EXPANDING HUMAN RIGHTS AND CIVIL RIGHTS VIOLATIONS IN THE UNITED STATES: SEE SOMETHING, SAY SOMETHING POLICY

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Abstract

According to the Bureau of Justice Statistics, almost 300,000 hate crimes occurred in 2012 in the United States. An astonishing 90% of these crimes were violent. Even more shocking are the 60% of hate crimes that are not reported to law enforcement (Wilson, 2014). In response to these dismal reporting statistics, the Department of Homeland Security ("DHS") has adopted a policy (the "Policy") and Congress introduced the "See Something, Say Something Act" (the "Act"), an amendment to the Homeland Security Act of 2002. The Policy and the Actencourage ordinary citizens to suspect and report someone based on perceived demeanor and/or overall appearance without the usual requirement of articulable suspicion (*Terry*, 1968). Due to the discriminatory nature of both the Policy and the Act, the proposed measures would be subject to strict scrutiny if challenged in court. Challenges to the Act would most likely revolve around civil rights violations. More importantly, basic human rights as outlined in the articles of The Universal Declaration of Human Rights ("UDHR") are at issue.In practice, encouraging U.S. citizens to report each other without articulable suspicion opens the door for bias, prejudice, and intolerance. Even without these limitations, the Act may not achieve its ultimate goal of increasing reporting as only four percent of the 40% of hate crimes reported actually result in an arrest (Wilson, 2014). Increasing reporting of hate crimes, at best, may improve arrest rates into double digits.

Keywords: Islam, Human rights, discrimination, hate crimes, policy

Introduction

Since the 9/11 terrorist attacks, the U.S. government has explored many optionsto ensure the safety of its citizens against future terrorist attacks, including the National Security Agency ("NSA") electronic surveillance program and the USA Patriot Act. There have been many

documented challenges to the constitutionality of such warrantless surveillance programs (Halperin, 2006; Liu et al., 2014). Most of these challenges relate to the Fourth Amendment right against unreasonable search and seizure. The Policy and the Act primarily invoke civil and human rights claims as opposed to search and seizure issues.

The Act would allow immunity for individuals who incorrectly or maliciously report suspected terrorists to law enforcement. One of the primary sponsors of the bill, Peter King (R-NY), has repeatedly cited observant, diligent citizens as the reason why many would-be acts of terror were thwarted by law enforcement. Rep. King argues that giving immunity to both law enforcement and the individuals who report suspicious activity provides a "critical layer" of homeland security. "Good citizens who report suspicious activity in good faith," according to Rep. King, "should not have to worry about being sued."Rep. King seeks to protect the accuser while the reputation and good name of the falsely-accused is left without similar added protections. It is one thing for a citizen to report criminal activity but quite another for a citizen to differentiate what is suspicious activity that might eventually lead to criminal activity.

According to the Act:

> Any person who, in good faith and based on objectively reasonable suspicion, makes, or causes to be made, a voluntary report of covered activity to an authorized official shall be immune from civil liability…(The Act, 2011).

The vagueness of the language — "good faith" and "objectively reasonable suspicion" — invites attacks to the legislation as being constitutionally overbroad. Objectively measuring "good faith" and "reasonable suspicion" and differentiating this from bigotry or ignorance is challenging, at best. Ignorant actions are typically in "good faith," since those perpetrating them are assuming that what they believe is the truth. Their assumptions, however, may be rooted in misconceptions and false perceptions. Providing evidence of "good faith" is cumbersome, requiring detailed eyewitness accounts which tend to be contradictory and unreliable (Loftus, 1996).

The Act on its face appears to be nondiscriminatory or neutral, however in its application would expand the scope of civil and human rights violations. Discrimination cases need not be blatantly discriminatory in order to be found unconstitutional. The application of the law can be discriminatory and found to be invalid. The test is whether there is a disparate impact on a minority group as a result of the law or policy(*Griggs*, 1971). Both the Act and the Policy are facially neutral and would have to be

shown to be discriminatory in application by highlighting the targeting of Muslim police detentions. For example, law enforcement have come under attack in the U.S. for detaining minorities disproportionately in vehicle stops so much so that it has come to be known as "driving while black" (Ingraham, 2014). The same could be said for Muslims as a result of these policies. Even though these policies appear to be neutral, if the end result is a spike in detentions and arrests of Muslims under false allegations, then the policies are unconstitutional.

