

## Written Testimony of Farah Brelvi and Asifa Quraishi-Landes

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Muslim Advocates

Hearing on

# Discrimination and the Civil Rights of the Muslim, Arab, and South Asian American Communities

### **United States House of Representatives**

Committee on the Judiciary
Subcommittee on the Constitution, Civil Rights, and Civil Liberties

Tuesday, March 01, 2022

#### I. Introduction

On behalf of Muslim Advocates, we welcome the opportunity to submit this testimony on discrimination and the civil rights of Muslim, Arab and/or South Asian American communities. We are gratified to see the Subcommittee hold this unprecedented hearing to address issues our communities face, and recognize that the topics of "discrimination and civil rights" are extraordinarily vast and impossible to fully address in a single hearing. Indeed, these issues are at the heart of extensive scholarship, conflicting court opinions, ongoing debate and relentless advocacy and we hope this panel and others continue to probe this pressing issue. We also hope the Subcommittee continues to reach out to American Muslim communities, which continue to face danger and discrimination amidst an escalating atmosphere of hate and discrimination.

Muslim Advocates is a national civil rights organization working to ensure that American Muslims and all Americans may live free from hate and discrimination. To that end, we monitor anti-Muslim hate attacks, provide support to affected communities, and pursue solutions to promote community safety and hold perpetrators accountable.

II. Racial and Religious Profiling by Federal Law Enforcement

One of the lasting legacies of the post-9/11 policy landscape is the systematic targeting and criminalization of American Muslims and those who are perceived to be Muslim. While American Muslims, particularly Black Muslims, have been targeted by law enforcement long before 9/11, the extensive policy shifts post-9/11 caused a dramatic increase in massive, dragnet surveillance and large-scale spying operations on Muslim communities based specifically on their religious affiliation. We have been mapped, entrapped, infiltrated and routinely monitored. Muslims all over the country have been targeted by law enforcement—not based on wrongdoing—but simply because their religion, race, ethnicity and/or national origin has been used as a proxy for criminal activity. The FBI's own training materials, produced in 2011 in response to Freedom of Information Act requests, demonstrate that its actions were guided by stereotypes rather than sound policing: counterterrorism training materials about Muslims and Islam were rife with grossly inaccurate and inflammatory assertions.<sup>2</sup>

No discussion of contemporary discrimination against Muslim, Black, South Asian and Arab communities is complete without a full reckoning with these discriminatory policies. Because we anticipate that the Subcommittee will receive testimony covering many of these policies, we want to highlight the U.S. Department of Homeland Security program that has been a focus of our advocacy for years (in its current and prior iterations): the Targeted Violence and Terrorism Prevention ("TVTP") grant program, house at the Center for Prevention Programs and Partnerships ("CP3"). We are including our June 1, 2020, letter to Acting DHS Secretary Chad Wolf, supported by more than 70 civil rights, civil liberties and community organizations, which outlines our concerns about TVTP in detail—including that the program views American Muslims as predisposed to violence.<sup>3</sup> President Biden pledged to eliminate TVTP, but in 2021 the program received double the previous year's funding.<sup>4</sup> We reiterated our concerns in a memo to the Biden administration in November, 2020,<sup>5</sup> and hope to hear soon about next steps to ensure that American Muslims will no longer be unfairly considered inherently suspect.

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<sup>&</sup>lt;sup>1</sup> Muslim Advocates, "Losing Liberty, <a href="https://muslimadvocates.org/wp-content/uploads/2019/06/Losing Liberty The State of Freedom 10 Years After the PATRIOT Act.pdf">https://theintercept.com/2020/06/25/defund-police-dhs-cve-program/</a>.

<sup>&</sup>lt;sup>2</sup> See Muslim Advocates, "Letter to DOJ Inspector General on Use of FBI Training Materials," September 15, 2011, <a href="https://muslimadvocates.org/2011/09/letter-to-doj-inspector-general-on-use-of-fbi-training-materials/">https://muslimadvocates.org/2011/09/letter-to-doj-inspector-general-on-use-of-fbi-training-materials/</a>.

