

PRESIDENTIAL POWER

*to protect the civil rights of American Muslims
and our nation's founding values*

MUSLIM 
ADVOCATES





Farhana Khera, Executive Director of Muslim Advocates, hosts a meeting of national Muslim leaders with Speaker Nancy Pelosi

Muslim Advocates is a national civil rights organization working in the courts, in the halls of power and in communities to halt bigotry in its tracks. We ensure that American Muslims have a seat at the table with expert representation so that all Americans may live free from hate and discrimination.

Muslim Advocates was founded in the aftermath of the passage of the USA PATRIOT Act, which led to widespread surveillance and discrimination. Since then, Muslim Advocates has taken on hate groups, major corporations and public officials to stop discrimination from becoming law. We litigate, educate and advocate to uphold our country's promise of equal treatment under the law for all Americans.

Our nation is at a watershed moment. Under the leadership of the President of the United States, there is an opportunity to reform the institutions, laws and policies that have created an unequal system of justice and systemic inequality throughout all aspects of our lives—including schools, workplaces, access to healthcare, and the environment.

We hope this document will begin an ongoing dialogue with the next administration on effective steps that can be taken—in both personnel and policy—to address hate crimes, racial and religious profiling, discriminatory countering violent extremism programs, the rise of neo-Nazi and white nationalist groups, and other critical issues affecting American Muslims.

CONTENTS

Personnel Recommendations	4
Executive Branch Appointments	4
Judicial Nominations	4
Policy Recommendations	5
Anti-Muslim Bigotry	5
Hate Crimes	7
Racial & Religious Profiling and Countering Violent Extremism	10
Domestic Terrorism Charges	13
White Nationalists and Supremacists	14
Immigration	15
Education	18
Honoring & Engaging American Muslims	19
Social Media & Technology	20
Prison Reform	21
Policing Reform	23
Endnotes	25
Next Steps	26

Personnel Recommendations

Executive Branch Appointments

Our government is at its strongest when it reflects the rich diversity of our country. Historically, there have been very few American Muslims appointed to senior positions in presidential administrations. A future administration can change the path of history by making a commitment to ensure meaningful representation of American Muslims at senior levels in the government.

Recommendations for the White House:

- The administration should appoint at least three American Muslims to Senate-confirmed positions in the executive branch.

Judicial Nominations

The Obama-Biden administration was on the verge of making history by nominating and confirming the first American Muslim to be a federal judge. In 2016, President Obama nominated Abid R. Qureshi to be a judge on the U.S. District Court for the District of Columbia. The next administration has an opportunity to finish the job and make history by nominating and seeing through to confirmation an American Muslim to be a federal judge.

Recommendations for the White House:

- Re-nominate Abid. R. Qureshi to be a federal judge and ensure that he is among the very first batch of judicial nominees in early 2021.
- Nominate at least five American Muslims to be federal judges at either the district court or appellate levels during the first two years of the administration.

Policy Recommendations

Anti-Muslim Bigotry

In recent years, public officials have made hateful and dangerous remarks about the American Muslim community and Islam with little condemnation from fellow public officials. In 2019, a gun shop in North Carolina put up a billboard calling for violence against four members of Congress—Reps. Ilhan Omar, Alexandria Ocasio-Cortez, Rashida Tlaib, and Ayanna Pressley—after President Trump indirectly tweeted attacks against them for their criticism of his policies. As is clear from this example, the American people take cues from our elected leaders. It is critical that our next President set an example by forcefully speaking out against hateful rhetoric and bigotry immediately. For far too long, public officials have been silent in the face of these types of attacks and threats. Bigotry of all kinds only serves to divide us as a nation when Americans should be coming together to address the many challenges we face.

Recommendations for the White House:

- Refrain from putting forward dangerous and discriminatory proposals and from making hateful statements about the American Muslim community and Islam.
- Use the presidential bully pulpit to unequivocally condemn in a public manner those public officials who engage in hateful rhetoric or actions, and urge other public officials to do so as well.
- Direct the Ad Council to create a comprehensive educational campaign designed to raise awareness and empower Americans to reject bigotry directed against religious minorities and to promote religious pluralism.
- Direct federal agencies to develop a consistent and uniform way to define anti-Muslim bigotry that can be used throughout the nation.
- Direct federal agencies to develop, promote, and fund programming and training initiatives, including webinars and best practices resources, for teachers, administrators, parents, students, state attorneys general, law enforcement officials,

faith and civic leaders, media, and corporations to equip them with tools to confront discrimination and bigotry against members of minority religious groups.