The Trayvon Martin case highlights the problem with extending police powers to the general public via the stand-your-ground extension of the Castle Doctrine in Florida. An average citizen, George Zimmerman, with only limited knowledge of the law took it upon himself to follow Trayvon as a part of a neighborhood watch group. Zimmerman may have perceived himself to be well versed in articulable suspicion having taken a few classes at the local community college (Robles, 2012). However, as is clear from the end result, Martin was clearly not qualified to identify suspicious behavior.

Salt Lake City Police Chief Chris Burbank has expressed concern over the expansion of authority of the police and has spoken directly to the issue of the Act's guarantee of immunity. Burbank argues that "race, ethnicity and religion cannot be utilized as factors to create suspicion," for it builds an environment of mistrust between the police and local communities (Hearing, 2011, p. 24). Burbank is outspoken on this issue.

This article explores the legal and practical implications of passing the Act and/or supporting the Policy. Even though the Act did not pass in 2011, it is currently an ongoing policy by the Department of Homeland Security in many jurisdictions such as New York. Human rights and civil rights violations need to be considered in light of this movement towards community involvement in counterterrorism.

Human Rights Violations

The U.S. State Department and Amnesty International track government respect for human rights (Amnesty International, 1998; U.S. State Department, 2007). Political scientists then translate these reports into measurable scales (Cingranelli and Richards, 2008; Gibney et al., 2008). Factors that are considered include whether a country imprisons individuals based on their beliefs, the extent to which torture and/or political murder occur, and the level of terror that exists within the population. Post 9/11, there has been "an increase in human rights violations in countries that supported the United States in the War on Terror" (Goderis and Versteeg, 2012, p. 142).

The most noteworthy cases of human rights violations to date include the detention of enemy combatants at Guantanamo Bay ("GTMO") and the atrocities committed at Abu Ghraib. *Hamdi* (2004) and *Rasul*(2004) held that both U.S. and foreign nationals, respectively, who are considered enemy combatants cannot be detained without access to U.S. Courts via *habeas corpus*. In May of 2003, there were as many as 680 detainees being held at GTMO. As of January, 2010, there were approximately 196 detainees (Finn, 2010). As of December, 2014 there were 136 detainees left (Sutton et al., 2014). Despite the government's best efforts to keep GTMO open including Congress' refusal to close GTMO down and transfer the detainees to a facility in the U.S., the numbers have dwindled significantly over the last 10 years.

One of the individuals released from GTMO in 2006 was Murat Kurnaz who was a Turkish citizen born and now residing in Germany. Kurnaz's book, Five Years of My Life: An Innocent Man in Guantanamo, outlines years of torture and brutality. Prisoners at GTMO were beaten, waterboarded, given electric shocks, and chained from the ceiling while dangling by their arms for hours on end. Once Kurnaz's file was made available to the public, it was discovered that Kurnaz was innocent and that the U.S. government knew this as early as 2002, just one year after his detention (Kurnaz, 2007; Leonnig, 2005). GTMO does not set a good example for respect to human rights.

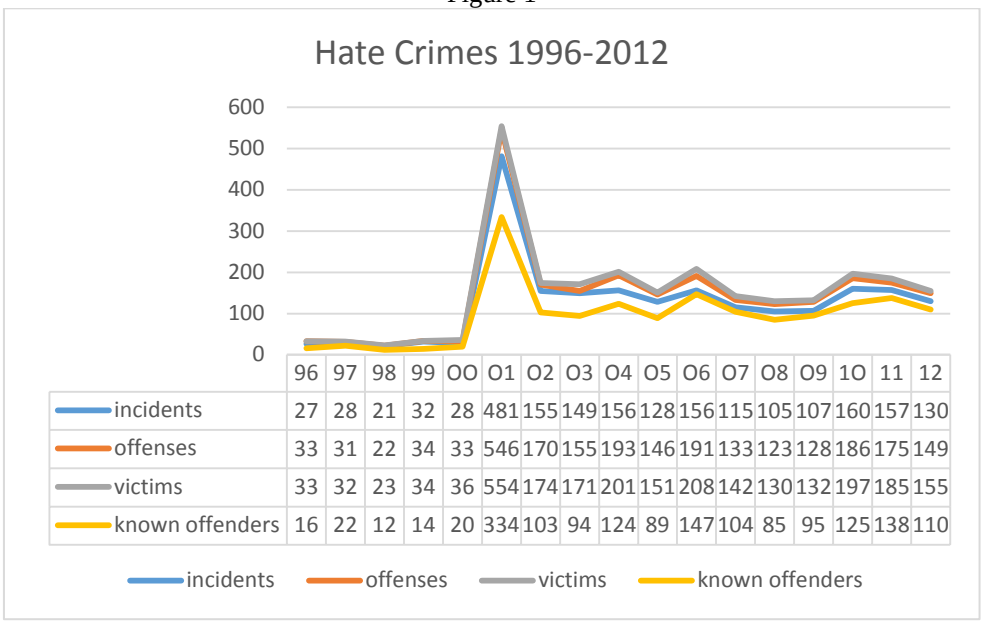
Amnesty International first reported the Abu Ghraib scandal in a series of memos released in June and July of 2003. The reports documented torture and human rights violations (Amnesty June Memo, 2003; Amnesty July Memo, 2003). The Bush administration argued in the infamous "Torture Memos" that enemy combatants were not protected by international human rights or Geneva Conventions (Greenburg et al., 2008). This argument was struck down by the U.S. Supreme Court in *Hamdan v. Rumsfeld* (2006).