<sup>&</sup>lt;sup>3</sup> Coalition Letter to Acting Secretary and Acting Assistant Secretary for Threat Prevention and Security Policy of the U.S. Department of Homeland Security, Administrator of the Federal Emergency Management Agency, RE: 2020 Targeted Violence and Terrorism Prevention Grant Program, June 1, 2020, available at <a href="https://muslimadvocates.org/wp-content/uploads/2020/06/2020.06.01-Letter-to-DHS-Re">https://muslimadvocates.org/wp-content/uploads/2020/06/2020.06.01-Letter-to-DHS-Re</a> -TVTP-grants-FINAL.pdf.

<sup>&</sup>lt;sup>4</sup> Harsha Panduranga, "Community Investment, Not Criminalization," June 17, 2021, https://www.brennancenter.org/our-work/research-reports/community-investment-not-criminalization."

 $<sup>\</sup>underline{\underline{https://www.brennancenter.org/our-work/research-reports/community-investment-not-criminalization}.$ 

<sup>&</sup>lt;sup>5</sup> Muslim Advocates, "Presidential Power," November 2020, <a href="https://muslimadvocates.org/wp-content/uploads/2020/11/Muslim-Advocates-Transition-Memo FINAL.pdf">https://muslimadvocates.org/wp-content/uploads/2020/11/Muslim-Advocates-Transition-Memo FINAL.pdf</a>.

Many other counterterrorism policies implicate similar civil liberties concerns and demonstrate an ever-present institutional bias against American Muslim communities. Not only does this approach unjustly target American Muslims, but it also diverts federal attention and resources from many real threats, including those of white supremacist violence, climate change and our country's eroding democracy. We ask Congress to fulfill its duty to evaluate national security laws and policies, assess their efficacy and discriminatory impacts, and develop proposals for reform.

#### III. Attacks on Muslims and Muslim Institutions

According to FBI data, hate crimes are at a 12-year high—and the actual number of crimes is certainly higher since FBI data is notoriously under-reported. Many factors contribute to this, including verbal attacks against minority communities by public officials, racial scapegoating vis-a-vis COVID-19, backlash and misinformation about the national movement for racial justice, fear-mongering about Afghan refugees following the U.S. withdrawal from Afghanistan and the encouragement of white nationalism—which federal officials acknowledge is the greatest domestic terror threat to Americans today. In fact, white nationalist messaging reverberates throughout our country now, causing an even larger increase in hate crimes and bigotry targeted at many marginalized groups.

American Muslims regularly experience anti-Muslim hate and bias. A recent national survey found that 50 percent of Muslims in the United States experienced anti-Muslim bias in just the past 12 months. <sup>10</sup> Religious minorities and houses of worship are among the primary targets of white supremacist violence. <sup>11</sup> Therefore, it is no surprise that Muslim institutions have

<sup>&</sup>lt;sup>6</sup> See, e.g., Shirin Sinnar, "Rethinking our Counterterrorism Framework: How to Address Domestic Terrorism Twenty Years after 9/11," September 2021, <a href="https://www.acslaw.org/wp-content/uploads/2021/09/Sinnar-ACS-Issue-Brief-Final.pdf">https://www.acslaw.org/wp-content/uploads/2021/09/Sinnar-ACS-Issue-Brief-Final.pdf</a>.

<sup>&</sup>lt;sup>7</sup> Reuters, "Hate Crimes Hit 12-Year High in United States in 2020," August 30, 2021, <a href="https://www.usnews.com/news/top-news/articles/2021-08-30/hate-crimes-hit-12-year-high-in-united-states-in-2020-fbi.">https://www.usnews.com/news/top-news/articles/2021-08-30/hate-crimes-hit-12-year-high-in-united-states-in-2020-fbi.</a>

<sup>&</sup>lt;sup>8</sup> William Cummings, "Trump tells congresswomen to 'go back' to the 'crime infested places from which they came,'" July 14, 2019, <a href="https://www.usatoday.com/story/news/politics/2019/07/14/trump-tells-congresswomen-go-back-counties-they-came/1728253001/">https://www.usatoday.com/story/news/politics/2019/07/14/trump-tells-congresswomen-go-back-counties-they-came/1728253001/</a>.

