney general directly attributed the 24.5 percent increase in the total number of hate crimes registered for the year 2001 to September 11-related bias.<sup>75</sup>

Not surprisingly, the persons most vulnerable to September 11-related hate crimes were those easily identified as Arabs or Muslims, including Muslim women who wear hijabs.<sup>76</sup> Sikhs who wear turbans also appear to have been disproportionately targeted, presumably because of the erroneous assumption by many Americans that men wearing turbans are Arab or Muslim. Similarly, bias-motivated property attacks were often directed at property that could easily be identified with Muslims or Arabs, such as mosques.

Many Arabs and South Asians who have come to the United States seem to have clustered in certain jobs, including driving taxis, or have become small business owners, running gas stations, convenience stores, and motels. This may account for the prevalence of backlash victims among persons with these occupations. Two of the three September 11-related murders for which charges have been brought were of convenience store workers.<sup>77</sup> The other September 11-related murder for which charges have been brought was of a gas station owner.<sup>78</sup> In Tulsa, Oklahoma and Seattle, Washington, taxi dispatch services noted that after September 11 they had received threatening calls saying that their Muslim and Arab taxi workers would be killed.<sup>79</sup>

<sup>70</sup> "Crime in the United States – 2001," Federal Bureau of Investigation, retrieved on October 30, 2002, from <http://www.fbi.gov/ucr/01cius.htm>.

<sup>71</sup> "ADC Fact Sheet: The Condition of Arab Americans Post-September 11," American Arab Anti-Discrimination Committee, retrieved on September 24, 2002, from [http://www.adc.org/index.php?Ibid.=282&no\\_cache=1&sword\\_list\[\]=hate&sword\\_list\[\]=crime](http://www.adc.org/index.php?Ibid.=282&no_cache=1&sword_list[]=hate&sword_list[]=crime).

<sup>72</sup> "Anti-Muslim incidents," retrieved on September 8, 2002, from <http://www.cair-net.org>.

<sup>73</sup> "Hate Crimes in Chicago: 2001," Chicago Police Department, p. 13, retrieved on September 24, 2002, from <http://www.ci.chi.il.us/CommunityPolicing/Statistics/Reports/HateCrimes/HateCrimes01.pdf>.

<sup>74</sup> "Compounding Tragedy: The Other Victims of September 11," Los Angeles County Commission on Human Rela-

tions, p. 12, 14, retrieved on September 24, 2002, from [http://humanrelations.co.la.ca.us/Our\\_publications/pdf/2001HCR.pdf](http://humanrelations.co.la.ca.us/Our_publications/pdf/2001HCR.pdf).

<sup>75</sup> "Hate Crimes in Florida: January 1, 2001-December 31, 2001," Office of Attorney General, p. 6, retrieved on September 24, 2002, from <http://legal.firn.edu/justice/01hate.pdf>.

<sup>76</sup> Hijab is the practice among Muslim women of covering the head and body.

<sup>77</sup> Vasudev Patel and Waquar Hassan were killed while working in convenience stores.

<sup>78</sup> Balbir Singh Sodhi was killed while working at his gas station.

<sup>79</sup> Curtis Killman, "Tulsa-area Muslims feel fear," *Tulsa World*, September 16, 2001; "Bush Appeals For Calm Amid Incidents Of Hate; Threats And Attacks Have Targeted Mosques, Arab Americans," *Seattle Post-Intelligencer*, September 14, 2001.



In addition to bias-motivated criminal acts, the September 11 attacks spurred complaints of non-criminal acts of discrimination and racial profiling. As of May 2002, the U.S. Equal Employment Opportunity Commission (EEOC), the federal agency charged with enforcing federal employment discrimination laws, had received 488 complaints of September 11-related employment discrimination. Of these, 301 involved persons who were fired from their jobs.<sup>80</sup> Similarly, as of June 2002, the U.S. Department of Transportation (DOT) reported that it had investigated 111 September 11-related complaints from airline passengers who claimed that they were singled out at security screenings because of their ethnic or religious appearance.<sup>81</sup> The DOT reported that it was also investigating an additional thirty-one complaints of persons who alleged they were barred altogether from boarding airplanes because of their ethnic or religious appearance.<sup>82</sup> The overwhelming number of September 11-related discrimination complaints compelled the DOT and EEOC to specially track and report the backlash incidents.<sup>83</sup>

Polls conducted by national Arab and Muslim advocacy groups measured the cumulative perceptions created by September 11-related criminal and non-criminal bias incidents in the Arab and Muslim communities. In July 2002, CAIR polled 945 Muslim Americans on how September 11 and its aftermath affected them. The poll found that 48 percent believed their lives had changed for the worse since September 11.<sup>84</sup> While 79 percent said they experienced an

act of kindness or support from friends or colleagues of other faiths since September 11, 57 percent experienced an act of bias or discrimination, ranging from a disparaging remark to employment discrimination to a hate crime.<sup>85</sup> A poll of Arab-Americans conducted in May 2002 found that that 20 percent had personally experienced discrimination since September 11.

The full dimensions of the backlash may never be known. As discussed in section V, there are two reasons for what amounts to a systemic gap in public knowledge about the extent of hate crimes in the United States. First, the federal hate crimes reporting system contains significant limitations, including the voluntary nature of the reporting system and the failure of some local law enforcement agencies that ostensibly participate in the federal reporting system to furnish information on hate crimes to federal authorities. These gaps in the federal hate crimes reporting system were detailed in a September 2000 U.S. Department of Justice-funded study, which estimated that almost six thousand law enforcement agencies in the United States likely experience at least one hate crime that goes unreported each year.<sup>86</sup> Second, the racial or ethnic identity of a crime victim without more is an insufficient basis on which to determine whether a crime is hate-related. Absent specific indicia of bias—e.g, statements made by the perpetrator—hate-based crimes may not be recorded as such.

<sup>80</sup> "EEOC Provides Answers About the Workplace Rights of Muslims, Arabs, South Asians and Sikhs," Press Release, Equal Employment Opportunity Commission, May 15, 2002, retrieved on September 23, 2002, from <http://www.eeoc.gov/press/5-15-02.html>.

<sup>81</sup> William Wan, "Four Airlines Sued For Alleged Post-Sept. 11 Discrimination," Cox News Service, June 4, 2002.

<sup>82</sup> *Ibid.*

<sup>83</sup> William Wan, "Four Airlines Sued For Alleged Post-Sept. 11 Discrimination," Cox News Service, June 4, 2002; "EEOC Provides Answers About the Workplace Rights of Muslims, Arabs, South Asians and Sikhs," Press Release, Equal Employment Opportunity Commission, May 15, 2002, retrieved on September 23, 2002, from <http://www.eeoc.gov/press/5-15-02.html>.

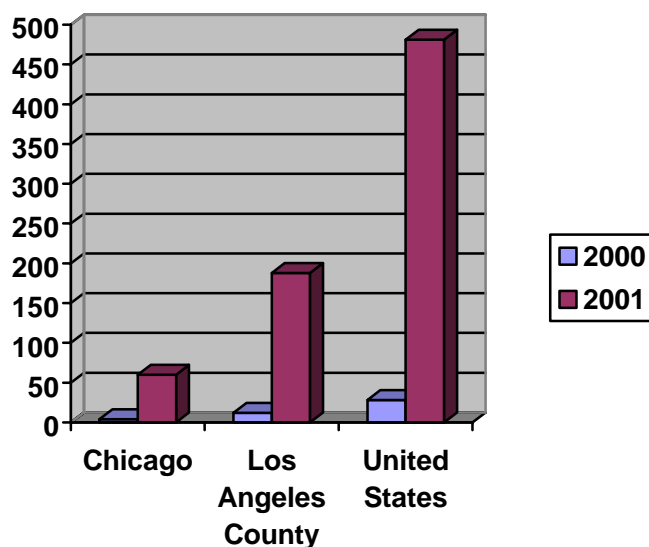
<sup>84</sup> "Poll: Majority of U.S. Muslims suffered post September 11 bias," Council on American-Islamic Relation, August

21, 2002, retrieved on August 28, 2002, from <http://www.cair-net.org/asp/article.asp?articleid=895&articletype=3>.

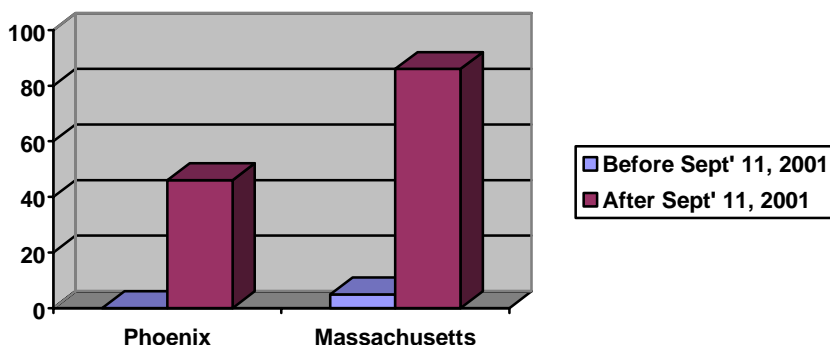
<sup>85</sup> *Ibid.*

<sup>86</sup> "Improving The Quality And Accuracy Of Bias Crime Statistics Nationally: An Assessment of the First Ten Years of Bias Crime Data Collection," The Center for Criminal Justice Policy Research College of Criminal Justice, p. 61 (2000).

### Anti-Arab or Anti-Muslim Hate Crimes During The Years 2000 and 2001<sup>87</sup>



### Anti-Arab and Muslim Hate Crimes During 2001 Before and After September 11, 2001<sup>88</sup>



<sup>87</sup> Anti-Muslim hate crimes in the United States increased from twenty-eight during 2000 to 481 during 2001. See "Crime in the United States – 2001," Federal Bureau of Investigation, retrieved on October 30, 2002, from <http://www.fbi.gov/ucr/01cius.htm>. Anti-Arab and anti-Muslim hate crimes in Los Angeles County increased from twelve during 2000 to 188 during 2001. See "Compounding Tragedy: The Other Victims of September 11," Los Angeles County Commission on Human Relations, p. 12 and 14, retrieved on September 24, 2002, from [http://humanrelations.co.la.ca.us/Our\\_publications/pdf/2001HCR.pdf](http://humanrelations.co.la.ca.us/Our_publications/pdf/2001HCR.pdf). Anti-Arab and anti-Muslim hate crimes in Chicago increased from four during 2000 to sixty during 2001. See "Hate Crimes in Chicago: 2001," Chicago Police Department, p. 13, retrieved on September 24, 2002, from <http://www.ci.chi.il.us/CommunityPolicing/Statistics/Reports/HateCrimes/HateCrimes01.pdf>.

<sup>88</sup> During 2001, Massachusetts had five anti-Arab or anti-Muslim hate crimes before September 11 and eighty-six after. See Marie Szaniszlo, "Study: 9/11 fuels anti-Arab crime," *Boston Herald*, September 25, 2002. During 2001, Phoenix had no anti-Arab or anti-Muslim hate crimes before September 11 and forty-six after. See "Bias Incident Statistics," Phoenix Police Department, retrieved on October 29, 2002, from <http://www.ci.phoenix.az.us/POLICE/hatecr2.html>.

## Murder

*I stand for America all the way! I'm an American. Go ahead. Arrest me and let those terrorists run wild!*<sup>89</sup>

—Frank Roque, after being arrested for the murder of Balbir Singh Sodhi

At least three people were murdered as a result of the September 11 backlash. There is reason to suspect four other people may also have been murdered because of anti-Arab and anti-Muslim hatred.

### ***Balbir Singh Sodhi***

Balbir Singh Sodhi, a forty-nine-year-old turbaned Sikh and father of three, was shot and killed while planting flowers at his gas station on September 15, 2002. Police officials told Human Rights Watch that hours before the crime, Sodhi's alleged killer, Frank Roque, had bragged at a local bar of his intention to "kill the ragheads responsible for September 11."<sup>90</sup> In addition to shooting Sodhi three times before driving away, Roque also allegedly shot into the home of an Afghani American and at two Lebanese gas station clerks.<sup>91</sup> The Maricopa County prosecutor's office was due to try Roque for Sodhi's murder on November 12, 2002.

### ***Vasudev Patel***

On October 4, 2001, Mark Stroman shot and killed Vasudev Patel, a forty-nine-year old Indian and father of two, while Patel was working at his convenience store in Mesquite, Texas.<sup>92</sup> A store video camera recorded the murder, allowing law enforcement detectives to identify Stroman as the killer. Stroman said during a television interview that anger over the September 11 attacks caused him to attack any store owner who appeared to be Muslim. He further stated during the interview: "We're at war. I did what I had to do. I did it to retaliate

<sup>89</sup> Human Rights Watch interview with Sergeant Mike Goulet of the Mesa, Arizona police department, August 6, 2002.