The behavior of the soldiers at GTMO and Abu Ghraib reflects an anti-Muslim sentiment found in similar hate crimes perpetrated within the United States. In 2006, employees at the Arab American Institute received threatening emails because of their race/ethnicity. In 2007, an Arab supervisor received a threat from an employee in writing because of race/ethnicity. In 2008, employees of the Council on American Islamic Relations were sent threatening emails because of their race/ethnicity (FBI Case Summaries, 2014). These are just a few examples of non-violent hate crimes, however, the overall picture is more startling.

Figure 1 shows the number of incidents, offenses, victims and known offenders of hate crimes against Muslims in the U.S. from 1996 through 2012.There were 2,135 incidents with 2,558 victims during this time period.

Of those, 481 (22.5%) incidents with 554 (21.7%) victims occurred in 2001 alone. The dramatic spike as a result of 9/11 has had lasting repercussions with an overall, long term rise in incidents and victims that does not appear to be tapering off. While these numbers may seem low, the number of Muslims in the U.S. is significantly lower than other targeted minorities making rates of incidents comparable overall to blacks and Jewish Americans (UCR, 2014).

Figure 1

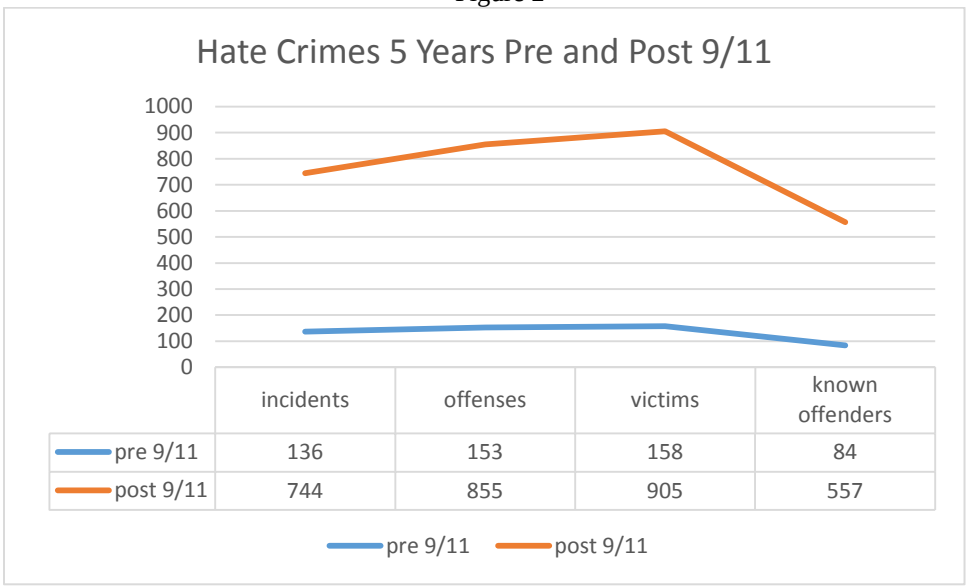


	96	97	98	99	OO	O1	O2	O3	O4	O5	O6	O7	O8	O9	1O	11	12
incidents	27	28	21	32	28	481	155	149	156	128	156	115	105	107	160	157	130
offenses	33	31	22	34	33	546	170	155	193	146	191	133	123	128	186	175	149
victims	33	32	23	34	36	554	174	171	201	151	208	142	130	132	197	185	155
known offenders	16	22	12	14	20	334	103	94	124	89	147	104	85	95	125	138	110

*This data is available through the UCR and is updated annually.