<sup>&</sup>lt;sup>9</sup> Eileen Sullivan and Katie Benner, "Top law enforcement officials say the biggest domestic terror threat comes from white supremacists," May 12, 2021, <a href="https://www.nytimes.com/2021/05/12/us/politics/domestic-terror-white-supremacists.html">https://www.nytimes.com/2021/05/12/us/politics/domestic-terror-white-supremacists.html</a>.

<sup>&</sup>lt;sup>10</sup> Othering & Belonging Institute, Islamophobia Through the Eyes of Muslims, September 2021, <a href="https://belonging.berkeley.edu/sites/default/files/2021-10/Islamophobia%20Through%20the%20Eyes%20of%20Muslims.pdf">https://belonging.berkeley.edu/sites/default/files/2021-10/Islamophobia%20Through%20the%20Eyes%20of%20Muslims.pdf</a>.

<sup>&</sup>lt;sup>11</sup> Robert O'Harrow Jr., Andrew Ba Tran, and Derek Hawkins, "The rise of domestic extremism in America," *The Washington Post*, April 12, 2021, available at https://www.washingtonpost.com/investigations/interactive/2021/domestic-terrorism-data/.

experienced increased attacks, often correlated to foreign policy events or anniversaries of terror attacks.

Over the past 12 months, anti-Muslim incidents with threats of physical violence have included:

- Last month, a young man traveled to Chicago with explosives and allegedly planned to bomb "a mosque and possibly a synagogue." 12
- A bloody pig's head mask was placed at an Austin mosque on the 20<sup>th</sup> anniversary of 9/11, alongside a sign proclaiming, "Muslims: you are as unclean to God as a pig is to you. Have your idolatry washed clean by the blood of Jesus Christ."
- "Death to Palestine" was found spray painted on a Brooklyn mosque on Eid. 13
- A religious flag was burned and "Trump" was spray painted at a mosque in Long Island, NY.<sup>14</sup>

It is important to note that hate motivations are often not officially acknowledged: three young Muslims were murdered in execution-style cruelty by their neighbor seven years ago, but law enforcement refused to treat the killings as a hate crime, referring to the murders as a "parking dispute." <sup>15</sup>

This official reluctance to name hate is partly why the vast majority—87.5 percent—of Muslims who experience anti-Muslim hate do not report it.<sup>16</sup> When Muslims are attacked by civilians who hold the same biases underpinning the laws and policies that hold all Muslims presumptively suspect, it stands to reason that Muslims will be wary of approaching law enforcement for solutions. For Black Muslims, who make up one-fifth to one-third of all American Muslims, the ongoing reality of unjustified police violence is a longstanding barrier to approaching law enforcement for solutions.<sup>17</sup> In addition, Muslims of all races may believe that inviting law enforcement's attention will result in increased investigations or surveillance; they

<sup>&</sup>lt;sup>12</sup> Associated Press, "Maine teen with explosives discussed attacking mosque in Chicago, houses of worship, prosecutors say," February 24, 2022, <a href="https://chicago.suntimes.com/2022/2/24/22950030/maine-teen-with-explosives-discussed-attacking-mosque-in-chicago-houses-of-worship-prosecutors-say">https://chicago.suntimes.com/2022/2/24/22950030/maine-teen-with-explosives-discussed-attacking-mosque-in-chicago-houses-of-worship-prosecutors-say</a>.

<sup>&</sup>lt;sup>13</sup> WABC-TV, "Death to Palestine' spray painted on Brooklyn mosque," May 13, 2021, <a href="https://abc7ny.com/tayba-islamic-center-mosque-vandalism-ramadan-eid-al-fitr/10626345/">https://abc7ny.com/tayba-islamic-center-mosque-vandalism-ramadan-eid-al-fitr/10626345/</a>.