<sup>90</sup> Ibid.

<sup>91</sup> Ibid.

<sup>92</sup> Michael Tate, "Mesquite seeks clues in killing of gas-store owner," Dallas Morning News, October 5, 2001.

against those who retaliated against us."<sup>93</sup> In addition to killing Patel, Stroman also shot and killed Waquar Hassan on September 15, 2001 (see below), and also shot Rais Uddin, a gas station attendant, blinding him.<sup>94</sup> Stroman was tried and convicted of capital murder for killing Patel and sentenced to death on April 3, 2002.<sup>95</sup>

### ***Waquar Hassan***

Waquar Hassan, a forty-six-year-old Pakistani and father of four, was killed while cooking hamburgers at his grocery store near Dallas, Texas on September 15, 2001. Although no money was taken from Hassan's store, police in Dallas initially believed that he was killed during a robbery because he had been robbed twice that year.<sup>96</sup> Hassan's family, however, believed his murder was a hate crime because nothing was stolen by the assailant and the murder had occurred so soon after September 11.<sup>97</sup> His family also pointed out that customers visiting Hassan's store after September 11 subjected him to ethnic and religious slurs.<sup>98</sup> The case remained unsolved until Mark Stroman admitted to killing Hassan to a fellow prison inmate in January 2002.<sup>99</sup> Murder charges against Stroman were dropped once he was convicted and sentenced to death for Vasudev Patel's murder.<sup>100</sup>

### ***Ali Almansoop***

On September 17, 2001, Ali Almansoop, a forty-four year old Yemini Arab, was shot and killed in his home in Lincoln Park, Michigan after being awoken from his sleep by Brent David Seever. At the time of his murder, Al-

<sup>93</sup> "News Roundup," *San Antonio Express-News*, February 14, 2002.

<sup>94</sup> Ibid.

<sup>95</sup> "Death Sentence for Revenge Killing," United Press International, April 4, 2002. While Human Rights Watch believes all bias-motivated crimes should be prosecuted, it does not condone the death sentence in this or any other criminal matter.

<sup>96</sup> Alan Cooperman, "Sept.11 Backlash Murders and the State of 'Hate'; Between Families and Police, a Gulf on Victim Count," *Washington Post*, January 20, 2002.

<sup>97</sup> Human Rights Watch telephone interview with Zahid Ghani, brother-in-law of Waquar Hassan, August 25, 2002.

<sup>98</sup> Ibid.

<sup>99</sup> Ibid.

<sup>100</sup> The prosecution used Stroman's confession that he killed Hussain during sentencing portion of his trial for the murder of Vasudev Patel.

mansoop was in bed with Seever's ex-girlfriend.<sup>101</sup> Immediately before killing Almansoop, Seever said that he was angry about the September 11 terrorist attacks. Almansoop pleaded that he did not have anything to do with the attacks.<sup>102</sup> Seever shot Almansoop anyway. Seever acknowledged to police investigators that he killed Almansoop in part because of anger related to September 11. Prosecutors chose to prosecute the matter as a murder, rather than a bias-motivated murder, because they believe Mr. Seever's motivation for murdering Almansoop was motivated in part by jealousy over Almansoop's relationship with his ex-girlfriend. Mr. Seever had been stalking his ex-girlfriend before the murder.<sup>103</sup>

#### **Abdo Ali Ahmed**

On September 29, 2001, Abdo Ali Ahmed, a fifty-one-year-old Yemeni Arab and Muslim, and father of eight, was shot and killed while working at his convenience store in Reedley, California.<sup>104</sup> Cash in two registers and rolled coins inside an open safe were left untouched. In addition, Ahmed's gun, which he kept for protection, reportedly remained in its usual spot, indicating that he may not have felt in mortal danger.<sup>105</sup> Two days before his murder, Ahmed had found a note on his car windshield which stated, "We're going to kill all of you [expletive] Arabs."<sup>106</sup> Instead of contacting the police, Ahmed threw the note away.<sup>107</sup>

Ahmed's family and local Muslim leaders have told the local press that they believe his killing was a hate crime.<sup>108</sup> However, largely

because no perpetrator or perpetrators have been found for whom a motive can be established, police have not classified the murder as a hate crime. California Governor Gray Davis offered a \$50,000 reward for information leading to the conviction of Ahmed's killers.<sup>109</sup> At the time of this writing, the investigation into Ahmed's murder was stalled because police had run out of leads.<sup>110</sup>

#### **Adel Karas**

On September 15, 2001, Adel Karas, a forty-eight-year-old Arab and Coptic Christian, and father of three, was shot and killed at his convenience store in San Gabriel, California. According to press reports, his wife, Randa Karas, believes he was murdered because he was mistaken for a Muslim. She points out that no money was taken from the cash register and that her husband had a thick wad of bills in his pocket. Local police told Human Rights Watch that they do not believe his murder was bias-motivated because there is no evidence to indicate anti-Arab or anti-Muslim bias. The murder remained unsolved at the time of this writing.<sup>111</sup>

#### **Ali W. Ali**

Ali W. Ali, a sixty-six-year-old Somali Muslim, died nine days after being punched in the head while standing at a bus stop in Minneapolis, Minnesota on October 15, 2002.<sup>112</sup> According to press reports, the only known witness to the attack saw the assailant walk up to Ali, punch him, stand over him, and then walk away.<sup>113</sup> His son and Somali community members attributed the attack against Ali to anger created against Somalis by a front page local newspaper article that appeared two days before

<sup>101</sup> Alan Cooperman, "Sept. 11 Backlash Murders and the State of 'Hate'; Between Families And Police, a Gulf On Victim Count," *Washington Post*, January 20, 2002.

<sup>102</sup> *Ibid.*

<sup>103</sup> *Ibid.*

<sup>104</sup> Evelyn Nieves, "Slain Arab-American May Have Been Hate-Crime Victim," *New York Times*, October 6, 2001

<sup>105</sup> Karen de Sa "Local Muslims Convinced Central Calif. Killing was hate crime," *San Jose Mercury News*, December 6, 2001.

<sup>106</sup> Karen Breslav, "Hate Crime," *Newsweek*, October 15, 2001.

<sup>107</sup> *Ibid.*

<sup>108</sup> Jennifer Fitzenberger, "Family sees hate crime in Reedley homicide Relatives say victim was shot because he was Muslim; officials draw no conclusions," *Fresno Bee*, October 1, 2001.

<sup>109</sup> "Police," *Fresno Bee*, November 29, 2001.

<sup>110</sup> Human Rights Watch telephone interview, Sergeant Tony Reign, Fresno Police Department, California, September 16, 2002.

<sup>111</sup> Human Rights Watch telephone interview, Lieutenant Joe Hartshorne, Los Angeles County Sheriff's Department, September 16, 2002.

<sup>112</sup> "Somalis discuss freedom and fear; U.S. flags, worries of backlash abound as community meets," *Star Tribune* (Minneapolis, MN), October 25, 2001.

<sup>113</sup> David Chanen, "FBI questions witness in alleged hate assault," *Star Tribune* (Minneapolis, MN), November 16, 2001.

the attack.<sup>114</sup> The article said that Somalis in Minneapolis had given money to a Somali terrorist group with links to Osama Bin Laden.<sup>115</sup> After originally finding that Ali had died of natural causes, the Hennepin County medical examiner's office on January 8, 2002 ruled Ali's death a homicide.<sup>116</sup> Ali's family regards his murder as a hate crime. Both local police and the FBI have been unable to find Ali's assailant.<sup>117</sup>

### Assaults

Violent assaults related to September 11 were numerous and widespread. A review by the South Asian American Leaders of Tomorrow (SAALT) of news articles published during the week following September 11 found reports of forty-nine September 11-related assaults.<sup>118</sup> CAIR received 289 reports from Muslims of assaults and property damage incidents across the United States from September 11 until the second week of February.<sup>119</sup>

#### *Issa Qandeel*

On the morning of September 13, 2001, Issa Qandeel, a Palestinian Muslim and an Arab, was leaving the Idriss Mosque in Seattle, Washington when he smelled gas near his jeep and saw a man, subsequently identified as Patrick Cunningham, come out from behind his jeep. Cunningham was carrying a can of gasoline and a gun. When Qandeel asked Cunningham what he was doing behind the jeep, Cunningham walked away.

<sup>114</sup> Lou Gelfand, "Readers say Sunday article spurred unfair attacks on local Somalis," *Star Tribune* (Minneapolis, MN), October 21, 2002.

<sup>115</sup> "Somalis, Muslims denounce paper's story," *Star Tribune* (Minneapolis, MN), October 16, 2001.

<sup>116</sup> David Chanen, "Bus stop assault is ruled homicide; Somali victim's family maintains it was hate crime," *Star Tribune* (Minneapolis, MN), January 9, 2002.

<sup>117</sup> "FBI questions witness in alleged hate assault," *Star Tribune* (Minneapolis, MN), November 16, 2001.

<sup>118</sup> "American Backlash: Terrorists Bring War Home in More Ways Than One," South Asian American Leaders of Tomorrow, p. 7, retrieved on August 28, 2002, from <http://www.saalt.org/biasreport.pdf>. SAALT is a national South Asian advocacy organization.

<sup>119</sup> "Number of Reported Incidents by Category," Council on American-Islamic Relations, retrieved on August 30, 200, from <http://www.cair-net.org/html/bycategory.htm>.

When Qandeel tried to stop him, Cunningham shot at Qandeel three times, although his gun did not discharge any bullets. Cunningham then started running away and Qandeel chased him. Cunningham shot at Qandeel again and this time a bullet did discharge, although it missed Qandeel. Cunningham was apprehended when he crashed his car trying to get away. Police later discovered that Cunningham planned to burn cars in the mosque driveway because of anger at the September 11 attacks. Federal authorities prosecuted Cunningham for attacking Qandeel and attempting to deface a house of worship. He pled guilty on May 9, 2002 and was scheduled to be sentenced on October 18, 2002. He faces a minimum of five years of incarceration.<sup>120</sup>

#### *Kulwinder Singh*

On September 13, 2001, Raymond Isais Jr. allegedly assaulted Kulwinder Singh, a turbaned Sikh taxi worker, in SeaTac, Washington. After getting into the back seat of Singh's taxi, Isais told Singh, "You have no right to attack our country!" He then started choking Singh. After both men then got out of the taxi, Isais started punching Singh, pulled out tufts of his beard and knocked off his turban. Isais called Singh a terrorist during the assault. Local police were able to apprehend Isais Jr. the same day using a description provided by Singh. He was charged with a hate crime by local country prosecutors.<sup>121</sup>

#### *Swaran Kaur Bhullar*

On September 30, 2001, Swaran Kaur Bhullar, a Sikh woman, was attacked by two men who stabbed her in the head twice as her car was idling at a red light in San Diego. The men shouted at her, "This is what you get for what you've done to us!" and "I'm going to slash your throat," before attacking her. As another car approached the traffic light, the men sped off. Bhullar felt that she would have been killed by the men if the other car had not appeared. She was treated at a local hospital for

<sup>120</sup> Human Rights Watch interview with Issa Qandeel, July 31, 2002.

<sup>121</sup> Human Rights Watch telephone interview with Kulwinder Singh, August 3, 2002.

two cuts in her scalp and released later that same day. Local police and federal law enforcement officials have been unable to identify Bhullar's attackers.<sup>122</sup>

### ***Faiza Ejaz***

On September 12, 2001, Faiza Ejaz, a Pakistani woman, was standing outside a mall in Huntington, New York waiting for her husband to pick her up from work. According to press reports, Adam Lang, a seventy-six-year-old man sitting in his car outside the mall, allegedly put his car in drive and started driving towards her. Ejaz was able to avoid the car by jumping out of the way and running into the mall. Lang then jumped out of his car and screamed that he was "doing this for my country" and was "going to kill her." Mall security agents seized Lang. Sergeant Robert Reecks, commander of the Suffolk County Bias Crimes Bureau, told reporters: "if she hadn't jumped out of the way, he would have run right over her."<sup>123</sup> Lang was charged with first-degree reckless endangerment, which requires an enhanced penalty if the crime is bias-motivated.