- Vet individuals for affiliation with white nationalist or white supremacist—including anti-Muslim—groups before appointment or hire and make a commitment to refrain from considering for appointment or hire such individuals.

Recommendations for the U.S. Department of Justice:

- Promote the legal rights of Muslims and others to build or expand houses of worship under authority granted by the Religious Land Use and Institutionalized Persons Act by aggressively pursuing cases to be prosecuted by the Civil Rights Division. The Department of Justice (DOJ) should also actively publicize its use of the statute for that purpose.

Hate Crimes

Hateful and bigoted rhetoric from public officials since the 2016 election, as well as the introduction of discriminatory anti-Muslim policies such as the Muslim ban, have contributed to an already charged environment in which American Muslims fear for their safety. The number of hate crimes against American Muslims and attacks on mosques continue to exponentially increase and terrorize the community. Hate crimes targeting American Muslims have been at historically high levels in recent years, and addressing this crisis must be a priority of the next administration.

Recommendations for the White House:

- Support legislative efforts to improve hate crimes reporting and ease limitations on hate crimes prosecutions at the federal and state level, including:
 - The *Justice for Victims of Hate Crimes Act* (S. 3228) seeks to clarify what has been referred to as the “but-for” standard, which requires bigotry to be the singular motivating factor such that “but for” the perpetrator’s bias against the victim’s protected characteristic, the crime would not have occurred. It is rarely the case that bigotry will be the sole motivating factor in a hate crime incident, and there are several examples of how this standard has prevented enforcement of federal hate crimes laws, including the murder of three young American Muslims, Deah Barakat, Yusor Abu-Salha, and Razan Abu-Salha in Chapel Hill, North Carolina in 2015. This standard is overly stringent and creates barriers to prosecuting hate crimes, undermining the enforcement of federal hate crimes law and justice for the victims of these vicious crimes.
 - The *Jabara Heyer NO HATE Act* (S. 2043; H.R. 3545) seeks to improve hate crimes data collection and promotes a more informed approach to hate crime prevention at the federal, state, and local levels. Specifically, the bill would encourage law enforcement agencies to adopt policies and programs that would improve reporting and help them transition to a modernized form of crime reporting, provide grants for hate crime hotlines operated by states, require the DOJ to conduct research on hate crime reporting and data collection, and allow courts to require certain hate crime offenders to participate in community service or education programs as a condition of supervised release. Hate crimes statistics at the federal and state levels are largely inaccurate due to underreporting by local law enforcement agencies.

The *Jabara Heyer NO HATE Act* would assist in addressing many factors that contribute to inaccuracies in the data.

- Restart and maintain quarterly White House interagency meetings focused specifically on hate crimes, which provided an opportunity for federal agencies and advocacy and community groups to regularly discuss hate crime prevention and response.

Recommendations for the U.S. Department of Justice:

- A robust commitment to preventing and prosecuting hate crimes requires a robust commitment to community engagement. The administration should ensure that the DOJ's Community Relations Service (CRS) is fully funded and supported in its mission of supporting communities across the country in navigating conflict. As hate incidents and crimes remain a serious issue, CRS provides critical support to local communities in responding to and preventing hate violence. In this moment, at a time of intense racial conflict, it is more critical than ever that CRS has sufficient—and in fact, increased—funding in order to effectively carry out its work around the country.
- Year after year, the Federal Bureau of Investigation's (FBI) annual hate crime statistics are an underrepresentation of hate violence around the country due, in part, to inaccuracies in data collection and the lack of reporting by local law enforcement agencies. In fact, many local law enforcement agencies report either zero incidents of hate crimes in their jurisdiction or simply do not respond at all. For example, in 2018, an armed man drove a truck into a convenience store in Denham Springs, Louisiana because he suspected the owners were Muslims. Also in 2018, a man deliberately drove his car into a Muslim family in a parking lot in Carmel, California. Although both incidents are clear examples of hate crimes, neither were included in the FBI's 2018 hate crime statistics. This inaccurate data paints an incomplete picture of the epidemic of hate violence that continues to threaten the safety of far too many Americans. As such, the DOJ should work with federal law enforcement agencies to explore and implement ways to enhance and incentivize hate crime reporting by state and local law enforcement agencies, including:

- Expanding training for local and federal law enforcement in recognition, investigations, and hate crimes laws/standards;
 - Encouraging local law enforcement officials to investigate all possible motives, including bias, for crimes; and,
 - Ensuring that bias motivated crimes are prosecuted to the fullest extent of the law as hate crimes.
- For years, advocacy organizations urged the Obama administration and the DOJ to create a hate crimes website modeled after stopbullying.gov¹ dedicated to providing resources and information for victims of hate crimes around the country. While the hate crimes website was not created, DOJ created a webpage in 2018 that provides some resources.² DOJ should expand and deepen these resources by consulting with law enforcement organizations, civil rights and faith groups with interest and experience in combating hate violence. In particular, the webpage should provide clear instructions and information about how individuals can report hate crimes in their state to both state and federal offices. It should also aggregate resources from other federal agencies, including the U.S. Departments of Education and Housing and Urban Development, that address bias and discrimination. DOJ should ensure that staff regularly maintain and update these resources in order to equip local law enforcement agencies with the tools necessary to share resources widely in their communities.
 - Continue to work collaboratively with civil rights and community-based groups and law enforcement agencies to ensure comprehensive and effective implementation and enforcement of the *Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act*. This includes continuing to develop training materials for law enforcement officials on working with groups who are targets of hate crimes.
 - Establish and maintain a clear firewall preventing DOJ from sharing information with the Department of Homeland Security (DHS) Immigration and Customs Enforcement regarding immigration status.
 - Expand CRS efforts to include a particular focus on communities that have experienced increased targeting over the years, including American Muslims.

Racial & Religious Profiling and Countering Violent Extremism

Bigotry and biased training materials drive racial and religious profiling across the country that disproportionately targets American Muslims. While important improvements have been made over the years to these training materials, the next administration must ensure that racial and religious profiling are eliminated from all federal law enforcement practices. Furthermore, countering violent extremism programs—an example of the most discriminatory profiling programs targeting American Muslims since 9/11—are ineffective, based on junk-science, fail to safeguard constitutional rights, and must be eliminated.

Recommendations for the U.S. Department of Justice:

- Urge the U.S. Attorney General to modify the *Guidance Banning Racial Profiling by Federal Law Enforcement Agencies* to:
 - Remove the national security and border integrity exceptions, since there are no such exceptions to the application of the Equal Protection and Free Exercise Clauses of the U.S. Constitution;
 - Explicitly state that the ban on racial, ethnic, religious, and national origin profiling applies to intelligence activities carried out by law enforcement agencies subject to the *Guidance*;
 - Ensure that it is enforceable and that law enforcement agencies are held accountable for any violations; and,
 - Apply to state or local law enforcement agencies working in cooperation with federal agencies or receiving federal financial assistance, including grants, training, use of equipment, donations of surplus property, and other assistance.

Recommendations for all Federal Law Enforcement:

In 2011, FBI documents produced in response to Freedom of Information Act requests by civil rights organizations revealed a prevalence of grossly inaccurate, inflammatory, and highly offensive counterterrorism training materials about Muslims and Islam used to train its agents and other law enforcement. Not only were these materials dangerously

inaccurate, but they also maligned and disparaged an entire faith community and their religious practice in violation of DOJ's mandate to "ensure fair and impartial administration of justice for all Americans" and our country's fundamental values of religious freedom and pluralism.

After these revelations, the Obama administration ordered a government-wide review of all training materials including within the FBI. In continuation of these efforts, the next administration should:

- Complete or update the audit of all federal law enforcement and intelligence gathering training and educational materials to identify and remove information that is factually incorrect or exhibits bias against any race, ethnicity, religion, or national origin.
- Implement 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.
- Pursue disciplinary action against those agents and officials engaging in discriminatory conduct and responsible for these training materials.
- Require federal agencies that provide law enforcement and homeland security funding to state and local governments to condition such funding 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.