<sup>&</sup>lt;sup>14</sup> WABC, "Long Island mosque vandalism: Religious flag burned, base spray painted with pro-Trump graffiti," May 20, 2021, <a href="https://abc7ny.com/islamic-center-of-suffolk-county-shah-e-najaf-mosque-vandalized-hate-crime/10667203">https://abc7ny.com/islamic-center-of-suffolk-county-shah-e-najaf-mosque-vandalized-hate-crime/10667203</a>.

<sup>&</sup>lt;sup>15</sup> Umar A. Farooq, "Chapel Hill shooting anniversary: Muslim community continues healing process," February 10, 2022, <a href="https://www.middleeasteye.net/news/chapel-hill-shooting-murders-muslim-community-healing-process">https://www.middleeasteye.net/news/chapel-hill-shooting-murders-muslim-community-healing-process</a>.

<sup>&</sup>lt;sup>16</sup> Othering & Belonging Institute, Islamophobia Through the Eyes of Muslims, September 2021, <a href="https://belonging.berkeley.edu/sites/default/files/2021-10/Islamophobia%20Through%20the%20Eyes%20of%20Muslims.pdf">https://belonging.berkeley.edu/sites/default/files/2021-10/Islamophobia%20Through%20the%20Eyes%20of%20Muslims.pdf</a>.

<sup>17</sup> https://time.com/5884176/islam-black-lives-matter-policing-muslims/; https://www.npr.org/sections/codeswitch/2017/02/25/516468604/black-muslims-face-double-jeopardy-anxiety-in-the-heartland.

may face language barriers, fear public retaliation, and/or believe that law enforcement will not take their concerns seriously, or be able to help even if they do. 18

#### IV. Other forms of discrimination

Anti-Muslim sentiment gives rise to many other forms of discrimination, including:

- Zoning Discrimination: Mosques and Muslim institutions are often targeted before they've even broken ground, due to a long history of public opposition to Muslim spaces.<sup>19</sup> Muslim Advocates has represented Muslim groups facing bigoted community opposition and discriminatory zoning decisions in their efforts to build mosques and even cemeteries.<sup>20</sup>
- Incarceration: Muslim prisoners face systemic barriers to their religious expression, whether they are held in local, 21 state, 22 federal 23 or ICE24 institutions.
- Workplace: American Muslims often face discrimination in the workplace based on their identity and faith. In 2019, for example, Amazon workers filed a discrimination complaint alleging that Amazon failed to accommodate Muslim employees' religious needs, failed to promote Somali workers, and retaliated against workers who protested discrimination.<sup>25</sup>
- Financial institutions and fintech providers engage in a number of practices that harm Muslims and impede Muslims' abilities to engage in commerce. These practices include:
  - O Banks abruptly closing accounts of Muslims. Muslim Advocates has received over a dozen reports from Muslims who have been told that their bank will no longer work with them and they must remove all their funds before their accounts close within 30 days. Such closures appear to target Muslims or those with roots in Muslim-majority countries. This practice extends to Muslim nonprofit organizations, such as the National Association of Muslim Lawyers, whose bank account was closed unexpectedly just

<sup>&</sup>lt;sup>18</sup> Beverly McPhail, Hating Hate: Policy Implications of Hate Crime Legislation, 74 THE SOCIAL SERVICE REVIEW, 74(4), at 641 (Dec. 2000).

<sup>&</sup>lt;sup>19</sup> Jennifer Merolla, "Freedom from Religion? Public Opposition to Mosques," August 20, 2010, <a href="https://www.huffpost.com/entry/freedom-from-religion-pub">https://www.huffpost.com/entry/freedom-from-religion-pub</a> b 687554.