### ***Crystal Ali-Khan***

On June 18, 2002, Crystal Ali Khan, a American Muslim woman who wears a hijab, was allegedly assaulted by a woman in a drug store near Houston, Texas. Before assaulting Khan, the woman told her that she had learned about "you people" over the last ten months and doesn't trust "a single damn one of you." Before Khan could get away from the woman, she slammed Khan to the floor and began pulling at her headscarf, which had the effect of choking her. Though Khan told the woman she could not breathe, she kept pulling at the headscarf. Khan then pulled off her headscarf, in violation of her religious obligations in a desperate effort to alleviate the choking. The woman then dragged Khan by her hair to the front of the store. When police arrived, the woman was holding Khan by her ponytail on the front sidewalk of the store. She told police that she was making a citizen's

<sup>122</sup> Human Rights Watch telephone interview with Swaran Kaur Bhullar, June 27, 2002.

<sup>123</sup> Pat Burson, "Terrorist Attacks; Driver Arrested in Hate Crime at Mall," *Newsday*, September 13, 2001.

arrest. The police told her to let Khan go, at which point Khan was able to put her headscarf back on.<sup>124</sup>

### ***Karnail Singh***

Karnail Singh is a Sikh man who owns a motel in SeaTac, Washington. In mid-October, 2001, John Bethel, a local vagrant who sometimes came into Singh's motel for coffee and food, told Singh, "You better go back to your country. We're coming to kick your ass." A few days later, on October 19, Bethel entered Singh's motel and shouted, "You still here? Go back to Allah!" before hitting Singh with a metal cane while he stood behind the counter in the motel lobby. Singh, who bled profusely from the blow, spent half a day in the hospital and required ten stitches on his head. Bethel was sentenced to nearly two years in prison for assault with a deadly weapon.<sup>125</sup>

### ***Satpreet Singh***

On September 19, 2001, Satpreet Singh, a turbaned Sikh, was driving in the middle lane of a two lane highway in Frederick County, Maryland. A pickup truck pulled up close behind Singh and the driver started making profane gestures towards him. The pickup truck then moved alongside Singh's car on his left and the driver took out a rifle. Singh increased his speed to get away from the pickup truck. Seconds later he heard rifle shots. No bullets hit Singh or his car. The pickup truck then turned around and started traveling in the opposite direction. Singh filed a criminal complaint with the local police. At the time of this writing, local authorities have not been able to ascertain the identity of the person who shot at Singh.<sup>126</sup>

<sup>124</sup> Human Rights Watch telephone interview with Crystal Khan, August 21, 2002.

<sup>125</sup> Human Rights Watch interview with Karnail Singh, August 2, 2002.

<sup>126</sup> Human Rights Watch telephone Interview with Satpreet Singh, August 19, 2002. The Sikh Coalition, a Sikh civil rights organization formed in the wake of the September 11 backlash, received nineteen reports of turbaned Sikhs being harassed by other motorists while driving since September 11. Human Rights Watch telephone interview with Prabhjot Singh, director, Sikh Coalition, August 16, 2002.

### Place of Worship Attacks

Mosques and places of worship perceived to be mosques appeared to be among the most likely places of September 11-related backlash violence. SAALT's survey of bias incidents reported in major news media found 104 bias incidents against places of worship reported during the first week after September 11.<sup>127</sup> Of these 104 bias incidents, fifty-five were telephone threats, twenty-four involved harassment of mosque worshippers outside mosques, twenty-two involved property damage from vandalism, arson, or gun shots, and three were assaults on mosque worshippers.<sup>128</sup> Arab churches, Sikh *gurdwaras* (houses of worship), and Hindu temples were also objects of backlash violence. The number of worshippers at the attacked mosques decreased for weeks following the attacks, apparently because of fear of additional violence.<sup>129</sup>

Although September 11 backlash violence against individual Arabs and Muslims decreased markedly by November 2001, attacks continued against mosques or houses of worship perceived to be Arab or Muslim. On November 19, 2001, four teenagers burned down the Gobind Sadan, a multi-faith worship center Oswego, New York, because they believed the worshippers were supporters of Osama Bin Laden.<sup>130</sup> On March 25, 2002, a man who stated to police that he hated Muslims crashed his pickup truck into a mosque in Tallahassee, Florida thirty minutes after evening prayers.<sup>131</sup> On June 11, 2002, in

<sup>127</sup> South Asian American Leaders of Tomorrow, "American Backlash: Terrorists Bring War Home in More Ways Than One," retrieved on August 26, 2002, from <http://www.saalt.org/biasreport.pdf>.

<sup>128</sup> Ibid. These statistics were compiled after analyzing reports listed in the "American Backlash" report.

<sup>129</sup> Human Rights Watch telephone interview with Imam Ayaz, Iman of Islamic Foundation of Irving, July 17, 2002; Human Rights Watch telephone interview with Dr. Magdy Abdelhady, member of United Muslim Masjid, July 18, 2002.

<sup>130</sup> Catie O'Toole, "2 in Temple Case Denied Shock Camp; Joshua Centrone, William Reeves Can't Get Out Early After Admitting Hate Crime," *Post-Standard Syracuse*, June 23, 2002.

<sup>131</sup> "Florida Mosque Attack Result of Anti-Muslim Rhetoric, Says CAIR," *U.S. Newswire*, March 26, 2002. Charles D. Franklin was indicted in federal court on April 17, 2002 for the alleged crime.

Milipitas, California, vandals broke into a mosque under construction, scrawled derogatory remarks such as, "F— Arabs" and damaged the interior of a construction trailer near the mosque.<sup>132</sup> On August 24, 2002, federal authorities announced they had discovered a plan by a doctor in Tampa Bay to bomb and destroy approximately 50 mosques and Islamic cultural centers in south Florida.<sup>133</sup> The doctor's home contained rocket launchers, sniper rifles and twenty live bombs.<sup>134</sup>

### *Guru Gobind Singh Sikh Gurdwara*

On the night of September 11, 2001, somebody threw three Molotov cocktails into the Guru Gobind Singh Sikh Gurdwara, a Sikh house of worship in Bedford, Ohio. The Molotov cocktails started a small fire that was quickly extinguished by the gurdwara's caretakers. Two windows were also broken. A report was filed with local police. No one has been apprehended for the crime.<sup>135</sup>

### *Mosque Foundation of Bridgeview*

On September 12, 2001, over one hundred police officers were deployed to stop approximately three hundred protestors from marching on the mosque in Bridgeview, Illinois. The mosque is located in a neighborhood of mostly Arab and Muslim American families. Stopped two blocks from the mosque, the protestors then demonstrated for approximately three hours shouting anti-Arab and anti-Muslim insults such as "Arabs go home" and harassing passersby who looked Muslim or Arab. Similar protests, though smaller in size, were held over the next two days. Police from various jurisdictions cordoned off the area around the mosque, only allowing persons into the neighborhood who could prove they lived there. Many of the Muslim and

<sup>132</sup> "Vandals Attack California Mosque Under Construction; Derogatory Remarks Written Inside Mosque, Police Suspect Hate Crime," *U.S. Newswire*, June 13, 2002.

<sup>133</sup> Stephen Thompson, Paula Christian and Natasha Gregoire, "Agents Say Mosques Target Of Arsenal," *Tampa Tribune*, August 24, 2002.

<sup>134</sup> Stephen Thompson, Paula Christian and Natasha Gregoire, "Agents Say Mosques Target Of Arsenal," *Tampa Tribune*, August 24, 2002.

<sup>135</sup> Human Rights Watch telephone interview with Dr. Tara Singh Mangat, President, Guru Gobind Singh Sikh Gurdwara, August 16, 2002.

Arab families remained in their homes for the next few days because they feared hostility once outside the police cordon. Scores of police protected the mosque during Friday prayers on September 14, 2001.<sup>136</sup>

#### ***Islamic Center of Irving, Texas***

On the night of September 12, 2001, someone fired at the Islamic Center of Irving, leaving thirteen to fourteen bullet holes in the building. The shots were fired after the evening prayer had ended and the building was empty. For the first two or three days after the attack, local police provided security for the mosque. Immediately after the attack, the imam reported a noticeable decline in prayer attendance. He estimated that daily prayer attendance dropped from 150 to thirty or forty persons. Friday prayers dropped from one thousand to five hundred persons. Mosque attendance normalized after a few weeks.<sup>137</sup>

#### ***St. John's Assyrian American Church***

On September 23, 2001, the St. John's Assyrian American Church was set on fire in Chicago, Illinois in the early morning, causing approximately \$150,000 worth of damage. The fire was caused by someone who put a piece of paper through the church mail slot and then dropped a lit match onto it. Water from fire department fire extinguishers ruined holy pictures, carpeting, and floor tiles. According to the church's pastor, Reverend Charles Klutz, the person whom he believed set the fire had asked a local resident whether the church was a mosque. Reverend Klutz also stated that local police initially asked whether the church was a mosque when they first arrived at the church even though many crosses were located prominently on the church premises. Local police and federal authorities were investigating the cause of the fire at the time of this writing.<sup>138</sup>

<sup>136</sup> Human Rights Watch interview with Saffiya Shillo, director, Ethnic Affairs, Office of Illinois Lieutenant Governor, June 12, 2002.

<sup>137</sup> Human Rights Watch telephone interview with Imam Ayaaz, Imam of Islamic Foundation of Irving, July 17, 2002.

<sup>138</sup> Human Rights Watch telephone interview with Dr. Magdy Abdelhady, member of United Muslim Masjid, July 18, 2002.

#### ***Islamic Foundation of Central Ohio***

Sometime during the evening of December 29, 2001, vandals broke into the Islamic Foundation of Central Ohio in Columbus, Ohio. The vandals broke a bathroom pipe and clogged the sink, forcing it to overflow for hours; tore frames encasing religious verses off a wall; destroyed a chandelier in the main prayer hall; flipped over the pulpit; cut the wires of high-mounted speakers and amplifiers and threw them to the ground; tore posters off a mosque classroom wall; pulled down curtains and drapes; and tipped over bookcases and file cabinets in a classroom and threw approximately one hundred copies of the Quran onto the floor.<sup>139</sup> Water from the stopped-up third-floor sink seeped into the second floor main prayer hall, causing plaster pieces from the main prayer hall ceiling to fall. A torn Quran and a smashed clock from the mosque were found in the mosque parking lot.

The damage to the mosque was estimated at \$379,000. The mosque was closed after the incident but planned to reopen in October 2002. Both local police and the FBI are conducting investigations.<sup>140</sup>

#### ***United Muslim Masjid***

On November 16, 2001, during an evening Ramadan prayer service, rocks were thrown through two windows of the United Muslim Masjid in Waterbury, Connecticut. Approximately thirty-five to forty people were in the mosque at the time. Local police are investigating the incident as a possible hate crime. Dr. Magdy Abdelhady, a member of the mosque, said that local police were responsive to mosque member concerns and seemed to be taking the matter seriously. He said that immediately after the attack on the mosque, mosque attendance had dropped but was now back to normal.<sup>141</sup>

<sup>139</sup> Many Muslims consider it disrespectful to leave the Quran or any book of knowledge on the floor.

<sup>140</sup> Human Rights Watch telephone interview with Siraj Haji, member of the Islamic Foundation of Central Ohio, July 19, 2002.

<sup>141</sup> Human Rights Watch telephone interview with Dr. Magdy Abdelhady, member of United Muslim Masjid, July 18, 2002.



## Arson

There have been press reports of more than fifteen arsons and attempted arsons that may be part of the post-September 11 backlash.<sup>142</sup> Local law enforcement agents believe that fires at six houses of worship were September 11-related hate crimes.<sup>143</sup> The other press-documented cases of arson involved places of business owned or operated by Muslims, Arabs, or those perceived to be Muslim or Arab. There have been three convictions and one indictment thus far for September 11-related arsons.<sup>144</sup>

### *Curry in a Hurry Restaurant*

On September 15, 2001, James Herrick set fire to the Curry in a Hurry restaurant in Salt Lake City, Utah, causing minimal damage. Herrick admitted to setting the fire because he was angry over the September 11 attacks and knew the restaurant owners were from Pakistan. A federal district court in Utah sentenced him on January 7, 2001 to fifty-one months in jail.<sup>145</sup>

### *Prime Tires*

On September 16, 2001, someone allegedly set fire to Prime Tires, a Pakistani-owned auto mechanic shop located in an enclave of Pakistani businesses in Houston, Texas. The fire destroyed the store. The store had received threats immediately after September 11. Thus far, police have been unable to ascertain who started the blaze and the motive of the perpetrator.<sup>146</sup>

<sup>142</sup> These reports are from newspaper accounts and Muslim, Arab, Sikh, and South Asian community organization accounts.