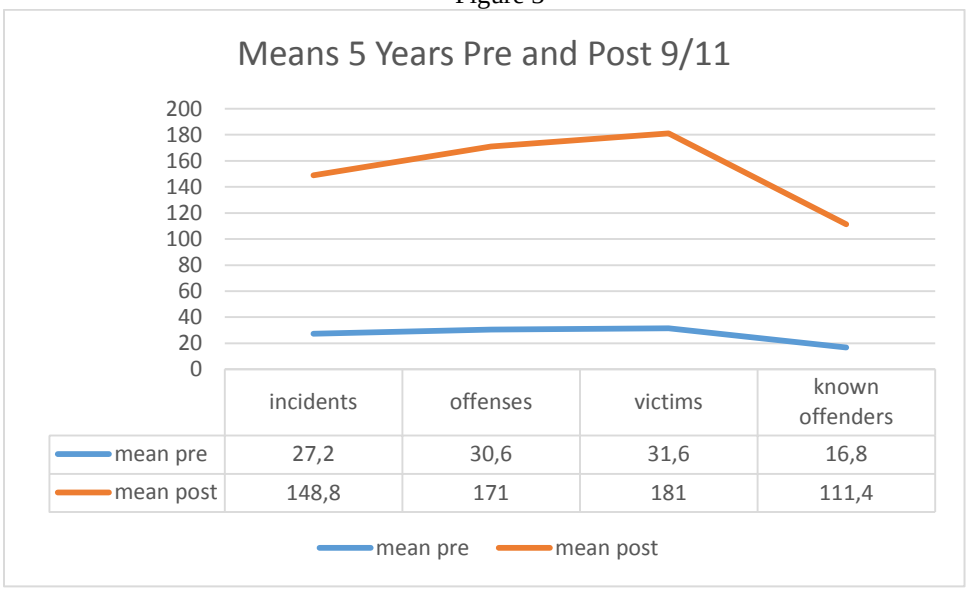
Figures 2 and 3 show the sum and mean differences in incidents, offenses, victims, and known offenders between the five years prior to 9/11 and the five years post 9/11. The sum and mean of incidents post 9/11 is 5.5 times higher than both the sum and mean prior to 9/11. The gaps between the sums and between the means of victims pre and post 9/11 is even higher with 5.7 times more victims post than pre 9/11 (UCR, 2014). This stark contrast highlights the effect of an anti-Muslim sentiment in the U.S. It also emphasizes the need to add further protections to Muslim rights and avoid any further stigmatization.

Figure 2



*This data is available through the UCR and is updated annually.

Figure 3



*This data is available through the UCR and is updated annually.

The need for protection of basic human rights is clear based on these numbers. The UDHR provides excellent guidance on how to secure those rights. The UDHR declares that basic human rights must be protected by the rule of law and human beings shall enjoy freedom from fear. According to the UDHR:

> All human beings are born free and equal in dignity and rights [and] …should act towards one another in a spirit of brotherhood. . . No one shall be subjected to arbitrary arrest, detention or exile . . . No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honor and reputation. Everyone has the right to the protection of the law against interference or attacks (Articles I, VII, XII).

The Policy and the Act undermine the basic tenets of UDHR and contradict the fundamental human rights of the individual in a free society. The Act fosters a climate of suspicion and fear by encouraging untrained citizens to actively look for suspicious behavior as opposed to actual criminal conduct and report that behavior based on preconceived emotions and perceptions. The average citizen has no concept of what articulable suspicion is under the law as set forth in *Terry*(1968) and most Americans are not educated with respect to criminal law. As a result, transferring police power to untrained citizens will result in an increase in human rights violations in the United States.

Civil Rights Violations

Civil rights cases in the U.S. more than doubled during the 1990s as a result of changes in the law. More recently, filings have been on the decline. The Americans with Disabilities Act and the Civil Rights Act made sweeping changes to existing civil rights law in 1990 and 1991, respectively. Civil rights protections broadly extend to employment law, public accommodations, disabilities, welfare, housing, voting, gender, race, ethnicity, benefits, and education (Kyckelhahn and Cohen, 2008).