<sup>&</sup>lt;sup>20</sup> Muslim Advocates, "VICTORY: After Lawsuit, VA County Lifts Block on Muslim Cemetery," <a href="https://muslimadvocates.org/2020/10/victory-after-lawsuit-va-county-lifts-block-on-muslim-cemetery/">https://muslimadvocates.org/2020/10/victory-after-lawsuit-va-county-lifts-block-on-muslim-cemetery/</a>.

<sup>&</sup>lt;sup>21</sup> Lauren Padgett, "ACLU Settlement Grants Religious Accommodations at Pierce County Jail for Muslim Inmates," October 24, 2012, <a href="https://patch.com/washington/puyallup/should-muslim-inmates-at-pierce-county-jail-receive-r857742ec98">https://patch.com/washington/puyallup/should-muslim-inmates-at-pierce-county-jail-receive-r857742ec98</a>.

<sup>&</sup>lt;sup>22</sup> Muslim Advocates, "Virginia Prisons Warned of Illegal Policies Preventing Inmates from Observing Ramadan," <a href="https://muslimadvocates.org/2019/05/virginia-prisons-warned-of-illegal-policies-preventing-inmates-from-observing-ramadan/">https://muslimadvocates.org/2019/05/virginia-prisons-warned-of-illegal-policies-preventing-inmates-from-observing-ramadan/</a>.

<sup>&</sup>lt;sup>23</sup> Muslim Advocates, "Federal Court Sides with Incarcerated Muslim Forced to Shave Beard," https://muslimadvocates.org/2021/08/federal-court-sides-with-incarcerated-muslim-forced-to-shave-beard/.

<sup>&</sup>lt;sup>24</sup> Muslim Advocates, "Intercept – Muslim Immigrants Sue ICE for Getting in the Way of Religious Observance," <a href="https://muslimadvocates.org/2019/02/the-intercept-muslim-immigrants-sue-ice-for-getting-in-the-way-of-religious-observance/">https://muslimadvocates.org/2019/02/the-intercept-muslim-immigrants-sue-ice-for-getting-in-the-way-of-religious-observance/</a>.

<sup>&</sup>lt;sup>25</sup> Muslim Advocates, "Muslim Workers File Religious Discrimination Charges Against Amazon," https://muslimadvocates.org/2019/05/muslim-workers-file-religious-discrimination-charges-against-amazon/

- weeks before its 2019 national conference. Neither the individuals nor the entities targeted have ever been given an explanation as to why a bank suddenly refuses to work with them, even after decades of uneventful patronage of these banks.
- O Wire transfer services closing accounts and/or denying transfers to Muslim-majority countries. For example, in 2018, the Yemeni American Merchants Association made a phone complaint to the FTC on behalf of ten Yemeni Americans who had experienced account closures or transfer denials from MoneyGram (and had received reports of many more). The FTC did not respond. Muslim Advocates publicly called on MoneyGram to address its sudden crackdown on Yemenis using its services but MoneyGram declined to take any action in response to our advocacy.<sup>26</sup>
- O Many charities that either are run by Muslims, receive donations largely from Muslims and/or do charitable work in Muslim majority countries experience significant difficulties in finding banks that will work with them, even when the charities voluntarily adhere to disclosure practices that vastly exceed both those required by law and those followed by the vast majority of non-Muslim charities.<sup>27</sup>
- O Many financial tech companies create automated filters that flag huge swaths of innocuous material.<sup>28</sup> For example, Venmo routinely delays transfers with keywords "Persian," "Iranian" or "Palestine relief." Last year, LaunchGood, a major crowdfunding platform focused on the Muslim community, was warned by online payment system WePay and its partner Chase Bank that it was "high risk" and would be cut off from service. In stark contrast, civil rights organizations have pressured fintech companies for years to disrupt services for established hate groups, with little success.<sup>29</sup>
- V. Anti-Muslim rhetoric from public officials contributes to a climate of hate that can and does result in physical attacks, including the attempted assassination of one of the three sitting American Muslim Congresspeople.