<sup>143</sup> In particular, the arsons or attempted arsons against houses of worship generally thought to reflect September 11-related animus were against the Gobind Sadan, a multi-cultural interfaith center in Oswego, New York; St. John's Assyrian American Church in Chicago, Illinois; Guru Gobind Singh Sikh Gurdwara in Bedford, Ohio; Idriss Mosque in Seattle, Washington; Omar al-Farooq Mosque in Mountlake Terrace, Washington; and a Hindu temple in Matawan, New Jersey.

<sup>144</sup> Convictions were obtained for the arson of the Gobind Sadan in Oswego, New York; Curry in a Hurry restaurant in Salt Lake City, Utah; and the attempted arson of the Idriss Mosque in Seattle, Washington. A charge of arson has been brought for the attempted arson of the Omar al-Farooq mosque in Mountlake Terrace, Washington.

<sup>145</sup> Angie Welling and Anne Jacobs, "Feds hope hate-crime sentence is warning," *Deseret News*, January 8, 2002.

<sup>146</sup> "Fire at Pakistani Shop May Be Hate-Fueled Arson," *Houston Chronicle*, September 19, 2001.

## VI. FEDERAL, STATE, AND LOCAL HATE CRIME PREVENTION EFFORTS BEFORE AND AFTER SEPTEMBER 11

Government efforts to protect people from bias-motivated violence varied from state to state and city to city in the United States. Our research found different practices with regard to critical anti-bias crime measures such as hate crime investigation protocols, prosecution, bias crime tracking, and community outreach. The most successful efforts to combat backlash violence—as in Dearborn, Michigan, where only two violent September 11-related assaults occurred in a city with thirty thousand Arab-Americans—correlated with prior recognition that backlash attacks against Arabs, Muslims, Sikhs, and South Asians are a recurring problem; a high degree of affected community access and input into law enforcement planning and decision-making; and combined efforts by local, county, state and federal authorities.

Government officials face a complex challenge in seeking to prevent spontaneous, unorganized bias-motivated acts of violence. The experiences discussed below reveal the importance, first of all, of a serious commitment to act decisively before, during, and after outbreaks of such violence. They also reveal the efficacy of specific steps taken in some jurisdictions that may serve as a model for others.

### Public Condemnation

Hate crimes are symbolic acts conveying the message that the victim's religious, ethnic, or racial community is unwelcome.<sup>147</sup> Animosity against Arabs, Muslims, and those perceived to be Arab or Muslim, reflects a belief that persons from these communities are "foreigners" who are not "loyal" Americans and who are intrinsically linked to an Arab and Muslim terrorist enemy. The man who killed Balbir Singh Sodhi

<sup>147</sup> Human Rights Watch telephone interview with Jack Levin, Professor, Northeastern University, August 18, 2002.

yelled, "I'm an American."<sup>148</sup> The person who attempted to run over Faiza Ejaz screamed he was "doing this for my country."<sup>149</sup> The protesters at the Bridgeview mosque chanted, "USA!"<sup>150</sup> Professor Leti Volpp describes the phenomena in this way:

Many of those racially profiled in the sense of being the targets of hate violence or being thrown off airplanes are formally citizens of the United States, through birth or naturalization. But they are not considered citizens as a matter of identity....<sup>151</sup>

Public statements embracing the millions of law-abiding Arabs and Muslims as part of American society and communicating that hate crimes would not be tolerated were among the most effective measures that countered and contained September 11-related violence.<sup>152</sup> Arab and Muslim activists believe that anti-backlash "messages" by prominent political and civil society leaders helped stem the number of backlash attacks.

The most notable public figure decrying September 11-related hate crimes was U.S. President George W. Bush. On September 12, 2001, in published remarks to New York Mayor Rudolph Giuliani, President Bush stated: "Our nation should be mindful that there are thousands of Arab-Americans who live in New York City, who love their flag just as much as [we] do, and...that as we seek to win the war, that we treat Arab-Americans and Muslims with the re-

spect they deserve."<sup>153</sup> Less than a week after the September 11 attacks, President Bush made a highly visible visit to the Islamic Cultural Center in Washington, D.C., and in a speech there stated:

I've been told that some fear to leave; some don't want to go shopping for their families; some don't want to go about their ordinary daily routines because, by wearing cover, they're afraid they'll be intimidated. That should not and that will not stand in America.

Those who feel like they can intimidate our fellow citizens to take out their anger don't represent the best of America, they represent the worst of humankind, and they should be ashamed of that kind of behavior.<sup>154</sup>

Similar statements were made by U.S. Attorney General John Ashcroft and Assistant Attorney General for Civil Rights Ralph Boyd, and released to the press in public meetings with Arab, Muslim, Sikh, and South Asian community groups.<sup>155</sup> Around the country, and in every city researched for this report, governors and mayors appeared publicly with victim communities to condemn backlash hate crimes and went on record as saying that perpetrators would be prosecuted.<sup>156</sup> Leaders of affected community groups said the willingness of public officials to directly condemn hate crimes made those communities feel more secure during a time of significant fear and imparted an impor-

<sup>148</sup> Human Rights Watch interview with Sergeant Mike Goulet of the Mesa, Arizona police department, August 6, 2002.

<sup>149</sup> Owen Moritz, "Local Victims Of Backlash Deny Accusations," *Daily News* (New York), September 14, 2001.

<sup>150</sup> Human Rights Watch interview with Saffiya Shillo, director, Ethnic Affairs, Office of Illinois Lieutenant Governor, June 12, 2002.

<sup>151</sup> Leti Volpp, *Critical Race Studies: The Citizen and the Terrorist*, 49 *UCLA L. Rev.* 1575, 1592 (2002).

<sup>152</sup> Human Rights Watch interview with Raed Tayeh, director, American Muslims for Global Peace and Justice, February 21, 2002; Human Rights Watch telephone interview, Deepa Iyer, South Asian American Leaders of Tomorrow, February 26, 2002.

<sup>153</sup> President George W. Bush, in a telephone conversation with New York Mayor Rudy Giuliani, September 12, 2001, retrieved on September 9, 2002, from [http://www.aaiusa.org/PDF/healing\\_the\\_nation.pdf](http://www.aaiusa.org/PDF/healing_the_nation.pdf).

<sup>154</sup> Remarks of President George W. Bush at the Islamic Center, September 17, 2001, retrieved on September 9, 2002, from <http://www.usdoj.gov/crt/legalinfo/bushremarks.html>.

<sup>155</sup> Excerpts of remarks by Attorney General John Ashcroft and Assistant Attorney General for Civil Rights Ralph Boyd, retrieved on September 1, 2002, from <http://www.usdoj.gov/crt/legalinfo/dojstatements.html>.

<sup>156</sup> Remarks of Washington Governor Gary Locke, September 14, 2001, retrieved on September 1, 2002, from <http://www.governor.wa.gov/press/press-view.asp?pressRelease=977&newsType=1>.

tant message to the public that backlash hate crimes were unacceptable and misguided.<sup>157</sup>

In addition to public statements from individual government officials, legislative bodies also condemned backlash crimes. The United States House of Representatives passed a resolution on September 15, 2001 condemning hate crimes against Arabs, Muslims, and South Asians.<sup>158</sup> Similarly, the United States Senate, recognizing the disproportionate number of attacks against turbaned Sikhs, passed a resolution introduced by Senator Richard Durbin condemning hate crimes against Sikhs in the United States and calling for their prevention and prosecution.<sup>159</sup> City entities acted as well. For example, the city of Seattle passed a resolution decrying hate crimes in Seattle. The resolution also called on citizens to report hate crime incidents to government authorities.<sup>160</sup>

Though the overwhelming majority of public figures in the United States condemned acts of bias after September 11, there were a few who expressed contempt for or bias against Arabs and Muslims. Just a week after September 11, a member of Congress, John Cooksey, told a Louisiana radio station, "If I see someone [who] comes in that's got a diaper on his head and a fan belt wrapped around the diaper on his head, that guy needs to be pulled over."<sup>161</sup> Similarly, while speaking to law enforcement officers in Georgia, Representative C. Saxby Chambliss stated: "just turn [the sheriff] loose and have him arrest every Muslim that crosses the state

line."<sup>162</sup> Representatives Cooksey and Chambliss both eventually apologized for their remarks.<sup>163</sup>

In addition, a few significant religious commentators publicly expressed distrust or anger against Muslims. Franklin Graham, son of the well-known Reverend Billy Graham, called Islam: "wicked, violent and not of the same God."<sup>164</sup> Televangelist Pat Robertson, also speaking about Islam, said: "I have taken issue with our esteemed President in regard to his stand in saying Islam is a peaceful religion.... It's just not."<sup>165</sup> In the same vein, former Southern Baptist President Jerry Vines told conventioners at the June 2002 annual gathering of the Southern Baptist Convention that the Muslim prophet Muhammad was a "demon-possessed pedophile." Unlike Representatives Cooksey and Chambliss, these religious leaders have stood by their comments.<sup>166</sup>

Public messages were also used proactively as a tool to prevent future hate crimes. Two weeks before the September 11 one-year anniversary, the San Francisco district attorney's office embarked on a campaign promoting tolerance by placing anti-hate posters on city buses and bus stops.<sup>167</sup> The poster includes the faces of four Arab or Muslims persons or persons who may be perceived as Arab or Muslim under the heading, "We Are Not the Enemy."<sup>168</sup> The campaign was prompted by concerns the September 11 anniversary might rekindle backlash animos-

<sup>157</sup> Human Rights Watch telephone interview with Jean Abi Nader, Arab American Institute, February 25, 2002.

<sup>158</sup> House Concurrent Resolution 227, "Denouncing Bigotry Against Arabs, Muslims, South Asians," September 15, 2001, retrieved on September 1, 2002, from <http://usinfo.state.gov/usa/race/hate/t091801.htm>.

<sup>159</sup> S. Con. Res. 74, "Condemning bigotry and violence against Sikh-Americans in the wake of terrorist attacks in New York City and Washington, D.C. on September 11, 2001," retrieved on September 1, 2002, from <http://www.sikhcoalition.org/LegislativeRes1c.asp>.

<sup>160</sup> City of Seattle Resolution 30399, retrieved on September 1, 2002, from <http://www.cityofseattle.net/civilrights/documents/steinbrueck%20resolution.pdf>.

<sup>161</sup> Joan McKinney, "Cooksey: Expect Racial Profiling," *Advocate* (Baton Rouge, LA), September 19, 2001.

<sup>162</sup> "Lawmaker Tries to Explain Remark; Rep. Chambliss, a Senate Hopeful, Commented on Muslims," *Washington Post*, November 21, 2001.

<sup>163</sup> "Hall of Shame," *Washington Post*, November 22, 2002; Eli Sanders, "Understanding Turbans: Don't Link Them to Terrorism," *Seattle Times*, October 9, 2002.

<sup>164</sup> Kevin Eckstrom, "Graham heir keeps stance on Islam talk," *The Times Union* (Albany, NY), November 24, 2001.

<sup>165</sup> "Mr. Robertson's Incitement," *Washington Post*, February 24, 2002.

<sup>166</sup> Kathy Shaidle, "Full Pews and Empty Gestures," *Toronto Star*, December 23, 2001; Richard N. Ostling, "Fallwell labels Muhammad 'terrorist' in TV interview," *Chicago Tribune*, October 4, 2002.

<sup>167</sup> "Anti-hate campaign begins in S.F. / Posters urge tolerance as Sept. 11 nears," *San Francisco Chronicle*, August 27, 2002.

<sup>168</sup> The title of this report was taken from the title of this poster.

ity and anti-Arab and anti-Muslim violence. According to San Francisco District Attorney Terrence Hallinan, "With war heating up in the Middle East, we're launching a pre-emptive strike against any backlash against Arab-Americans and Muslims."<sup>169</sup> Eight hundred posters were placed on the outside and inside of San Francisco buses. In addition to promoting a message of tolerance, they also encourage citizens to report hate crimes to the San Francisco district attorney's office.

### **Mixed Messages**

While acknowledging the importance of official condemnation of hate crimes and messages supporting tolerance, Arab and Muslim community leaders have expressed concern about federal government "mixed messages."<sup>170</sup> Official statements exhorting the public not to view Muslims or Arabs differently than anyone else were countered by measures taken as part of the anti-terrorist campaign that cast a cloud of suspicion over all Arabs and Muslims in the United States. Those measures have included, for example, the detention of some 1,200 persons of almost exclusively Arab, Muslim, or South Asian heritage because of "possible" links to terrorism;<sup>171</sup> the FBI requests to interview over eight thousand men of Arab or Muslim heritage; and the decision that visitors to the United States from certain Middle Eastern countries would be fingerprinted. Activists believe these actions reinforce an image of Arabs and Muslims as potential terrorists or terrorist sympathizers. Referring to the effect of these policies on the perception of Muslims and Arabs in the general public, Joshua Salaam, of CAIR, said: "Most people are proba-

<sup>169</sup> Human Rights Watch telephone interview with Terrence Hallinan, San Francisco district attorney, August 28, 2002.

