

Civil Rights

Background:

Since 9/11, the civil rights of American Muslims have been under constant threat as a result of discriminatory programs and legislation launched in the name of national security. These include:

- **Ban on Muslims:** A major part of President elect Donald Trump's campaign platform was the unconstitutional ban of Muslims from entering the U.S. While he has now modified that policy to temporary suspension of immigration from "dangerous and volatile regions of the world that have a history of exporting terrorism." Given that Muslim majority countries are often conflated with terrorism, this effectively bans people based on their country's religious practices rather than any actual security risks posed by these immigrants.
- **Muslim Registries:** Also among Trump's campaign promises was the requirement that all Muslim Americans register in a database. A variation of this policy actually materialized in the Bush era with the National Security Entry-Exit Registration System (NSEERS) program. NSEERS was a system for registering non-citizens within the U.S. initiated in 2002 and suspended in 2011. The 25 countries requiring registration were largely Muslim. It was also [ineffective](#), producing zero terrorism-related convictions in the 93,000 cases it created. In December 2016, President Obama [finally dismantled](#) the program.
- **Government Watchlists:** As of 2014, there were [680,000 people](#), including over 20,000 U.S. persons, on the master government watchlist. 40% of those had no terrorist affiliation, yet they could still be subject to procedures such as prohibition from traveling by air or sea, denial of entry into the U.S., and detention/questioning by U.S. or foreign authorities. 64,000 people, mostly Arab and Muslims, are on the no-fly list. Their reasons for inclusion on the list are largely unknown and removal from it is extremely challenging - even [unconstitutional](#), according to a federal judge and civil rights groups. Dearborn, the center of the largest Arab American community in the country, has more watch listed individuals than any other U.S. city, except for New York, despite having less than 100,000 residents. In April, the Michigan chapter of the Council on American Islamic Relations filed [a class action lawsuit](#) in a federal court on behalf of thousands of Americans who have been placed on the terror watchlist.
- **NYPD Muslim Surveillance Program:** Beginning in 2002, the New York Police Department began spying on Muslims at businesses, mosques, and student organizations in New York city and beyond. It was "based on a false, unconstitutional premise: that Muslim religious belief and practices are a basis for law enforcement scrutiny," [according to the ACLU](#). Efforts included mapping Muslim communities, photo and video surveillance, and police informants. Not a single terrorism lead was found in over a decade of this surveillance. Despite disbanding the demographics unit that conducted these activities in 2014, surveillance continued. In November 2016, a New York judge [rejected](#) rejected a settlement for not going far enough in protecting law

abiding Muslims in the city. A new settlement will have to be negotiated by the parties or the matter will be taken to court.

- **USA PATRIOT Act:** Hurriedly signed one month after the 9/11 attacks, this law “was a blatant power-grab that gave unprecedented, unchecked power to the government to arrest, detain, and spy on our nation’s citizens with little or no judicial oversight,” [according](#) to former U.S. Senator Russell Feingold (D-WI), the only senator to vote against it. Among other things, the Act allowed the FBI to search telephone, email, and financial records - all without a court order. The government could also indefinitely detain any alien who the Attorney General believed may cause a terrorist act. For Muslims reentering the United States, border agents could ask questions including “do you pray?”, “what mosque do you attend?”, and “why did you convert?” Members of Congress on both sides of the aisle spoke out against and attempted to reform the Act, with Congressman Ron Paul (R-TX) saying it had “nothing to do with Patriotism” and was “literally the destruction of the Fourth Amendment.” The day after it expired in 2015, the new USA Freedom Act (see below) renewed expired portions.
- **USA Freedom Act:** Passed on June 2, 2015, the Act [renewed](#) certain provisions of the PATRIOT Act, including roving wiretaps and surveillance on suspected “lone wolf” terrorists. Some limitations did emerge, including the scope for collecting business records in national security investigations as well as bulk collection of telecommunication metadata on U.S. citizens by intelligence agencies, including the NSA. The law is set to remain in effect until December 2019.
- **Discriminatory Profiling:** For years, the FBI has engaged in the collection of racial and ethnic information and “mapping” of minority American communities, based on “crude stereotypes about which groups commit different types of crimes”, [according](#) to the ACLU. Civil rights groups also [allege](#) that the TSA has used similar profiling to screen passengers for signs of “mal-intent” and the federal government encourages law enforcement agencies and ordinary citizens to apply a loose standard to report suspicious activity (“If You See Something, Say Something”), causing unwarranted harassment and surveillance of American Muslims for First Amendment protected activity.

Relevance & Impact:

Policies that use religion as a basis for law enforcement scrutiny are unconstitutional. Period. They also lead to a stigma against law-abiding American Muslims that could have [dangerous consequences](#). Other negative ramifications include widespread community fear about informants and law enforcement, interference with practicing one’s faith (through mosque attendance, Muslim student group participation, Islamic dress, etc.), silencing free speech, and damaging relationships with law enforcement.

These programs also impact the U.S. financially. A ban on students, travelers, and businessmen from Muslim majority countries would deprive the nation of [billions of dollars](#) of tax revenue and expenditures.

They are a waste of taxpayer resources that could better be utilized on initiatives that actually keep Americans safe by pursuing real threats rather than simply searching for leads within a particular religion or ethnicity.

Recommendations:

The vast majority of Muslims in the U.S. are law abiding and reject violence. Their religiosity is positively [tied to their patriotism](#), and mosque attendance is linked with civic engagement, not radicalization. Thus, ostracizing Muslims, targeting their religious institutions, and discouraging religious practices through these policies is counterproductive for government officials truly invested in keeping our nation safe.

We urge American Muslims and their allies to push their elected officials to call for an end to unconstitutional, ineffective, and harmful programs that violate the civil rights of Muslims and Arabs and preemptively consider them guilty on account of their faith and ethnicity.