Given the venue for this testimony, we would be remiss not to mention the crucial role that elected officials play in alleviating or exacerbating this problem. Our representatives in Congress can choose to promote hate, or to promote respect, truth, freedom and fairness. This is not about "political correctness" or free speech; it is about the responsibility of elected officials to uphold the Constitution and the values of the Declaration of Independence, respect the dignity of their office and ensure the basic safety of American Muslims and all communities.

<sup>&</sup>lt;sup>26</sup> Muslim Advocates, "MoneyGram Illegally Blocks Money Transfers from Americans to Family & Loved Ones Abroad," January 24, 2019, <a href="https://muslimadvocates.org/2019/01/moneygram-illegally-blocks-money-transfers-from-americans-to-family-loved-ones-abroad/">https://muslimadvocates.org/2019/01/moneygram-illegally-blocks-money-transfers-from-americans-to-family-loved-ones-abroad/</a>.

<sup>&</sup>lt;sup>27</sup> Charity & Security Network, "Financial Access for U.S. Nonprofits," February 2017, <a href="https://gisf.ngo/wp-content/uploads/2020/02/2148-Charity-and-Security-Network-Feb-2017-Financial-Access-for-Nonprofits.pdf">https://gisf.ngo/wp-content/uploads/2020/02/2148-Charity-and-Security-Network-Feb-2017-Financial-Access-for-Nonprofits.pdf</a>.

<sup>&</sup>lt;sup>28</sup> National Iranian American Council, "NIAC Sends Letter to Venmo and PayPal After Discriminatory Account Freezes," March 17, 2021, <a href="https://www.niacouncil.org/news/niac-letter-to-venmo-and-paypal-for-freezing-accounts-after-using-keywords/">https://www.niacouncil.org/news/niac-letter-to-venmo-and-paypal-for-freezing-accounts-after-using-keywords/</a>.

<sup>&</sup>lt;sup>29</sup> Olivia Solon and Leticia Miranda, "'Too little, too late': Extremism experts criticize payment companies," January 13, 2021, <a href="https://www.nbcnews.com/business/business-news/too-little-too-late-extremism-experts-criticize-payment-companies-n1253982">https://www.nbcnews.com/business/business-news/too-little-too-late-extremism-experts-criticize-payment-companies-n1253982</a>.

Sadly, Representatives Lauren Boebert (R-CO) and Marjorie Taylor Greene (R-GA) have chosen to do the opposite. Recently, they have taken to referring to their Muslim colleagues in Congress as the "Jihad Squad," cracking jokes about suicide bombers<sup>30</sup> and accusing Muslim Representative Ilhan Omar (D-MN) of wanting to "force the entire world to submit to Islam."<sup>31</sup> While these actions were met with condemnation from Democratic leaders, Republican leadership was silent, and no official sanctions have been pursued to date, sending a clear message to Americans that this type of hateful rhetoric is worthy of our highest institutions.

Evidence shows that these kinds of actions (and failures to act) by Congress have real-world consequences. Hateful comments from elected officials have been found to directly connect to incidents of hate speech.<sup>32</sup> When members of Congress use their platforms to encourage hate and fear of an entire religion, their supporters listen and send hate and threats that include targeting Muslim members of Congress, their staff, and anyone who appears Muslim. For years, Representatives Omar and Rashida Tlaib (D-MI) have regularly received death threats specifically singling them out and targeting them because they are Muslim. When congressional leaders fail to hold fellow members of Congress accountable for hate-mongering, those members are permitted to double down on their bigotry. By doing so, they normalize and encourage anti-Muslim hate among their supporters.

Lonnie Coffman's actions are a chilling example of the harms that hateful rhetoric can cause. On the day of the January 6, 2021 insurrection, Coffman drove to Washington, D.C. with bombs, guns and a list that singled out Rep. André Carson (D-IN) as a Muslim.<sup>33</sup> Coffman was arrested before he was able to achieve any of his apparent plans, but he was permitted to plead to relatively minor charges that carry a maximum penalty of less than nine years.<sup>34</sup>

#### IV. Conclusion and Recommendations

<sup>30</sup> Jason Lemon, "Marjorie Taylor Greene Attacks Ilhan Omar, 'Jihad Squad' After Boebert Apology," November 27, 2021, <a href="https://www.newsweek.com/marjorie-taylor-greene-attacks-ilhan-omar-jihad-squad-after-boebert-apology-1653686">https://www.newsweek.com/marjorie-taylor-greene-attacks-ilhan-omar-jihad-squad-after-boebert-apology-1653686</a>.