Recommendations for U.S. Department of Homeland Security:

- Discontinue the operation and funding of the Targeted Violence and Terrorism Prevention grant program, which is simply a reformulation of previous flawed federal government countering violent extremism programs. For years, experts and advocates have raised concerns about countering violent extremism programs, including that:

- There is no documented evidence of their effectiveness in preventing terrorism or violence;
- Former and current programs have been developed based on the false premise that Muslims are predisposed towards violence and require government intervention;
- These baseless assumptions demonize, stigmatize, and harm already-vulnerable minority racial, ethnic, and faith communities, and legitimize federal law enforcement intrusion into community spaces;
- The “risk factors” and “indicators” identified by these programs for law enforcement agencies to monitor coincide with activities protected under the First Amendment; and,
- The grant process itself is not transparent and endangers the privacy interests of groups and individuals affiliated with those groups.

A letter generated by Muslim Advocates and supported by more than 70 civil rights, civil liberties and community organizations to Acting DHS Secretary Chad Wolf on June 1, 2020 highlights these concerns in more detail.³

- Eliminate the Office of Targeted Violence and Terrorism Prevention, which is responsible for administering the grant program.

Domestic Terrorism Charges

General Recommendations:

- Given the robust and comprehensive statutory framework in place at the federal level, a new administration should not support the passage of new domestic terrorism charges. It is not a shortage of counterterrorism powers that is causing challenges in government efforts to combat white nationalists. In fact, the federal government has over 50 predicate offenses under existing material support laws that would apply to instances of domestic terrorism, as well as a host of other federal statutes that can be used in prosecutions of extremist violence. Many of these existing laws have consistently been used to target Muslim, South Asian, Arab and Black communities. A new domestic terrorism charge would simply exacerbate the unfair targeting of these communities and would not actually address the problem of hate violence in this country.

In a letter to Members of Congress⁴ urging them to appropriately address white nationalist violence, civil rights experts, including Muslim Advocates, detail the harms of creating a new domestic terrorism charge. Rather, the gap that exists is the will—the political will by the FBI to prioritize and take seriously the threat of white nationalist, neo-Nazi, and anti-government militia groups. Therefore, a new administration should prioritize enforcement of existing laws and oppose attempts to create new domestic terrorism charges.

White Nationalists & Supremacists

In 2019, right-wing extremists perpetrated two thirds of the attacks and plots in the United States and over 90 percent of them between January and early May of 2020. Rhetoric from public officials has emboldened white nationalists and supremacists to target Black, Muslim, Jewish, Latino, and immigrant communities with violence and threats of violence. These individuals and hate groups hold armed demonstrations in front of mosques and other houses of worship, vandalize faith institutions, and abuse the Internet and social media platforms to spread disinformation and misinformation that endangers lives. Experts have noted the link between these same anti-Muslim groups and the white nationalists responsible for organizing violent demonstrations and murdering Heather Heyer in Charlottesville, Virginia. Despite this reality, white nationalists and white supremacists across the country have not been held sufficiently accountable by the federal government and pose the greatest threat to our safety today.

Recommendations for the White House:

- Create a position for and appoint a Special Advisor in the National Security Council specifically focused on the threat of white nationalist violence.
- Establish an interagency working group housed in the Domestic Policy Council dedicated to eradicating white nationalist violence that regularly convenes civil rights, faith, community, and other key organizations.

Recommendations for the U.S. Department of Justice:

- Re-allocate and prioritize resources to the investigation and prosecution of violence perpetrated by white nationalists and white supremacists to the fullest extent of the law.
- Commit to having the FBI appropriately identify violence perpetrated by white nationalists by re-categorizing these incidents from “racially motivated violence” to “white nationalist violence.” Conflating white nationalist violence—by far, the most deadly and pervasive form of racially motivated violence in the U.S. today—with other racially motivated violence distracts from the primary threat.