<sup>170</sup> Human Rights Watch interview with Pramila Jaypal, executive director, Hate Free Zone, July 31, 2002; Human Rights Watch interview with Raed Tayeh, director, American Muslims for Global Peace and Justice, February 21, 2002; Human Rights Watch interview with Joshua Salaam, Civil Rights Coordinator, Council on American-Islamic Relations, February 21, 2002.

<sup>171</sup> Human Rights Watch, "Presumption of Guilt: Human Rights Abuses of Post-September 11 Detainees," *A Human Rights Watch Report*, vol. 14, no. 4(G), August 2002.

bly asking, 'If government doesn't trust these people, why should I?'"<sup>172</sup>

The recent practice of government officials after the arrest of six Muslim men in suburban Buffalo, New York, points to ways in which the government may reconcile efforts to combat terrorism with its duty to prevent hate crimes.<sup>173</sup> Soon after the arrests of the six men, who were accused of having attended an al-Qaeda-run training camp in Afghanistan, New York Governor George Pataki met with local Muslim leaders and stated during a press conference that the arrests should not be used as an excuse to commit hate crimes.<sup>174</sup> Similarly, Peter Ahearn, special agent in charge of the FBI's Buffalo field office, publicly stated that hate crimes would not be tolerated.<sup>175</sup> The practice in Buffalo, where an announcement of an alleged terrorism investigation breakthrough was coupled with messages decrying bias, proved effective.

### **Policing**

Given the difficulties of preventing spontaneous, individual acts committed independent of any organization, police were often not as successful in their efforts to contain backlash violence as they had hoped. Every city researched by Human Rights Watch experienced record levels of hate violence against Arabs, Muslims and those perceived to be Arab or Muslim following September 11, 2001.

Perhaps the best police successes were in Dearborn, Michigan, a city with thirty thousand Arab-Americans that only experienced two violent September 11-related hate crimes. In Dearborn, unlike many cities, the police had a prior working relationship with the Arab and Muslim community, which enabled them to mobilize quickly following September 11. Thus long before September 11, officials within the Dearborn

<sup>172</sup> Human Rights Watch interview with Joshua Salaam, Civil Rights Coordinator, Council on American-Islamic Relations, February 21, 2002.

<sup>173</sup> "Pataki Reassures Islamic Community, Announces Terrorist Tip Line," *Buffalo News*, September 17, 2002.

<sup>174</sup> *Ibid.*

<sup>175</sup> "Arrests Stir Resentment Against Buffalo Suburb's Yemeni-Americans; Neighborhood Had Seen Little Ethnic Tension Before, Residents Say," *St. Louis Post-Dispatch*, September 16, 2002.

police department were familiar with communities and areas vulnerable to backlash violence, conscious of the history of backlash violence and aware of the possibility that it might occur in the future. Police departments in other parts of the United States did not have this level of previous engagement with backlash issues before September 11. Their policing, therefore primarily consisted of responding to backlash crimes after they occurred.

The measures discussed below detail some of the strategies police used to contain and investigate September 11-related backlash violence.

### ***Backlash Planning***

Given the relative predictability and severity of anti-Arab and anti-Muslim backlash violence prior to September 11, activists and experts called for law enforcement agencies to create and coordinate "emergency plans" to mitigate any possible future backlash.<sup>176</sup> Nevertheless, none of the law enforcement or officials in the major cities Human Rights Watch visited during the course of research—Seattle, Phoenix, Chicago, New York or Los Angeles—had devised any written emergency plans to prepare for future backlash violence.

In Portland, Maine, by contrast, the Center for the Prevention of Hate Violence is working with city officials to create a "Rapid Response Plan" to mitigate backlash discrimination in case of any future terrorist act blamed on Arabs or Muslims.<sup>177</sup> Stephen Wessler, executive director of the center and author of a report on September 11-related backlash violence against Muslims in Maine stated his fear that "if there is another terrorist attack, we will see a more intensified reaction towards the affected communi-

<sup>176</sup> Human Rights Watch telephone interview with William Haddad, President, Arab American Bar Association, June 17, 2002; Human Rights Watch telephone interview with Stephen Wessler, executive director, Center for the Prevention of Hate Violence, August 27, 2002.

<sup>177</sup> The pursuit for the creation of a "Rapid Response Plan" in Portland, Maine comes from a recommendation contained in a report published by the Center entitled, "After September 11: Under standing the Impact on Muslim Communities in Maine," retrieved on September 24, 2002, from <http://www.cphv.usm.maine.edu/report.doc>.

ties...If there is anything government can do to prepare, that will be a big step." Among the measures the center has discussed for possible incorporation into any rapid response plan are: 1) issuance of immediate public statements from government officials condemning discrimination immediately after an event that may trigger a backlash; 2) development of public service announcements urging tolerance before any backlash, which may be broadcast immediately in case of an emergency; 3) gathering intelligence on areas of the city especially vulnerable to backlash violence and creating a plan to rapidly deploy law enforcement officers in those areas in case of an emergency; and 4) creating a "buddy program" which would gather volunteers from non-Muslim communities to travel with Muslims, especially women who wear the hijab, who are afraid to travel alone during a backlash period.<sup>178</sup>

### ***Police Deployment***

Among the most helpful measures in preventing anti-Arab and anti-Muslim attacks after September 11 was the immediate deployment of police officers in areas with high concentrations of the vulnerable communities. Cities differed, however, in how quickly police were deployed to patrol vulnerable communities. These differences usually reflected the amount of interaction a police department had with the vulnerable communities prior to September 11.

The Dearborn Police Department was exemplary in its immediate deployment of police officers in sensitive areas of Dearborn immediately after the September 11 terrorist attacks. According to community leaders, police were patrolling Arab neighborhoods and mosques by early afternoon on September 11.<sup>179</sup> Police on foot stood in areas that could have been attacked and police cars patrolled Arab neighborhoods on September 11 and in the days afterwards.<sup>180</sup> The presence of a specially appointed "Arab com-

<sup>178</sup> Human Rights Watch telephone interview with Stephen Wessler, executive director, Center for the Prevention of Hate Violence, August 27, 2002.

<sup>179</sup> Human Rights Watch interview with Imad Hamad, Midwest regional director, American Arab-Anti-Discrimination Committee, June 5, 2002.

<sup>180</sup> Ibid.

munity police officer" before September 11 also allowed police to gain important intelligence on areas in Dearborn vulnerable to attack.<sup>181</sup> Arab community leaders stated that during the weeks after September 11 most members of the Arab community "felt safer in Dearborn" than outside it because of the increased and visible police presence in their communities.<sup>182</sup>

Although police departments in New York, Phoenix, and Los Angeles did not have strong pre-existing relationships with the Arab and Muslim community, after the September 11 attacks, these departments nonetheless dispatched police officers to protect primarily Muslim or Sikh places of worship and areas with high Arab, Muslim, Sikh, or South Asian concentrations. In Phoenix, the day after September 11, after consulting with concerned members of the Arab and Muslim communities, the police department established twenty-four hour patrols at area mosques.<sup>183</sup> The Phoenix Police Department's bias crime unit credited the department's Muslim community liaison for providing the department with information on the Muslim and Arab community in Phoenix gained through prior interaction with those communities before September 11.<sup>184</sup> In Los Angeles, the Los Angeles County Commission on Human Relations on September 11 notified the police department of vulnerable "hotspots," such as mosques and Arab-owned convenience stores. As a result, police were dispatched to protect some of these vulnerable areas. In New York City, Sikh community leaders reported that after a gurdwara was vandalized on September 11, police officers patrolled the area around the gurdwara by foot during the next week. New York City police also provided protective escorts for busloads of Sikhs traveling from Queens to Manhattan for a Sikh community vigil on September 15, 2001, in

honor of the September 11 terrorist attack victims.<sup>185</sup>

### ***Initial Classification of Crimes***

In some instances after September 11, the decisions of police officers not to classify crimes as possible hate crimes meant that no further investigation of possible bias motive was conducted. For example, Kripa Ubadhyay, program coordinator for the Anti-Discrimination and Hate Crimes Program of the South Asian Network (SAN), cited the case of two Bangladeshi Muslims who were held up at gun point while numerous ethnic epithets were yelled at them. For months, there was no investigation of possible bias motivation for the crime because the responding officers chose to classify the matter as a robbery. Only after SAN directly appealed to the Los Angeles County's bias crime investigator was the matter recorded and investigated as a possible hate crime.<sup>186</sup> Police departments in different cities had differing standards on the discretion available to responding police officers to classify a matter as a possible hate crime.

In New York, if a responding police officer believed that a hate crime might have occurred, he or she was to report this to the duty captain in the police precinct. If the duty captain also believed the crime to be bias-motivated, the matter was referred to the police department's Hate Crimes Task Force for investigation as a possible hate crime.<sup>187</sup> Linda Wancel, head of the Civil Rights Bureau within the Brooklyn district attorney's office, stated that whether a matter was investigated by police as a possible hate crime was "contingent on the duty captain calling it a hate crime... We disagree sometimes with the duty captain not classifying cases as a possible a hate crime."<sup>188</sup>

<sup>181</sup> Human Rights Watch interview with Imad Hamad, Midwest regional director, American Arab-Anti-Discrimination Committee, June 5, 2002; Human Rights Watch interview with Hassan Jaber, executive director, ACCESS, June 4, 2002; Human Rights Watch interview with Daniel Saab, Dearborn community police officer, June 1, 2002.

<sup>182</sup> *Ibid.*

<sup>183</sup> Human Rights Watch interview with Sergeant Jerry Hill, Phoenix Police Department, August 8, 2002.

<sup>184</sup> *Ibid.*

<sup>185</sup> Human Rights Watch telephone interview with Prabhjot Singh, director, Sikh Coalition, August 16, 2002.

<sup>186</sup> Human Rights Watch telephone interview with Kripa Ubadhyay, Anti-Discrimination and Hate Crimes Program Coordinator, South Asian Network, August 21, 2002.

<sup>187</sup> Human Rights Watch telephone interview with Adil Almontaser, American Muslim Law Enforcement Officers Association, August 27, 2002.

<sup>188</sup> Human Rights Watch telephone interview with Linda Wancel, Civil Rights Bureau, Brooklyn district attorney's office, August 26, 2002.

In Seattle, staff at the Office of Civil Rights expressed frustration that complaints they received about bias-motivated criminal acts did not appear in monthly hate crime reports produced by the police department. According to staff, the discretion responding police officers to not classify a crime as a possible hate crime, created the possibility that they would investigate many crimes as possible hate crimes despite evidence that they may have been so motivated.<sup>189</sup>

The Phoenix Police Department, on the other hand, required responding officers to indicate on a police report whether either the victim or the responding officer believed bias motivated the crime. Where any such belief that a bias crime may have occurred existed, no matter how seemingly inconsequential to the responding officer, the responding officer police report was forwarded to the Phoenix Bias Crime Detail, where officers specially trained to investigate hate crimes determined whether there was any bias motivation for the crime.

### ***Hate Crime Units and Institutional Support for Hate Crimes Training***

Police departments in all of the cities Human Rights Watch researched stated that they trained their officers on the basic elements of a hate crime. With the exception of Dearborn, Michigan, they also all have at least one officer who investigates bias crimes exclusively. In the Seattle, Phoenix, Chicago and New York police departments, a bias crime unit officer is responsible for investigating any incident where evidence exists that a bias motive was present. The utility of this protocol for investigating bias crimes, according to Sergeant Jerry Hill, head of the Phoenix Police Department's Bias Crime Detail, is that it "ensures someone with expertise on hate crimes is investigating the matter. It takes pressure off the responding officer to make the call on whether this was a hate crime."<sup>190</sup>

<sup>189</sup> Human Rights Watch interview with Julie Pate, Seattle Office of Civil Rights, July 31, 2002.

<sup>190</sup> Human Rights Watch interview with Sergeant Jerry Hill, Phoenix Police Department, August 8, 2002.