<sup>&</sup>lt;sup>31</sup> Muslim Advocates, Screenshot of @Mtgreenee Twitter account posting, December 14, 2021, <a href="https://muslimadvocates.org/wp-content/uploads/2022/01/Greene-Screenshot.png">https://muslimadvocates.org/wp-content/uploads/2022/01/Greene-Screenshot.png</a>.

<sup>&</sup>lt;sup>32</sup> Liz Zhou, "There need to be consequences for Rep. Lauren Boebert's Islamophobic comments," December 4, 2021, https://www.vox.com/22814386/lauren-boebert-islamophobic-comments-omar-house-republicans.

<sup>&</sup>lt;sup>33</sup> Lawrence Andrea, "Man arrested in D.C. with explosives had threatening note mentioning Rep. André Carson," January 12, 2021, <a href="https://www.indystar.com/story/news/crime/2021/01/12/lonnie-coffman-included-rep-andre-carson-threatening-note/6644525002/">https://www.indystar.com/story/news/crime/2021/01/12/lonnie-coffman-included-rep-andre-carson-threatening-note/6644525002/</a>.

<sup>&</sup>lt;sup>34</sup> Carol Robinson, "Lonnie Coffman pleads guilty in Jan. 6 riots: Says Molotov cocktails were old; complains about jail conditions," November 12, 2021, <a href="https://www.al.com/news/2021/11/lonnie-coffman-pleads-guilty-in-jan-6-riots-says-molotov-cocktails-were-old-complains-about-jail-conditions.html">https://www.al.com/news/2021/11/lonnie-coffman-pleads-guilty-in-jan-6-riots-says-molotov-cocktails-were-old-complains-about-jail-conditions.html</a>.

Anti-Muslim fear-mongering and bigotry has been on the rise in the United States. Public officials are increasingly fanning the flames of hate and abandoning their responsibility to promote freedom, truth and fairness. As a result, today, it is becoming increasingly acceptable to demonize Muslims and vandalize mosques. Because of systematized anti-Muslim bias in the system, American Muslims are hesitant to rely on law enforcement to protect our communities and institutions.

Importantly, anti-Muslim hate does not just affect American Muslims. Indeed, the first casualty of post-9/11 racialized backlash was Sikh American Balbir Singh Sodhi.<sup>35</sup> Many Americans who fit the generalized profile of a non-white "other" may find themselves the target of anti-Muslim hate. In addition, anti-Muslim hate interacts with xenophobia, white Christian nationalism and antisemitism in a toxic mix that is reflected in many of today's most pressing civil rights concerns: for instance, the movements to ban racial justice education in schools is very much informed by the same playbook deployed by the discriminatory "Sharia ban" activist movement.<sup>36</sup> American Muslims may be early victims of those who oppose broad and equal freedoms for the most marginalized, and the targeting of our communities serves as a warning sign to all who would stand up for liberty. <sup>37</sup>

To combat rising anti-Muslim discrimination, harassment and hate incidents particularly targeting our religious and civic institutions, Muslim Advocates makes the following recommendations for members of Congress:

- Take Action to Stop Racial and Religious Profiling. Congress must address the failures of past and present federal law enforcement programs that have mischaracterized and criminalized American Muslims' religious expression, perpetuated patently false stereotypes about Muslims, and permitted racial and religious profiling, ultimately resulting in harmful federal policing. Specifically, we ask Congress to:
  - a. Request an audit of all federal law enforcement and intelligence gathering training and educational materials to identify information that is factually inaccurate or misleading or exhibits bias against any race, ethnicity, religion or national origin—and hold a hearing to share the findings and examine the impacts of these materials.