Immigration

Today, a number of disturbing executive policies separate families and violate fundamental civil rights and civil liberties. As one of his first acts upon taking office, President Trump issued a ban on Muslims entering the U.S. In addition, the Trump administration expanded border search and surveillance practices in a way that disproportionately targets Black and Brown communities. It would be important and symbolic for a future President to rescind the Muslim Ban executive orders—as well as the subsequent executive orders and executive actions that have led to these inhumane and discriminatory border practices.

Recommendations for the White House:

- Repeal the Muslim ban executive orders (Executive Orders 13769 and 13780) and executive actions (Presidential Proclamations 9645 and 9983) on a new President's first day in office. The Administration should proactively review DHS and DOS policies and practices to undo some of the profound damage done to families by the existence of the bans.
- Support the NO BAN Act (S. 1123/H.R. 2486, formerly 2214) (Coons/Chu), which would limit presidential authority to enact a discriminatory ban in the future, and prioritize the NO BAN Act as a legislative priority for passage and enactment into law in the first 100 days of a new administration.
- End the use of all immigration policies and practices across agencies that separate children from their parents.
- Impose an immediate moratorium on both civil and criminal denaturalization until adequate independent oversight and statutory safeguards are in place.
- Canvass federal agencies and dismantle any other office whose primary or significant function is to focus on denaturalization. Start by dismantling the Trump Administration's Denaturalization Apparatus in the Departments of State, Homeland Security, and Justice. Defund and discontinue the Denaturalization Task Force and Operations Janus and Second Look, the U.S. Citizenship and Immigration Services (USCIS) denaturalization office in Los Angeles, and the Department of Justice (DOJ) Office of Immigration Litigation (OIL) Denaturalization Section.

- Use all available oversight mechanisms to review and account for civil and criminal denaturalization cases since the start of Operation Janus, including the denaturalizations of individuals with derivative citizenship whose citizenship was stripped due to their sponsor's denaturalization.
- Provide the public with transparency on who has been targeted as a priority for denaturalization and their country of origin; the policies and procedures used to decide those priorities; and what conduct served as grounds for denaturalization and how those alleged grounds were proven.

Recommendations for U.S. Department of Homeland Security and U.S. Department of State:

- Establish due process for individuals placed on DHS watchlists so that all individuals placed on such lists receive meaningful procedural protections, including notice of their status and a fair hearing.
- Establish that warrants shall be required for searches of all phones, laptops, and other devices at the border.
- Eliminate the United States Citizenship and Immigration Services' "Controlled Application Review and Resolution Program" (CARRP) under which the agency has established a separate set of rules for naturalization applicants who present "a national security concern," ignoring naturalization rules and requirements set forth under the Immigration and Nationality Act (INA). The definition of "national security concern" used by the agency under CARRP is significantly more broad than the ineligibility criteria enumerated by Congress in the INA. As a result, the program has led to undue delay for many Muslim, Arab, South Asian, and Middle Eastern applications.
- The Administration should also closely review other policies and practices that are currently employed to halt the flow of Muslim immigration beyond CARRP. For example, the U.S. Department of State is increasingly using "administrative processing" as a method of delaying, and constructively denying, visa applications. When an application is placed in administrative processing, it typically gets stalled, sometimes for months or years, while additional security reviews are conducted. Such interminable administrative processing is not authorized by immigration laws

and results in stopping many who are otherwise eligible to come to the United States from being able to reunify with family members.

Education

Recommendations for the U. S. Department of Education:

- Increase and tailor its bullying prevention resources and enforcement capacity to meet the needs of minority religious groups including Muslims, Sikhs, Hindus and Jews by:
 - Developing tools and mechanisms to educate parents about their children’s rights and the process for filing complaints;
 - Conducting civil rights compliance reviews of schools with vulnerable minority religious student populations;
 - Promoting programs that educate children on America’s religions, as well as on acceptance and respect for those that are different; and,
 - Collecting data from schools, especially separate data for bullying and harassment based on race, national origin, and religion, to fully understand the depth and scope of bullying experienced by youth of minority religious groups.
- In 2018, the Trump administration adopted a new definition for how the Department of Education characterizes or reviews incidents of anti-Semitism. This definition was repeatedly rejected by the previous administration as so broad that mere criticism of Israel could also be seen as anti-Semitic and would jeopardize free speech on campuses across the country. Rescind the administration’s adoption of this new definition and ensure that speech on campuses is not curtailed.
- Make clear that the Education Department Office for Civil Rights will not use an inappropriately broad definition of anti-Semitism at the expense of free speech when investigating and reviewing potential claims of discrimination.