Many local police departments, however, did not have the resources or a sufficient bias-crime caseload to justify training all officers on how to investigate bias crimes or to appoint a specialized bias crime investigator. In Maine, the attorney general's office attempted to address this problem by asking each law enforcement agency in Maine to appoint a "civil rights officer" to review all crime reports for bias motivation indicia. Any report that contains indications of bias is forwarded to the attorney general's office for further review and guidance. Thomas Harnett, a prosecutor in the attorney general's office, stated that this system allows the office to assist local law enforcement agencies with bias crime investigations and also provides a layer of review for their work.<sup>191</sup> In the aftermath of September 11, this system was used to refer September 11-related bias incidents to the Maine attorney general's office for review and consultation on further action.<sup>192</sup>

### **Prosecution**

After September 11, 2001, prosecutors across the country acted conscientiously to use their authority to bring hate crime perpetrators to justice. Numerous state attorneys general and county prosecutors issued statements condemning anti-Arab and anti-Muslim hate crimes, visited affected communities, encouraged them to report hate crimes to authorities and vowed to prosecute them vigorously.<sup>193</sup> During our research, Human Rights Watch found that prosecutors were proceeding actively on serious hate crimes that had occurred in their jurisdiction.

The number of September 11-related hate crimes prosecuted was, not surprisingly, smaller

<sup>191</sup> Human Rights Watch e-mail correspondence with Thomas Harnett, prosecutor, Maine attorney general's office, August 26, 2002.

<sup>192</sup> Ibid.

<sup>193</sup> See "Charges Filed in Recent Hate Crimes," Press Release, King County prosecutor's office, September 19, 2001, retrieved on August 30, 2002, from <http://www.metrokc.gov/proatty/News/Current/Hatecrim.htm>; "Attorney General Napolitano, Maricopa County attorney Romley, Others Band Together To Urge Reporting Of Hate Crimes," Press Release, Arizona attorney general, September 20, 2001, retrieved on August 30, 2002, from [http://www.attorney\\_general.state.az.us/press\\_releases/sept/092001.html](http://www.attorney_general.state.az.us/press_releases/sept/092001.html).

than the number of September 11-related hate crimes reported. But the proportion of September 11-related crimes that have been the subject of indictment and trial does not appear to vary significantly from the usual rates of indictment and trial for other types of crime. Many variables influence prosecution rates—including the ability of the police to identify a suspect, the quality of the evidence developed against him or her, the seriousness of the crime, and available prosecutorial resources. While our research did not uncover any instances of prosecutorial reluctance to take hate crimes seriously, some community activists expressed concern to us that prosecutors were placing insufficient priority on hate crime prosecutions.

The Department of Justice prosecuted twelve September 11-related hate crimes and cooperated with local county prosecutors in the prosecution of approximately eighty more.

On the local level, the Cook County state's attorney's office prosecuted six September 11-related hate crimes.<sup>194</sup> The Los Angeles County district attorney's office prosecuted three September 11-related crimes. In Maricopa County, containing Phoenix, there were three September 11-related hate crime prosecutions.<sup>195</sup>

Not all post-September 11 bias crimes were prosecuted as hate crimes under state or federal hate crimes legislation. For example, of the twelve September 11-related crimes prosecuted by the U.S. Justice Department, only half were charged under the federal hate crimes statute. Prosecuting a crime as a hate crime places an additional evidentiary burden on the prosecutor to prove in court not only the regular elements of the crime, but the existence of bias motivation as well.<sup>196</sup> Proof of such bias was difficult to demonstrate unless the defendant confessed his mo-

tivation, made statements during the crime demonstrating direct bias, or had otherwise clearly signaled his views. In the absence of strong evidence of bias, prosecutors often preferred to utilize regular criminal statutes to secure a conviction.<sup>197</sup>

### ***Publicizing Prosecutions***

September 11-related hate crime prosecutions did not only secure justice for particular victims. They also communicated society's repudiation of the crimes. Prosecution of September 11-related crimes conveyed the message that violent bigotry against Arabs and Muslims was not condoned and that law enforcement took seriously their obligation to protect all members of society and to bring those who committed crimes to justice.

According to Thomas Harnett, a prosecutor in the Maine attorney general's office, hate crime perpetrators "believe that their actions have community support." Publicizing prosecutions communicates the error of this belief to potential hate crime perpetrators as well as to the community at large. Indeed, according to Harnett, "one of the reasons we publicized [September 11-related] cases and successful enforcement actions was to instill in the community the belief that these incidents should be reported and when they are reported, victims are safer not more at risk."<sup>198</sup> Deepa Iyer of the South Asian American Leaders of Tomorrow concurred that publicizing prosecutions lets affected community members know that the government is committed to protecting them and encourages victims to report hate crimes against them.<sup>199</sup>

In Los Angeles and Phoenix, the district attorneys held press conferences and issued press releases announcing prominent September 11-related prosecutions. In Seattle, the Kings County prosecutor's office issued press releases on September 11-related prominent prosecu-

<sup>194</sup> Human Right Watch interview with Neera Walsh, prosecutor, Cook County prosecutor's office Bias Crime Unit, June 18, 2002.

<sup>195</sup> Human Rights Watch interview with Bill Fitzgerald, public relations officer, Maricopa County district attorney office, August 3, 2002.

<sup>196</sup> Human Rights Watch interview with Genna Gent and Daniel Levy, prosecutors, Michigan Attorney General's Hate Crimes Prosecution Team, June 3, 2002.

<sup>197</sup> *Ibid.*

<sup>198</sup> Human Rights Watch e-mail correspondence with Thomas Harnett, August 26, 2002.

<sup>199</sup> Human Rights Watch telephone interview with Deepa Iyer, February 26, 2002.



tions.<sup>200</sup> At the federal level, the Civil Rights Division of the U.S. Department of Justice issued press releases on most of its twelve September 11-related prosecutions. The Civil Rights Division, however, did not hold any press conferences to publicize its prosecutions, even though some community groups thought press conferences would secure greater coverage.<sup>201</sup> The Civil Rights Division nevertheless spread notice of its prosecutions by directly informing Arab, Muslim, Sikh, and South Asian community leaders and by sending the news to community e-mail lists.<sup>202</sup> Although these communications did not reach the broader American public, they at least informed the affected communities that the federal government was working to punish bias crime perpetrators. The Civil Rights Division also publicized most of the prosecutions on its website, although the website was not always up to date.<sup>203</sup>

### ***Hate Crime Prosecutor Units***

In some larger cities, efforts to bring hate crime perpetrators to justice were enhanced by the presence of specially trained hate crime prosecutors. For example, Chicago, Los Angeles, Phoenix, and New York City all have prosecutors who specialize in the prosecution of bias-motivated crimes.

According to Neera Walsh, head of the Cook County prosecutor's office Bias Crime Unit, the existence of a bias crimes prosecution unit permitted the development of specialized expertise to handle the unique challenges posed by hate crimes cases.<sup>204</sup> Since September 11, the Bias Crimes Unit has been responsible for the

prosecution of six September 11-related bias crimes. Phoenix police investigators also stated that working with prosecutors who specialize in bias crime prosecution gave them more confidence that the effort they put into investigating bias crimes would be taken seriously and better understood by prosecutors with training on understanding the nature of bias crimes.<sup>205</sup> Community leaders believe specialized units provided them with a central point of contact and thus enabled them to develop a better relationship with country prosecutors.<sup>206</sup>

Many small counties did not have the resources or large enough vulnerable communities to justify the creation of bias crime prosecution units. Recognizing the difficulty that small counties had undertaking the prosecution of September 11-related hate crimes, Michigan's attorney general created in May 2002 a Hate Crimes Prosecution Team to enhance the capacity of local prosecutors in smaller counties.<sup>207</sup> The team trains local prosecutors in the prosecution of hate crimes against Arab-Americans and Muslims as well as members of any other group that may be targets of bias-motivated violence. It also offers to assist with the prosecution of the bias element of a hate crime during trial.<sup>208</sup> The Michigan attorney general's program was unique among the cities and states Human Rights Watch visited because it allowed local prosecutors to have access to expertise in bias crime prosecution without having to develop such expertise within their own agencies.

### ***Crimes with Mixed Motives***

Some crimes had multiple motives, including anti-Arab and anti-Muslim bias. For example, the murderer of Ali Almansoop, who found Mr. Almansoop in bed with his ex-girlfriend, appears to have been motivated by both jealousy

<sup>200</sup> "Charges Filed in Recent Hate Crimes," Press Release, King County prosecutor's office, September 19, 2001, retrieved on August 30, 2002, from <http://www.metrokc.gov/proatty/News/Current/Hatecrim.htm>.

<sup>201</sup> Human Rights Watch telephone interview with Prabhjot Singh, director, Sikh Coalition, August 16, 2002.

<sup>202</sup> Human Rights Watch telephone interview with Joseph Zogby, special assistant for the Civil Rights Division's Backlash Initiative, August 25, 2002.

<sup>203</sup> See [www.usdoj.gov/crt](http://www.usdoj.gov/crt), retrieved on September 20, 2002.

<sup>204</sup> Human Right Watch interview with Neera Walsh, prosecutor, Cook County prosecutor's office Bias Crime Unit, June 18, 2002.

<sup>205</sup> Human Rights Watch interview with Sergeant Jerry Hill, August 8, 2002.

<sup>206</sup> Human Rights Watch interview with Manjari Chawla, staff attorney, Asian Pacific American Legal Center, June 30, 2002.

<sup>207</sup> Human Rights Watch interview with Genna Gent and Daniel Levy, June 3, 2002.

<sup>208</sup> *Ibid.* Since its creation, the team has offered its assistance to local prosecutors in two matters, one involving the beating of an African-American and the other involving vandalism to the office of U.S. Congressman.

and post-September 11 bias. In cases that have mixed motives, some departments did not investigate the crime as possibly being bias-motivated. The Seattle police department's bias crime investigator, for example, told Human Rights Watch that the department would not treat violence motivated only in part by anti-Arab or anti-Muslim bias as hate crimes.<sup>209</sup> Prosecutors in such cases, including in the Almansoop case, typically chose to proceed under ordinary criminal law.

Even if state law only permits hate crimes prosecution when bias is the sole motive, it is nonetheless important where crimes have multiple motives that police record such crimes as hate crimes to establish a barometer of a given population's vulnerability.<sup>210</sup> Illinois amended its hate crimes law so that a crime may be prosecuted as a hate crime when it is motivated "in any part" by bias.<sup>211</sup> Though the purpose of the amendment was to facilitate the use of the Illinois hate crime statute in mixed motive cases, one of the benefits of the law is that tracking of mixed motive crimes is no longer precluded. According to Elizabeth Schulman-Moore of the Lawyer's Committee for Civil Rights in Chicago, as a result of this amendment all crimes with a bias motive "no matter how small" are recognized as such by local government officials.<sup>212</sup>

### **Affected Community Outreach**

Prior to the September 11 attacks, many government agencies in the cities researched had scant relationships with Arab and Muslim communities, even in cities with substantial Arab and Muslim populations and despite previous histories of bias-motivated attacks. Nevertheless, outreach efforts after the September 11 backlash were robust. Outreach efforts included meetings at mosques, community forums, printed materi-

als translated into languages spoken in the communities, and the creation of hate crime "hotlines."

### ***Relationship With Affected Communities Before September 11***

Nowhere were the benefits of a pre-existing government relationship with potential victim communities more apparent than in Dearborn, Michigan. Community leaders in Dearborn told Human Rights Watch that before September 11 they had regular and consistent meetings with the Dearborn mayor's office, the Dearborn Chief of Police, the Wayne County prosecutor's office, the state attorney general's office and the U.S. attorney for the Eastern District of Michigan on a range of issues affecting Arabs and Muslims in and around Dearborn.<sup>213</sup> According to community leaders, these meetings ensured that government agencies "more or less knew our concerns, regardless of whether we were always in agreement."<sup>214</sup>

The open channels of communication and high level of interaction between Dearborn officials and members of the Dearborn Arab and Muslim communities enabled community leaders to mobilize officials promptly to address a potential backlash after the September 11 attacks.<sup>215</sup> City leaders also had access to information with which to assess the needs of the Arab and Muslim communities following the September 11 attacks. According to Imad Hamad, Midwest Director of the ADC in Dearborn, Michigan:

We were able to call the mayor's office on the morning of September 11 about our concerns that our community members would be attacked. By 11:30 a.m. we were meeting with the Mayor and Chief of Police about a

<sup>209</sup> Human Rights Watch interview with Detective Christie Lynn-Bonner, Seattle Police Department, August 2, 2002.

<sup>210</sup> Human Rights Watch interview with Elizabeth Schulman-Moore, attorney, Lawyer's Committee for Civil Rights, June 17, 2002.

<sup>211</sup> Daniel C. Vock, "House passes bill expanding hate crimes," *Chicago Daily Law Bulletin*, February 25, 2002.