Most civil rights cases occur between private parties. When the government becomes involved, it is most likely to become a defendant (70%-80%) as opposed to becoming a plaintiff. About a third of all cases settle before trial, a third make it to a final judgment, and a third of plaintiffs win their cases with an average award around $150,000 (Kyckelhahn and Cohen, 2008).

The current state of civil rights jurisprudence lies in the hands of a recent U.S. Supreme Court case, *Ashcroft v. Iqbal* (2009). In November of 2001, Javad Iqbal was arrested and charged with fraud for using another person's Social Security card. Iqbal was beaten and tortured while awaiting trial. Both the District Court and Appellate Court found that Iqbal's complaint was sufficient to move forward (*Iqbal*, 2009). In a split decision,

the U.S. Supreme Court reversed and remanded Iqbal's complaint reasoning that Iqbal failed to meet the requirements of a previous decision and "state a claim to relief that is plausible on its face" (*Twombly*, 2007, p. 570).

The implications of the *Iqbal* decision are far reaching. First, the case revolved around whether Iqbal's complaint should be dismissed or be allowed to move forward within the court system. In a motion to dismiss, it is well established that the court must assume that the allegations in the complaint are true and that there is a claim that can be satisfied by a legal remedy. A complaint typically does not have to meet a high threshold in order to move forward (*Neitzke*, 1989; *Twombly*, 2007). The Court's opinion contradicts this when it assesses Iqbal's allegations in the complaint and suggests that there are "more likely explanations" for the government's designating Iqbal as a person "of high interest" (*Ashcroft v. Iqbal*, 2009, p. 679). The Court goes on to note:

> The September 11 attacks were perpetrated by 19 ArabMuslim hijackers who counted themselves members ingood standing of al Qaeda, an Islamic fundamentalist group. Al Qaeda was headed by another Arab Muslim—Osama bin Laden—and composed in large part of his ArabMuslim disciples. It should come as no surprise that a legitimate policy directing law enforcement to arrest and detain individuals because of their suspected link to the attacks would produce a disparate, incidental impact onArab Muslims, even though the purpose of the policy wasto target neither Arabs nor Muslims (*Ashcroft v. Iqbal*, 2009, p. 680).

This language is clearly not taking what Iqbal has said as true. These facts are in favor of the government contradicting decades of well-established precedence.

Iqbal was targeted by the Federal Bureau of Investigation ("FBI"). Alleged terrorists who are reported by citizens and apprehended by local police are not subjected to local or state laws, but the domestic terror laws that are enforced by the FBI. According to a 2010 FBI Memorandum, agents were to ask "any and all questions reasonably prompted" before advising the arrestee of his or her Miranda rights. The memorandum also encouraged agents to detain suspects for a period of time determined by the agent for more questioning, without the presence of a lawyer, in order to gather "timely intelligence."

Also in 2010, the FBI was investigated for improperly putting activists on terrorist watch lists from 2001 through 2006 (Markon, 2010). The Washington Post initiated its own investigation and reported that law enforcement agencies had hired extremists as trainers who provided inaccurate information regarding Islam and terrorism. In addition, there were close to 162,000 suspicious activity files sent to DHS from various state, local and federal agencies. One special agent for the FBI, Richard Lambert, Jr., admitted that these leads translating into real cases is rare, at best (Priest and Arkin, 2010).

Expecting every day citizens to avoid racial discrimination will be difficult when the government struggles to do the same. In 2010, there were approximately 224 newspaper reports of local, state, and federal agents and agencies engaged in bias and civil rights violations. About one third were reports of lawsuits filed, one quarter were allegations and the remainder were in various stages of investigation, charges filed, settlement, or judgment. In one report, Henderson, Nevada police were involved in detaining Muslims for praying in a parking lot. In another report, a Massachusetts State Trooper called a Nigerian man a terrorist (NPMNF, 2010).

Hate crimes in the United States suggest that transferring police powers to everyday citizens is dangerous. The presence of a weapon in hate crimes for 2012 occurred in 24% of cases and in 20% of all hate crimes an injury was sustained. Hate crimes were committed 40% of the time by strangers to the victim. The motivation behind hate crimes is predominantly the victim's ethnicity (51%) and the victim's religious beliefs (28%). Both motivations have seen significant increases between 2004 and 2012 with a 30% increase for ethnically motivated hate crimes and an 18% increase for religious bias (Wilson, 2014).