<sup>&</sup>lt;sup>35</sup> BBC News, "'My dad was killed in first hate crime after 9/11," September 13, 2021, https://www.bbc.com/news/av/world-us-canada-58514967.

<sup>&</sup>lt;sup>36</sup> Wajahat Ali, "The GOP's Sharia Law Liars Are Hyping Critical Race Theory Now," June 28, 2021, https://www.thedailybeast.com/the-gops-sharia-law-liars-are-hyping-critical-race-theory-now

<sup>&</sup>lt;sup>37</sup> Muslim Advocates, "On Jan 6, Listen to Marginalized Communities," January 6, 2022, https://muslimadvocates.org/2022/01/muslim-advocates-on-jan-6-listen-to-marginalized-communities/.

- b. Condition homeland security funding on a mandatory retraining program for all federal, state and local law enforcement officials who have been subjected to biased and discriminatory training provided by the federal government or with federal funds.
- c. Require that DHS condition law enforcement and homeland security funding for state and local governments (including TVTP grants) on carrying out training or otherwise using federal funds in a manner that upholds our nation's commitment to equal treatment and equal justice under the law and barring the use of trainers or materials that exhibit bias against any race, ethnicity, religion or national origin.
- d. Demand accountability from federal agencies for permitting racial and religious profiling in law enforcement intelligence activities.
- e. Discontinue funding of, and demand transparency from, the Targeted Violence and Terrorism Prevention grant program and Center for Prevention Programs and Partnerships.
  - Aside from messaging, it is not clear to us whether either of these programs are anything but a reformulation of previous, flawed federal government countering violent extremism programs.
  - ii. There is no indication that current grantees are pursuing evidence-based approaches.
  - iii. There are no publicly available assessments of the effectiveness of past grants and whether these experiences contain any lessons for future efforts.<sup>38</sup>
  - iv. CP3 must specifically address the concerns Muslim Advocates outlined in our June 1, 2020, <u>letter</u> to Acting DHS Secretary Chad Wolf.<sup>39</sup>
- 2) Review and Revisit the USA PATRIOT Act. To date, there still has not been a full, public and independent accounting and review of the PATRIOT Act and other surveillance powers granted by Congress to the FBI and other institutions within the Executive branch. The Judiciary Committee should initiate this public reckoning.
- 3) Zero Tolerance for Hate Speech by Congresspersons.

<sup>&</sup>lt;sup>38</sup> In a February 2021 report, DHS concurred with a recommendation by the GAO that DHS implement evaluation measures for TVTP, stating that its Targeted Violence and Terrorism Prevention Grant Program Evaluation Plan documents its planned evaluation method. Copies of this Plan are not readily available, and no results have been published. https://www.gao.gov/assets/720/712452.pdf.

<sup>&</sup>lt;sup>39</sup> Muslim Advocates, "Civil Rights and Community Groups Ask DHS to Halt Discriminatory Surveillance Grant Program," June 1, 2020,

https://muslimadvocates.org/2020/06/civil-rights-and-community-groups-ask-dhs-to-halt-discriminatory-surveillance-grant-program/.

Members of Congress must refrain from engaging in hate speech about Islam and Muslims and must be united in condemning and holding accountable any colleagues who do make such hateful comments. Rather than continuing to sow the division that threatens the fabric of American society, members of Congress must foster and model to the American public how to communicate with mutual respect to collectively address the many challenges we face.

- 4) Curb White Nationalism. Ensure that law enforcement resources are targeting the biggest domestic threat to Americans, which is white nationalism. Profiling and surveilling American Muslims not only violates our constitutional rights and liberties: it dilutes law enforcement attention to real and actual threats, stigmatizes our communities, and damages trust, all of which make our nation less safe.
- 5) Invest in Communities. Direct federal resources to community approaches to safety: invest in our communities' self-determination by redirecting grants from Department of Homeland Security programs to community-based security approaches that do not rely on law enforcement.