Honoring & Engaging American Muslims

Recommendations for the White House:

- Publicly acknowledge the Islamic month of Ramadan and the two Islamic holidays of Eid ul Fitr and Eid ul Adha to reaffirm that Muslims are part of the American fabric.
- Reinstate the annual White House Iftar during the Islamic month of Ramadan and use it as an opportunity to engage exclusively with American Muslims.
- Host an annual meeting between the President and American Muslim community leaders to discuss critical issues impacting the community.

Recommendations for the the U.S. Department of Justice:

- The Civil Rights Division should resume the Interagency Muslim, Arab, Sikh, South Asian and Hindu (MASSAH) meetings that first began in 2001. These meetings provided an important opportunity for community-based advocacy organizations to directly engage with and receive assistance from federal agencies.

Social Media & Technology

As the use of social media platforms and technology continue to increase in prevalence, we also see an increase in the use of these platforms to target vulnerable communities. Over the last several years, platforms like Facebook, Twitter, and Google/YouTube have been utilized by hate groups to organize armed demonstrations outside of mosques and other Islamic institutions, to threaten violence against everyday American Muslims and Muslim public officials, and the entire world witnessed a horrific murder of over 50 people in Christchurch, New Zealand on Facebook Live. The executive and legislative branches have an important responsibility to ensure that technology companies are held accountable for the misuse of their platforms by bad actors which leads to harm and violence in the real world.

Recommendations for the White House:

- Appoint a member of the Domestic Policy Council staff to focus specifically on platform accountability. This person should serve as the White House point person on these issues and be responsible for advocating that companies better ensure the safety of their users and customers.
- Ensure that the administration does not improperly encourage or ask social media companies to engage in monitoring programs that unfairly target American Muslims. In previous years, the Obama administration urged social media companies to establish programs dedicated to countering violent extremism that were either solely or disproportionately focused on Muslim actors.

Recommendations for Interagency Initiatives:

- All federal agencies should work together to ensure that when the government and technology companies collaborate, they do not do so at the expense of civil liberties for all Americans.

Prison Reform

Muslims are disproportionately represented in America's prisons, where they face constant discrimination, including difficulties in practicing their constitutionally-protected right to worship. The United States is imprisoning its own population in numbers that are unprecedented, even as crime in the U.S. reaches record lows. Efforts to decarcerate these prisons and reintegrate incarcerated individuals are desperately needed, particularly during a pandemic where high concentrations of prisoners incapable of adopting social distance best practices pose a health risk to the prisoners, the prison staff, and the community at large. In addition to the following recommendations, decarceration must be a top priority for all involved agencies.

Recommendations for the White House:

- As a condition of receiving federal funding, require state prisons to adopt policies protecting religious practice, including: religious diets, group prayer (including daily group prayer throughout the facility), attendance at worship services (even during work details and via closed-circuit television for those who cannot attend in person for health or security reasons), wearing of religious headgear, fasting/eating outside of normal hours (including consuming medication), prisoner choice of burial methods for unclaimed bodies, access to community spiritual leaders, permission to hold prisoner-led religious services, selling religious articles at cost, beards/religious hair grooming, and the right to change religious designations without unnecessary administrative burdens (like waiting periods or written tests).
- Close the Guantanamo Bay detention camp and either release or bring to trial those detained there.
- Support legislation establishing a federal counterpart to Section 1983, providing a private right of action for constitutional violations by federal officials, including prison officials, that goes beyond a *Bivens* remedy (which the Supreme Court has erroneously curtailed in recent years).
- Support legislation reforming the Prison Litigation Reform Act, which creates unnecessary burdens on prisoners by requiring them to exhaust complex administrative practices before bringing suit, categorically denies damages for many non-physical injuries, and unreasonably restricts attorney fee recovery for prison litigation, among other problems.