Unfortunately, Islamophobia has been prevalent in American society for many decades (Gottschalk and Greenwald, 2008; Mastnak, 2010; Rana, 2007; Sheikh et al., 1995). According to Bail (2012), anti-Muslim messages in the mainstream media post 9/11 through 2008 created a "fringe effect" through displaying fear and anger. Bail (2012) analyzed nearly 1,100 press releases by 120 civil society organizations and found that while anti-Muslim organizations accounted for about 20% of the messages framing Muslims as the enemy initially in the study, they doubled in size by the end. A recent Gallup poll found that in the U.S., 52% of society does not respect Muslims (Gallup World, 2013). Post 9/11, favorable public opinion in the U.S. towards Muslims has declined a full 10% as of 2010 (ABC News/Washington Post, 2010).The biggest factors affecting these attitudes include political ideology, age, education, and the media (Ogan et al., 2014).

One commonly held misbelief is that Muslims want to implement Sharia law in the United States (Jones et al., 2011). Sharia is a voluntary set

of moral and religious codes on how to conduct one's life (Coulson, 1964). The Islamic legal system is based on traditions and religious principles in a symbiotic relationship with Sharia (Al-Azmeh, 1988; Khadduri, 1956; Lippman et al., 1988). Even if it were possible to impose Sharia law in the U.S., the existing rule of law would remain the same. Regardless, it would be impossible for roughly 2.6 million Muslims living in the U.S. today to change the structure of how over three billion Americans live their lives (Census, 2010). Another commonly held misbelief is that Muslims are extremists, however research by both Gallup (2006) and Pew (2011) contradict this myth outright.

Given the prevalence of Islamophobia in the U.S., coupled with Americans general lack of training in criminal law and articulable suspicion requirements, the Act and the Policy are not good policy as written. Unless changes can be made to the Act and/or the Policy clarifying how the average citizen can be better equipped to handle the responsibility of reporting crime with absolute immunity, these polices are untenable. Allowing these polices to move forward will lead to further civil rights violations with little recourse for victims given the insurmountable plausibility standard recently established in *Iqbal* (2009).

Conclusion

More research needs to be conducted on the nature of hate crimes based on anti-religious bias. Factors that contribute to these acts need to be identified in an effort to combatIslamophobia in the United States. Certainly positive messages in the mainstream media help, as evidenced by the Bail (2012) study. Misinformation regarding Islam, Sharia law, and Muslim culture should be counteracted with education beginning in the school system and carrying through into society.

The American Islamic Congress ("AIC") promotes moderation, interfaith dialogue, and understanding among religious and cultural groups. Many people with whom AIC have worked have expressed fear in the "other" – the unknown majority that overwhelms them, or the new minority that scares them. AIC's conflict resolution programs in places like Basra – a place rife with sectarian violence – revealed that people are ignorant because they are fearful. People commit crimes not only because they hate, but also because they fear the consequences of their inactions. The only way to eradicate this fear is to have an open, continuous dialogue between different religious and cultural groups and, in the spirit of brotherhood, to educate others toward understanding and acceptance of those who are "different" from themselves.

The Policy and the Actencourage fear of the "other" and provide a platform to legalize bigotry without culpability. Bigotry should not be

protected by law. Congress should reject the Actand jurisdictions should reject the Policy because it is a violation of the United States Constitution. Moreover, as a public policy, "See Something, Say Something" should be rejected outright.

The Policy and the Act not only violate the privacy of others and basic human rights as protected in our Constitution and declared in the UDHR, it infringes upon the fragile correspondence between law enforcement and the people they protect. It makesa mockery of the "rule of law" as citizens are accused and detained without articulable suspicion. It removes all disincentive for ordinary citizens to spy upon others, form baseless assumptions, and to make accusations withoutproof and without repercussions or consequences if proven wrong. Essentially, the authors of the Act and the Policy do not articulate their language clearly enough to ensure it is not abused, and the result will be fundamentally detrimental to society. This Actand Policy willcreate a climate of fear and suspicion and foster more division rather than promote tolerance, understanding, and solidarity. This Act and Policy cut against the core principles and values of a democratic society and the protections our forefathers intended for all of us to enjoy. Clearly, people will make judgments upon one another based on their upbringing, political beliefs or social background, but their ignorance should not be enforced or validated by the laws of the United States, whichare intended to protect us all.