<sup>212</sup> Human Rights Watch interview with Elizabeth Schulman-Moore, June 17, 2002.

<sup>213</sup> Human Rights Watch interview with Hassan Jaber, executive director, ACCESS, June 4, 2002; Human Rights Watch Interview with Daniel Saab, Dearborn community police officer, June 1, 2002.

<sup>214</sup> Human Rights Watch interview with Imad Hamad, June 5, 2002.

<sup>215</sup> Human Rights Watch interview with Imad Hamad, June 5, 2002; Human Rights Watch interview with Hassan Jaber, executive director, ACCESS, June 4, 2002; Human Rights Watch interview with Nasser Beydoun, American Arab Chamber of Commerce, June 5, 2002.

possible backlash against our community. By 1:00 p.m. the Mayor was on the local cable public access channel warning people against committing hate crimes against Arabs in Dearborn and the police cars were patrolling our shopping areas and neighborhoods.<sup>216</sup>

### ***Outreach after September 11: Barriers to Trust***

The general fear of government among Arab and Muslim immigrant communities remained one of the more significant challenges posed in creating working relationships with those communities on hate crime issues after September 11. According to Rita Zawaideh of the Arab America Community Coalition, an umbrella group of Arab organizations in western Washington: "In countries where many Arab immigrants are from, the government and the police are repressive, they are not your friend."<sup>217</sup> This general fear of government was aggravated by the detention and deportation of Muslims and Arabs by the federal government after September 11 and by fears that reporting hate crimes would draw attention to non-citizens who had violated the terms of their visas.<sup>218</sup> Kripa Ubadhyay, hate crimes coordinator for the South Asian Network in Los Angeles related her experience organizing a community forum on September 11-related civil liberties issues: "We invited the FBI and INS. One hundred and fifty people attend a similar past forum, however only sixty attended this one. We later found out from many [who didn't attend] that they were afraid of being detained by the INS."<sup>219</sup> Similarly, Stephen Wessler of the Center on the Prevention of Hate Violence in Portland, Maine, stated: "what struck me most was not a fear of hate

crimes [in the Muslim community], it was a fear of the federal government. The fear of detention or deportation continued even when the fear of hate crimes ended."<sup>220</sup>

### ***Cultural Competency***

Cultural competency is "a set of behaviors and attitudes integrated into the practices and policies of agencies or professional service providers that enables them to understand and work effectively in cross-cultural situations."<sup>221</sup> Because many of the persons affected by the September 11 backlash are foreign-born, cultural competency training was important for police officers and other government officials who regularly interacted with Muslim, Arabs, Sikhs or South Asians after September 11.<sup>222</sup>

The importance of such training was underscored by Sheila Bell, Communications Director for the Muslim Law Enforcement Officers Association of New York City. As an example, Bell cited the practice in Middle Eastern culture of not looking authority figures in the eye during discussions because doing so is a sign of disrespect. Bell stated that officers in the New York City police department have mistaken this habit as an effort to be deceitful.<sup>223</sup> Similarly, Guru Roop Kaur Khalsa, a gurdwara official in Phoenix, narrated a discussion she had with a police officer who along with other officers were assigned to protect the gurdwara shortly after Balbir Singh Sodhi's murder, discussed in section III above.<sup>224</sup> The police officer reported to Khalsa that the members of the officers' families were "very nervous" about them protecting the gurdwara because they thought Sikhs might be terrorists affiliated with Osama Bin Laden be-

<sup>216</sup> Human Rights Watch interview with Imad Hamad, June 5, 2002.

<sup>217</sup> Human Rights Watch interview with Rita Zawaideh, Spokesperson, Arab American Community Coalition, August 5, 2002.

<sup>218</sup> Human Rights Watch telephone interview with Stephen Wessler, August 27, 2002. See also, "Fear Of Detention Haunts South Florida Muslims; Dozens Held By U.S. Agencies In Terror Inquiries," *South Florida Sun-Sentinel*, July 9, 2002.

<sup>219</sup> Human Rights Watch telephone interview with Kripa Ubadhyay, Anti-Discrimination and Hate Crimes Program Coordinator, South Asian Network, August 21, 2002.

<sup>220</sup> Human Rights Watch telephone interview with Stephen Wessler, August 27, 2002.

<sup>221</sup> "Cultural Competency," retrieved on September 21, 2002, from <http://www.aoa.gov/may2001/factsheets/Cultural-Competency.html>.

<sup>222</sup> Human Rights Watch interview, Pramilla Jaypal, executive director with Hate Free Zone of Washington, July 31, 2002.

<sup>223</sup> Human Rights Watch telephone interview with Sheila Bell, communications director, Muslim Law Enforcement Officers Association, August 27, 2002.

<sup>224</sup> Human Rights Watch interview with Guru Roop Kaur Khalsa, Phoenix Gurdwara, August 9, 2002.

cause of their turbans and beards.<sup>225</sup> After gaining exposure to Sikhs while protecting the gurdwara, the officer told Ms. Khalsa that they felt much more comfortable performing their duties to protect them.<sup>226</sup>

On the federal level, the Community Relations Service of the Department of Justice (CRS) organized and sponsored numerous cultural competency training sessions nationwide after September 11 for a wide range of federal employees, including congressional staffers, FBI agents, and federal civil rights officials.<sup>227</sup> These forums usually involved presentations by members of the Muslim and Sikh faiths on aspects of their faiths and cultures that may impact the work of federal officials. The sessions typically ended with a question and answer period. On the local level, cultural competency training often was done "on the fly" with government officials and police officers learning about relevant cultural traits of the various communities as they worked with them after September 11.<sup>228</sup> In Seattle for example, the police force did not have any training on Muslim practices for police officers. Instead, officers who worked with these communities learned about basic Muslim beliefs as they visited city mosques after September 11.<sup>229</sup>

### ***Language Barriers***

Because many of the September 11 backlash victims were foreign-born, the inability to speak or comprehend English was a barrier to effective interaction with government officials. Sheila Bell of the Muslim Law Enforcement Officers Association of New York City pointed out that language has also been a barrier to effective communication with the New York City Police Department because crime victims calling the Department in an emergency were some-

<sup>225</sup> Ibid.

<sup>226</sup> Ibid.

<sup>227</sup> Human Rights Watch interview with Sharee Freeman, executive director, Community Relations Service, Department of Justice, May 5, 2002.

<sup>228</sup> Human Rights Watch interview with Sergeant Jerry Hill, August 8, 2002; Human Rights Watch telephone interview with Robin Toma, executive director, Los Angeles Human Relations Commission, August 27, 2002.

<sup>229</sup> Human Rights Watch interview with Detective Christie Lynn-Bonner, Seattle Police Department, August 2, 2002.

times not been able to speak English well enough to be understood completely.<sup>230</sup> Language was also a barrier for community groups organizing outreach events with government agencies. For example, Rita Zawaideh of the Arab America Community Coalition noted that even though police officers in the Seattle Police Department initiated and participated in outreach meetings at every mosque in Seattle after September 11: "They weren't always understood because not everyone speaks English."<sup>231</sup>

In the Dearborn Police Department, language barriers have been overcome by the appointment of an Arab community police officer who speaks Arabic.<sup>232</sup> At the national level, the Civil Rights Division has made a concerted effort to publish brochures explaining civil rights protections in the languages of the backlash-affected communities. The brochures, written in languages such as Arabic, Farsi, and Punjabi, have been distributed in the Arab, Muslim, Sikh, and South Asian communities by mailing them to community organizations and places of worship. The Civil Rights Division states that it has mailed thousands of these brochures to affected community groups since September 11.<sup>233</sup> They are also available on the Civil Rights Division website.

### ***Community Liaisons***

The creation of community liaisons, whether they be individuals or committees, was an effective tool utilized by some governments to work with vulnerable groups.

After September 11, the Department of Justice Community Relations Service (CRS) was especially helpful in identifying civil rights leaders and organizations in the Sikh and South

<sup>230</sup> Human Rights Watch telephone interview with Sheila Bell, August 27, 2002.

<sup>231</sup> Human Rights Watch interview with Rita Zawaideh, August 5, 2002.

<sup>232</sup> Human Rights Watch interview with Officer Daniel Saab, Dearborn Police Department, May 31, 2002.

<sup>233</sup> Human Rights Watch interview with Joseph Zogby, special assistant for the Assistant Attorney General's 9/11 Backlash Initiative, U.S. Department of Justice, March 29, 2002. See [http://www.usdoj.gov/crt/legalinfo/nordwg\\_brochure.html](http://www.usdoj.gov/crt/legalinfo/nordwg_brochure.html), retrieved on September 23, 2002.

Asian community with whom the Civil Rights Division could work once it was clear that those communities were vulnerable to backlash violence.<sup>234</sup> In the Sikh and South Asian communities the CRS was in many cases the first federal government agency to ever contact them.<sup>235</sup> The Civil Rights Division appointed specific persons to undertake outreach with each of the affected communities. These persons took calls from community leaders, e-mailed news of progress in backlash-related matters to community e-mail listserves, and spoke at eight community forums organized by the Civil Rights Division nationwide on September 11-related civil rights issues.<sup>236</sup> Leaders of community organizations reported a very high level of satisfaction with their access to liaisons and ability to discuss urgent matters with them.<sup>237</sup> The Civil Rights Division was generally known for having an "open door policy" in which "a meeting with division heads can be arranged anytime there is an issue of pressing concern."<sup>238</sup>

In Seattle, the Mayor created an Arab advisory council after September 11. The Seattle Police Department also made presentations on hate crime issues in each of the eleven mosques in Seattle, providing names and numbers of persons that community members could contact in case they were a victim of a hate crime.<sup>239</sup> In Chicago, the creation eight years ago of an Arab Community Advisory Council in the mayor's office greatly facilitated interaction between the mayor's office, the chief of police, and the Arab community both before and after September 11.

<sup>234</sup> Human Rights Watch interview with Sharee Freeman, executive director, May 5, 2002.

<sup>235</sup> Human Rights Watch interview with Sharee Freeman, executive director, Community Relations Service, Department of Justice, May 5, 2002.

<sup>236</sup> Human Rights Watch interview with Joseph Zogby, special assistant for the Assistant Attorney General's 9/11 Backlash Initiative, U.S. Department of Justice, March 29, 2002. See, [http://www.usdoj.gov/crt/legalinfo/nordwg\\_brochure.html](http://www.usdoj.gov/crt/legalinfo/nordwg_brochure.html), accessed on September 23, 2002.

<sup>237</sup> Human Rights Watch interview with Nawar Shora, attorney, Arab American Anti-Discrimination Committee, February 28, 2002.

<sup>238</sup> Human Rights Watch telephone interview with Prabhjot Singh, August 16, 2002.

<sup>239</sup> Human Rights Watch interview with Rita Zarweih, August 3, 2002.

Community organizations in New York, especially in the Muslim, South Asian, and Sikh community expressed frustration in their level of interaction with the New York City Police Department and other city officials who might have been of assistance on hate crime issues. Especially in the Sikh and South Asian communities, civil rights activists stated that there was only one community police officer in the whole police department assigned to interact with members of the huge Sikh and South Asian communities.<sup>240</sup> Furthermore, Sikh and South Asian community leaders stated that in general government agencies had not organized any forums for the community members to educate them on police protections from hate crimes and that community members did not know who to contact if they were a victim of a hate crime.<sup>241</sup>

### ***Creation of Hotlines on Hate Crimes***

Some cities and states as well as the federal government created specific hate crime hotlines to give affected community members a point of contact in government when backlash hate crimes occurred. Seattle, Arizona, California, and, at the federal level, the U.S. Commission on Civil Rights, all created and advertised the creation of September 11-related hate crimes hotlines. Community organizations generally reported satisfaction with the hotlines, stating that they were important in letting victim communities know that they could easily contact government.

The creation of a federal September 11 hate crimes hotline encountered serious difficulties. On September 14, 2001, the U.S. Commission on Civil Rights announced the creation of a "National Complaint Line... to solicit and catalogue discrimination complaints from Arab and Muslim Americans."<sup>242</sup> The number was publicized

<sup>240</sup> Human Rights Watch telephone interview with Sin Yen Ling, attorney, Asian-American Legal Defense Fund, August 26, 2002. Human Rights Watch interview with Pritpal Singh, Sikh Youth of America, August 25, 2002.

<sup>241</sup> Human Rights Watch interview with Pritpal Singh, August 25, 2002.

