

Center For Constitutional Rights

Criminal Justice Issues and Prisoners' Rights

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Campaign and Advocacy

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September 20, 2021, Washington, D.C. Twenty years after the U.S. declared its War on Terror, civil rights lawyers and advocates today sent the Biden administration a memorandum covering a range of federal policies and programs, all justified under the guise of protecting national security, but which unjustly surveil, profile, and criminalize Black, African, Arab, Middle Eastern, Muslim, and South Asian (BAMEMSA) communities. The memorandum, issued by Asian Americans Advancing Justice - Asian Law Caucus, American-Arab Anti-Discrimination Committee, Center for Constitutional Rights, Creating Law Enforcement Accountability & Responsibility (CLEAR), and Partnership for the Advancement of New Americans (PANA), also includes recommendations to help end these discriminatory policies and attempt to repair the harms they have inflicted.

Since September 2001, the U.S. government has implemented a range of policies and programs justified under the ill-defined rubric of national security and the unlawful premise that individuals and communities are inherently suspect and constitute threats to national security because of their religion, race, or national origin. The memorandum, titled [Unconstitutional and Unjust: Dismantling 20 Years of Discriminatory National Security Policy](#), documents many of these discriminatory policies, all of which continue today. Twenty years to the day President Bush first declared the War On Terror in an address to a joint session of Congress, advocates are calling on the Biden administration to end these harmful policies and commit to justice and civil liberties for all communities.

Over the years, numerous domestic counterterrorism policies and programs have been found to be [unconstitutional](#) and in violation of [local laws](#). Some have been criticized by the governments [own investigations](#) as deceptive and plagued by deficiencies. Yet for twenty years, they have disrupted the lives of Black and Brown people and their families across the U.S. Whether they are traveling, applying for immigration benefits, or simply engaging in activities traditionally protected by the First Amendment, BAMEMSA communities have been and continue to be marked for suspicion and subjected to extensive surveillance, policing, and exclusion.

Advocates are calling on the Biden administration and policymakers across the country to dismantle the post 9-11 national security frameworks driving the policies covered in the memo and commit to repairing the harms they have inflicted. Leading civil rights organizations across the country, including the memo author organizations, Advancing Justice - AAJC, American Friends Service Committee, Black Alliance for Just Immigration, CAGE Advocacy UK, Coalition for Civil Freedoms, Council on American-Islamic Relations (CAIR), Defending Rights & Dissent, Justice for Muslims Collective, MPower Change, Muslim Justice League, National Iranian American Council, No Muslim Ban Ever Campaign, Polygon Education Fund, Secure Justice, South Asian Americans Leading Together (SAALT), and Vigilant Love, have signed onto the memorandum and its recommendations to the administration.

Organizational authors of the memorandum issued the following statements:

Twenty years on from 9/11, our government continues to mark our communities as threats to national security simply on the basis of their race, religion, or national origin. It is time to end the ever expanding list of government programs and policies justified under the broad and wholly malleable notion of national security. These programs and the government's national security regimen must end now, said [Hammad Alam](#), Staff Attorney and Program Manager in the National Security and Civil Rights program at Asian Law Caucus.

The recommendations here provide a roadmap for the Biden administration to begin the necessary and urgent work of dismantling the post-9/11 national security apparatus that has fundamentally altered the U.S. legal and political system and caused lasting harm to communities in the United States and abroad, said [Aliya Hussain](#), Advocacy Program Manager, Center for Constitutional Rights.

It is long past time for a reckoning and reparation for all of the abuses of the War on Terror, said [Naz Ahmad](#), Senior Staff Attorney, CLEAR project, CUNY School of Law.

This memo outlines the clear abuses to civil rights of Black, Arab, Middle Eastern, Muslim, and South Asian (BAMEMSA) communities. These dragnet policies and programs must be abolished in order to restore the safety and sense of belonging of our communities, said [Homayra Yusufi](#), Deputy Director, Partnership for the Advancement of New Americans (PANA).

The White House must both acknowledge and address the clear, present, and urgent abuses outlined in this memo. There is a whole-of-government overreach in support of the so-called War on Terror which led to our communities being unjustly targeted, surveilled, and criminalized. 20 years is too long to recognize the humanity in our communities, said [Abed Ayoub](#), Legal and Policy Director for ADC.

About Asian Americans Advancing Justice Asian Law Caucus

Asian Law Caucus (ALC) was founded in 1972 as the nation's first legal and civil rights organization focusing on the needs of low-income, immigrant and underserved Asian Americans and Pacific Islanders. Recognizing that social, economic, political, and racial inequalities continue to exist in the United States, ALC is committed to the pursuit of equality and justice for all sectors of our society.

About the American-Arab Anti-Discrimination Committee (ADC)

Founded by former U.S. Senator James Abourezk in 1980, ADC is a civil rights organization committed to defending the rights of people of Arab descent and promoting their rich cultural heritage. Today, ADC is the largest Arab American grassroots organization in the U.S.

About Creating Law Enforcement Accountability & Responsibility (CLEAR)

The Creating Law Enforcement Accountability & Responsibility (CLEAR) projects mandate is to support Muslim and all other client, communities, and movements in the New York City area and beyond that are targeted by local, state, or federal government agencies under the guise of national security and counterterrorism.

About the Partnership for the Advancement of New Americans (PANA)

The Partnership for Advancement of New Americans (PANA) is a community organizing, public policy, and leadership development hub dedicated to advancing the full economic, social, and civic inclusion of refugees. Led by the communities it serves, PANA amplifies refugee voices to advocate for basic fairness and dignity for all. PANA also provides support to Black, Arab, Middle Eastern, Muslim and South Asian communities in San Diego by hosting public education, know your rights, and town hall information sessions, by providing legal assistance as well as by engaging in media and advocacy for refugees and their families.

The Center for Constitutional Rights works with communities under threat to fight for justice and liberation through litigation, advocacy, and strategic communications. Since 1966, the Center for Constitutional Rights has taken on oppressive systems of power, including structural racism, gender oppression, economic inequity, and governmental overreach. Learn more at ccrjustice.org.

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