References:

ABC News/Washington Post. (2010). Cordoba house controversy could pose political risks. Retrieved from http://a.abcnews.go.com/images/US/ht_cordoba_house_100908.pdf

Al-Azmeh, A. (1988). *Islamic law: Social and historical contexts*. New York: Routledge.

Amnesty International Reports. ("Amnesty International"). (1998). London: Amnesty International.

Ashcroft v. Iqbal, 556 U.S. 662 (2009).

Bail, C.A. (2012). The fringe effect: Civil society organizations and the evolution of media discourse about Islam since the September 11th attacks. *American Sociological Review*, 77(6), 855-879.

Bell Atlantic Corp. v. Twombly, 550 U.S. 544 (2007).

Buckhout, R. (1975). Eyewitness testimony. *Jurimetrics Journal*, 171-187.

Cingranelli, D.L., and Richards, D.L. (2008). The Cingranelli-Richards Human Rights Dataset, Version 2008.03.12. Retrieved from http://www.humanrightsdata.org

Coulson, N.J. (1964). *A history of Islamic law*. Edinburgh, Scotland: Edinburgh University Press.

Federal Bureau of Investigation. ("FBI Case Summaries"). (2014, December 7), Criminal Section Selected Case Summaries: Hate Crimes. Retrieved from http://www.justice.gov/crt/about/crm/selcases.php

Federal Bureau of Investigation. ("2010 FBI Memorandum"), 21 October 2010. "Custodial Interrogation for Public Safety," reprinted by the *New York Times* on 25 March 2011. Retrieved from http://www.nytimes.com/2011/03/25/us/25miranda-text.html

Finn, P. (2010, January 22). "Justice task force recommends about 50 Guantanamo detainees be held indefinitely," *The Washington Post*. Retrieved from http://www.washingtonpost.com/wp-dyn/content/story/2010/01/22/ST2010012200767.html?sid=ST2010012200767

Gallup World. (2013). Islamophobia: understanding anti-Muslim sentiment in the West. Retrieved from http://www.gallup.com/poll/157082/islamophobia-understanding-anti-muslim-sentimentwest

Gallup world. (2006). Islam and democracy. Retrieved from http://media.gallup.com/WorldPoll/PDF/GALLUPMUSLIMSTUDIESIslamandDemocracy030607.pdf

Gibney, M., Cornett, L. and Wood, R. (2008). Political Terror Scale 1976-2006. http://politicalterrorscale.org

Goderis, B. and Versteeg, M. (2012). Human rights violations after 9/11 and the role of Constitutional constraints. *The Journal of Legal Studies*. 41, 131-164.

Gottschalk P. and Greenwald G. (2008). *Islamophobia: Making Muslims the Enemy*. Inc. Lanham, MD: Rowman& Littlefield Publishers.

Greenburg, J.C., Rosenberg, H.L., and de Vogue, A. (2008, April 9). Sources: Top Bush advisors approved "enhanced interrogation," *ABC News*. Retrieved from http://abcnews.go.com/TheLaw/LawPolitics/story?id=4583256

Griggs v. Duke Power Co., 401 U.S. 424 (1971).

Halperin, M.H. and Berman, J. (2006). "A Legal Analysis of the NSA Warrantless Surveillance Program." The Center for Democracy and Technology.

Hamdan v. Rumsfeld, 548 U.S. 557 (2006).

Hamdi v. Rumsfeld, 542 U.S. 507 (2004).

Ingraham, C. (2014, September 9). You really can get pulled over for driving while black, federal statistics show. *The Washington Post*. Retrieved from http://www.washingtonpost.com/blogs/wonkblog/wp/2014/09/09/you-really-can-get-pulled-over-for-driving-while-black-federal-statistics-show/

"Iraq: Human rights must be foundation for rebuilding" (Amnesty June Memo). (2003, June 20). Amnesty International. Retrieved from http://www.amnesty.org

"Iraq: Continuing failure to uphold human rights" (Amnesty July Memo). (2003, July 23). Amnesty International. Retrieved from http://www.amnesty.org

Jones R.P., Cox D., Galston W.A., and Dionne, Jr., E.J. (2011). What it means to be American: attitudes in an increasingly diverse America ten years after 9/11. Governance Studies at Brookings and the Public Religion Research Institute. Retrieved from http://publicreligion.org/site/wp-content/uploads/2011/09/PRRI-Brookings-What-it-Means-to-be-American-Report.pdf

Khadduri, M. (1956). Islam and the modern law of nations. *American Journal of International Law*. 50(2), 358-372.