<sup>242</sup> "U.S. Commission On Civil Rights Announces Complaint Line To Protect Rights Of Arab, Islamic Communities; Urges Tolerance In The Face Of Tragedy," United States Commission on Civil Rights, September 14, 2001.

by numerous Arab, Muslim, and South Asian organizations as a means to complain about hate crimes to the federal government. The number listed on the press release, however, was incorrect, forwarding callers to a dating service.<sup>243</sup> Once the correct number was released by the commission three days later, the commission received approximately 140 calls from September 17 to October 2 that it considered possible hate crimes.<sup>244</sup> Nevertheless, many persons who called the line did not understand that their complaints would not be forwarded to federal law enforcement authorities. The commission, when requested by Civil Rights Division to forward reports of hate crimes to it or the FBI, refused to do so. The commission maintained that it needed to protect the callers' anonymity so that they would not be discouraged from calling the commission. It also insisted it was an information gathering service rather than a complaint referral service.<sup>245</sup>

### **Bias Crime Tracking**

Federal, state, and city governments made varied efforts to track bias crimes after September 11. Many city governments created separate classifications for September 11-related crimes in an effort to track the course of investigations and better inform the public on such efforts. Reliable national statistics on September 11 hate crimes did not exist at the time of this writing, however, because the federal Department of Justice had not yet published its annual hate crimes report for the year 2001.

#### ***Federal Hate Crime Statistics***

In the United States, the Hate Crime Statistics Act of 1990 requires the Department of Justice to collect statistics on hate crimes using the Uniform Crime Reporting System (UCR).<sup>246</sup> According to Michael Lieberman, a long time activist on hate crime issues for the Anti-Defamation League: "The [federal] hate crime

reporting statute is the most important hate crime law. It has pushed law enforcement to train police officers to detect bias-motivations for crimes in communities... It has revolutionized awareness of hate crime issues by creating a measure of accountability in communities."<sup>247</sup> Under UCR, law enforcement authorities around the United States are asked to aggregate the number of hate crime incidents by offense type and the racial, religious, national origin or sexual orientation of the victim every quarter and report these totals to the FBI. These local reports are compiled by the FBI and published yearly by the Bureau of Justice Statistics, in the form of simple data on the number of hate crimes committed each year in a particular jurisdiction and the number of hate crimes committed against a particular victim type in each jurisdiction. The Bureau of Justice Statistics report is the only government-produced national snapshot on hate crimes each year.

Over the past eight years, the FBI has encouraged local jurisdictions to report incidents of crime, including hate crime, using the National Incident Based Reporting System (NIBRS). The NIBRS reporting system provides more than a simple summary count of the number of hate crimes committed in each jurisdiction and the victim type. Under incident-based reporting, local law enforcement agencies provide an individual record for each crime reported to the FBI. Details about each incident include detailed information on the type of offender, victim, offense, weapon used, and location of the offense.

Participation in both the reporting systems is voluntary. Though most police agencies in the United States report hate crimes to the FBI, not all do so. Furthermore, among the agencies that do report hate crimes, many significantly underreport the occurrence of hate crimes in their jurisdiction. A study funded by the Department of Justice found that 83 percent of the law enforcement agencies who participate in either the UCR or the NIBRS report that they

<sup>243</sup> "Rights panel keeps hot line data from Justice; Claims of bias directed at Arabs, Muslims at issue," *Washington Times*, October 13, 2001.

<sup>244</sup> *Ibid.*

<sup>245</sup> *Ibid.*

<sup>246</sup> Bureau of Justice Statistics website, <http://www.ojp.usdoj.gov/bjs/nibrs.htm>, retrieved on September 3, 2002.

<sup>247</sup> Human Rights Watch telephone interview with Michael Lieberman, Washington Counsel, Anti-Defamation League, August 15, 2002.

had no hate crimes each year.<sup>248</sup> Nevertheless, the study found that many of those jurisdictions had hate crimes that were not reported to the FBI.<sup>249</sup> This "false-zero" reporting to the FBI is so severe that the study estimated six thousand hate crimes, almost 75 percent again as much as the total number of hate crimes reported nationwide each year to the FBI, are not included in reports to the FBI.<sup>250</sup> Further complicating matters with regard to tracking anti-Arab violence is that the FBI does not track specific ethnic community hate crimes, instead generically classifying any anti-ethnic violence into a single ethnic crime category.

### ***City and State Hate Crime Tracking***

In addition to federal efforts to collect hate crime data, a handful of city and state agencies in the United States also collect and publish their own hate crime statistics. Most notable among these are California, Illinois, Chicago, and Los Angeles County, which all publish detailed statistics each year on hate crimes.

The law enforcement agencies in the cities researched for this report—Dearborn, Chicago, Seattle, Los Angeles, Phoenix, and New York—all participate in the UCR system at the federal level. Some cities and states, like California and Chicago, also have specially tracked and published statistics on September 11-related bias crimes, while others, like Seattle and New York, did not. The Office of the Attorney General for California was the most aggressive in collecting data on September 11-related hate crimes and widely publishing it. The California attorney general's office issued two "Interim Reports" listing the number of September 11-related bias on hate crimes against Arab and Muslims and those perceived to be Arab or Muslim in six large California cities. The attorney general published the data because he believed the information was "central to developing ef-

fective measures to combat these despicable acts."<sup>251</sup> The first report was issued on October 11, 2001 once it was clear that a widespread backlash, numbering ten incidents per day, was occurring in California; the second was issued on December 11, 2001, after the backlash had significantly decreased to one incident per day.<sup>252</sup> To our knowledge, the California attorney general's office was the only state or local government agency to publish data on the September 11 backlash while it was occurring.

In addition to making a special effort to track and publish September 11-related crimes, California also publishes a yearly hate crimes report containing detailed statistical data on the type of hate crimes occurring, the victims, the offenders, location of attacks, and prosecution rates. The yearly report for the year 2001 was published on September 18, 2002. The report found that: "the overall number of hate crimes reported last year actually would have decreased five percent from a year earlier if not for the bias-motivated assaults against Californians victimized because they are Muslim or appeared to be of Middle Eastern descent."<sup>253</sup>

The Los Angeles County Commission on Human Relations also publishes a comprehensive annual hate crimes report with detailed statistics on hate crimes in Los Angeles County. According to the commission's executive director, the report is the oldest yearly hate crimes report of any jurisdiction in the United States, having been published since 1980.<sup>254</sup> Like the California attorney general's report, it includes detailed statistical data on hate crimes each year,

<sup>248</sup> "Improving The Quality And Accuracy Of Bias Crime Statistics Nationally: An Assessment Of The First Ten Years Of Bias Crime Data Collection," The Center for Criminal Justice Policy Research College of Criminal Justice Northeastern University and Justice Research and Statistics Association, September 2000.

<sup>249</sup> Ibid.

<sup>250</sup> Ibid.

<sup>251</sup> "Attorney General Releases Interim Report on Anti-Arab Hate Crimes," Office of the Attorney General State of California, October 11, 2001.

<sup>252</sup> "Attorney General Releases Interim Report on Anti-Arab Hate Crimes," Office of the Attorney General State of California, October 11, 2001; "Attorney General Releases Interim Report on Anti-Arab Hate Crimes," Office of the Attorney General State of California, December 11, 2001.

<sup>253</sup> "Attorney General Lockyer Releases Annual Hate Crime Report Showing Spike From Post 9/11 Anti-Arab Attacks," Press Release, Office of the California Attorney General, September 18, 2002, retrieved on September 18, 2002, from <http://caag.state.ca.us/newsalerts/2002/02-106.htm>.

<sup>254</sup> Human Rights Watch telephone interview with Robin Toma, August 27, 2002.

including information on the type of the victims, the offenders, location of attacks, prosecution rates, and type of hate crimes occurring. On September 9, 2002, the commission published its annual report for the year 2001.<sup>255</sup>

The Chicago Police Department has published a comprehensive annual hate crimes report since 1995. On June 27, 2002, it issued its annual "Hate Crimes in Chicago Report."<sup>256</sup> The report stated that Chicago police separately tracked September 11-related hate crimes and listed the number of September 11-related hate crimes in Chicago. Like the Los Angeles County Commission on Human Relations and the California attorney general's annual hate crime reports, the Chicago Police Department report includes information on the type of victims, the offenders, location of attacks, and types of hate crimes occurring, but it does not contain data on prosecution rates.

The Chicago Police Department's annual report is unique in that it also lists the number of "hate incidents," a category which includes bias-motivated conduct that may fall short of violating criminal laws.<sup>257</sup> The collection of hate incident statistics gives law enforcement officers clues on areas of the city where racial or ethnic tensions exist that could escalate into hate crimes.<sup>258</sup>

The Phoenix Police Department simply published on its website the number of anti-Arab and anti-Muslim hate crimes that occurred in Phoenix for the year 2001, noting with an asterisk that all anti-Arab hate crimes in Phoenix occurred after September 11.<sup>259</sup> The published numbers also made the error of separately listing "anti-Muslim" and "anti-Islamic" hate crimes even though the terms are synonymous.

<sup>255</sup> See

[http://humanrelations.co.la.ca.us/Our\\_publications/pdf/2001HCR.pdf](http://humanrelations.co.la.ca.us/Our_publications/pdf/2001HCR.pdf), retrieved on September 10, 2002.

<sup>256</sup> See

<http://w4.ci.chi.il.us/caps/Statistics/Reports/HateCrimes/index.html>, retrieved on September 10, 2002.

<sup>257</sup> Ibid.

<sup>258</sup> Ibid.

<sup>259</sup> See <http://www.ci.phoenix.az.us/POLICE/hatecr2.html>, retrieved on September 10, 2002.

The Dearborn Police Department separately categorized September 11-related hate crimes and logged them for internal investigatory purposes. The Department, however, has not published hate crimes statistics in the past.<sup>260</sup> Information on hate crimes in Dearborn is published each year as part of the Michigan State Police department's submission of data to the FBI's Uniform Reporting System program.<sup>261</sup>

Neither New York nor Seattle publish yearly data on hate crimes. The Bias Crimes Unit of the New York City Police Department did, however, track the number of September 11-related hate crimes in the three months after September 11 for internal investigatory purposes. Seattle did not track such data, and indeed, unlike any city researched for this report, did not track September 11-related hate crimes at all.<sup>262</sup> The only published data on hate crimes in New York and Seattle is the data published yearly by the FBI in its annual hate crimes report. This data, as described above, is cursory in nature, providing only the number of hate crimes committed each year and the types of victims attacked. Information on hate crime perpetrators, the location of attacks, the type of crimes committed, or prosecution rates is not included in the Uniform Crime Reporting system used by New York City and Seattle.

<sup>260</sup> Human Rights Watch Interview with Sergeant Timothy Harper, Dearborn Police Department, June 3, 2002.

<sup>261</sup> See [http://www.state.mi.us/msp/crd/ucr98/ucr\\_h07.htm](http://www.state.mi.us/msp/crd/ucr98/ucr_h07.htm), retrieved on September 10, 2002.

<sup>262</sup> Human Rights Watch interview with Julie Pate, Seattle Office of Civil Rights, July 31, 2002; Human Rights Watch interview with Detective Christie Lynn-Bonner, Seattle Police Department, August 2, 2002.



## APPENDIX

### **Backlash Preparation**

Center for the Prevention of Hate Violence  
Stephen L. Wessler  
(207) 780-4756  
e-mail: [CPHV@usm.maine.edu](mailto:CPHV@usm.maine.edu)  
website: <http://www.cphv@usm.maine.edu>

### **Hate Crimes Prosecution**

Michigan Attorney General's Taskforce on Hate Crimes  
Michigan Attorney General Hate Crimes Prosecution Team  
(517) 335-0804

### **Hate Crime Tracking**

Los Angeles County Commission on Human Relations  
Marshall Wong  
Hate Crimes Coordinator  
(213) 974-7617  
[www.LAHumanRelations.org](http://www.LAHumanRelations.org)

### **Affected Community Outreach**

Special Counsel to the Assistant Attorney General on Backlash Discrimination  
Joseph Zogby  
(202) 514-6534  
e-mail: [Joseph.Zogby@usdoj.gov](mailto:Joseph.Zogby@usdoj.gov)  
website: [www.usdoj.gov/crt/nordwg.html](http://www.usdoj.gov/crt/nordwg.html)

Corporal Daniel Saab  
Community Policing Officer  
Dearborn Police Department  
(313) 943-2800

### **Hate Crimes Investigation Support**

Office of the Maine Attorney General  
Civil Rights Team Project  
Attorney General Thomas Harnett  
(207) 626-8800  
website: [www.maine.gov/ag/civilrights.html](http://www.maine.gov/ag/civilrights.html)

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