Recommendations for the Department of Justice:

- Adopt a Bureau of Prisons policy that affirmatively recognizes a right to daily group prayer by prisoners throughout the federal prison system wherever such prayer does not interfere with prison operations.
- End the federal prison system's Communications Management Units. These units drastically restrict prisoner freedom without providing due process for those who are imprisoned there. They also house a disproportionate number of Muslim prisoners.
- Provide meaningful due process for prisoners to challenge security threat designations, including the right to access and challenge classified or confidential information if that information is relied upon in disciplining them, denying them privileges, or denying them parole.

Policing Reform

Recent incidents of police brutality resulting in the murders of George Floyd, Breonna Taylor, and countless other Black Americans have highlighted the dire need for dramatic policing reforms. Black Muslims have also been killed at the hands of police, including Yassin Mohamed, a Black Muslim and Sudanese-American immigrant who was gunned down by police during a mental health crisis; Shukri Ali Said, a Black Muslim and Somali-American immigrant who was shot and killed by police officers after her sister called 9-1-1 for assistance when Shukri was experiencing a mental health episode; and Stephon Clark, a Black Muslim and father of two children who was shot eight times by police despite being unarmed.

The next administration should prioritize improvements to policing standards across the country.

Recommendations for the White House:

- Develop a national public database on police misconduct to which all police departments would be required to provide data.
- Increase funding for DOJ and the Civil Rights Division to ensure proper resources exist for investigating police departments and officers who have engaged in police brutality.
- Eliminate government programs that provide military equipment to law enforcement.
- Terminate all violent extremism and grant programs that provide funding to law enforcement agencies to carry out biased policing practices that inevitably target vulnerable communities.
- Condition any federal funding to state and local law enforcement agencies on those agencies agreeing to:
 - Prohibit maneuvers that restrict the flow of blood or oxygen to the brain—including neck holds, chokeholds, and similar excessive force;
 - End foreign military training for law enforcement;

- Prohibit the use of no-knock warrants; and,
- Redirect police funding into community health, education, employment and housing programs.

Recommendations for the U.S. Department of Justice:

- Establish a federal standard that use of force be reserved as a last resort, only when absolutely necessary, after exhausting all other reasonable options.
- Prohibit racial profiling and require robust data collection on police-community encounters and law enforcement activities.
- Support lowering the legal standard to make it easier for prosecutors to successfully hold law enforcement accountable.
- Support legislation and congressional initiatives that seek to end the “qualified immunity doctrine” which prevents police from being held legally accountable when they break the law, including the *Ending Qualified Immunity Act* (H.R. 7085) that would also restore Americans' ability to obtain relief when state and local officials, including police officers, violate their legal and constitutionally secured rights.
- Support efforts to end the U.S. Department of Defense’s 1033 Program which allows for the transfer of military equipment and vehicles to local, state, and federal law enforcement agencies.
- Pursue pattern and practice investigations of law enforcement agencies with records of targeting and committing violence against communities of color. This should include law enforcement agencies in Phoenix, Arizona, agencies that have long been bastions of anti-Muslim and anti-Black animus.

Endnotes

¹ U.S. Department of Health and Human Services, *stopbullying.gov available at* <https://www.stopbullying.gov/>.

² U.S. Department of Justice, *Hate Crimes available at* <https://www.justice.gov/hatecrimes>.

³ 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* <https://muslimadvocates.org/wp-content/uploads/2020/06/2020.06.01-Letter-to-DHS-Re-TVTP-grants-FINAL.pdf>.

⁴ Coalition Letter to Members of Congress, RE: Response to White Nationalist Violence, September 4, 2019, *available at* <https://www.brennancenter.org/sites/default/files/2019-09/Civil%20Society%20Letter%20-%20Response%20to%20White%20Nationalist%20Violence%209.4.2019%20%28002%29.pdf>.



Members of the Muslim Advocates staff attend the House Judiciary mark-up of the NO BAN Act

Next Steps

We invite the opportunity to discuss these issues and recommendations with you and the relevant members of the transition team and/or new administration.

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We look forward to hearing from you.