Kyckelhahn, T. and Cohen, T.H. (2008). Civil rights complaints in U.S. District Courts, 1990-2006. *Bureau of Justice Statistics*. NCJ 222989.

Leonnig, C.D. (2005, March 27). Panel ignored evidence on detainee. *The Washington Post*. Pp. A01.

Lippman, M., McConville, S. and Yerushalmi, M. (1988). *Islamic Criminal Law and Procedure*. New York: Praeger.

Liu, E.C., Nolan, A., and Thompson II, R.M. (2014). "Overview of Constitutional Challenges to NSA Collection Activities and Recent Developments," Washington, D.C.: Congressional Research Service.

Loftus, E.F. (1996). *Eyewitness Testimony*. 2nd Ed. Boston: Harvard University Press.

Markon, J. (2010, September 20). FBI probes were improper, Justice says. *The Washington Post*, Retrieved from http://www.washingtonpost.com/wp-dyn/content/article/2010/09/20/AR2010092003100.html?sid=ST2010092003293

Mastnak T. (2010). Western hostility toward Muslims: A History of the Present. In: Shyrock A (ed.) *'Islamophobia/Islamophilia: Beyond the Politics of Enemy and Friend*. Bloomington, IN: Indiana University Press, pp. 29–52.

National Police Misconduct News Feed ("NPMNF") (2010). *The Cato Institute*. http://www.policemisconduct.net

Neitzke v. Williams, 490 U.S. 319 (1989).

Ogan, C., Willnat, L., Pennington, R., and Bashir, M. (2014). The rise of anti-Muslim prejudice: Media and Islamophobia in Europe and the United States. *International Communication Gazette*, 76(1), 27-46.

PewResearch. (2011, August 30). Muslim Americans: No signs of grown in alienation or support for extremism. Retrieved from

http://www.people-press.org/2011/08/30/muslim-americans-no-signs-of-growth-in-alienation-or-support-for-extremism/
Priest, D. and Arkin, W.M. (2010, December 20). Monitoring America. *The Washington Post*. Retrieved from http://projects.washingtonpost.com/top-secret-america/articles/monitoring-america/print/
Rana J. (2007). The story of Islamophobia. *Souls*, 9(2), 148–161.
Rasul v. Bush, 542 U.S. 466 (2004).
Robles, F. (2012, August 9). Record shows George Zimmerman got D's in criminal justice classes. *Tampa Bay Times*. Retrieved from http://www.tampabay.com/news/publicsafety/crime/records-show-george-zimmerman-got-ds-in-criminal-justice-classes/1245098
See Something, Say Something Act of 2011 ("The Act"), H.R. 495, 112th Cong. (2011). Retrieved from http://thomas.loc.gov/cgi-bin/query/z?c112:H.R.495:
See Something, Say Something Act of 2011: Hearing before the Subcommittee on the Constitution of the Committee on the Judiciary ("Hearing"), House of Representatives, 112th Cong. 23 (2011) (testimony of Chris Burbank). Retrieved from http://www.gpo.gov/fdsys/pkg/CHRG-112hhrg67109/html/CHRG-112hhrg67109.htm
Sheikh K., Price V. and Oshagan H. (1995). Press treatment of Islam: What type of picture do the media paint.*Gazette,* 56, 139–154.
Sutton, J., Morgenstein, M. and Karimi, F. (2014, December 7). U.S. transfers 6 detainees from Guantanamo Bay to Uruguay. *CNN U.S.* Retrieved from http://www.cnn.com/2014/12/07/us/uruguay-guantanamo-bay-transfers/
Terry v. Ohio, 392 U.S. 1 (1968).
The Universal Declaration of Human Rights. United Nations. 1998.
Uniform Crime Report ("UCR"). (2014). Hate Crime Statistics. Federal Bureau of Investigation. Retrieved from http://www.fbi.gov/about-us/cjis/ucr/hate-crime/2012/tables-and-data-declarations/1tabledatadecpdf/table_1_incidents_offenses_victims_and_known_offenders_by_bias_motivation_2012.xls
USA Patriot Act, Public Law Pub. L. 107-56.
U.S. State Department. 1977-2007. *Country Reports on Human Rights Practices.* Washington, D.C.: U.S. Department of State.
Wilson, M.M. (2014). Hate Crime Victimization, 2004-2012 – Statistical Tables. *Bureau of Justice Statistics.* NCJ 244409.