

July 9, 2014

President Barack H. Obama
The White House
1600 Pennsylvania Ave NW
Washington, DC 20500

Re: Secret Surveillance of American Muslim Community Leaders

Dear Mr. President,

The undersigned civil rights, human rights, privacy rights and faith-based organizations write to express our concerns following a report published by First Look Media indicating that the FBI and NSA targeted American Muslim community leaders for secret surveillance. We call on your Administration to provide a full public accounting of these practices and to strengthen protections against the infringement of civil liberties and human rights. We also request a meeting with you, Attorney General Eric Holder and FBI director James Comey to discuss these matters.

While we do not know all of the facts of the individual reported cases, we believe the government has an obligation to explain the basis for its actions. Moreover, we cannot presume that the government acted without prejudice or bias. Too often, [both in the past and in the present](#), we have observed the government engaging in patterns of discriminatory and abusive surveillance.

In an earlier era, during the 1960s and 1970s, civil rights leaders, activists and members of minority communities were subjected to unlawful and abusive government surveillance based not on what they had done, but what they believed and who they were. Despite reform efforts, abusive practices continue today. Federal, state, and local law enforcement are targeting entire communities—particularly American Muslims—for secret surveillance based on their race, religion, ethnicity or national origin.

The First Look report is troubling because it arises in this broader context of abuse. Documents obtained through an American Civil Liberties Union Freedom of Information Act request show that the FBI has been mapping a broad spectrum of communities, including American Muslim communities, the African American community and Latino American communities, without any basis for individualized suspicion. Under the guise of community outreach, the FBI targeted mosques and Muslim community organizations for intelligence gathering. It has pressured law-abiding American Muslims to become informants against their own communities, often in coercive circumstances. It has also stigmatized innocent Muslims by placing them on the No Fly List and other watch lists. In short, the government's domestic counterterrorism policies treat entire minority communities as suspect, and American Muslims have borne the brunt of government suspicion, stigma and abuse.

These practices hurt not only American Muslims, but all communities that expect law enforcement to serve and protect America's diverse population equally, without discrimination. They strike the bedrock

of democracy: that no one should grow up fearful of law enforcement, scared to exercise the rights to freedom of speech, association and worship.

Federal agencies must fulfill their important law enforcement and security missions consistent with the Constitution and this nation's laws, with effective checks and balances and public oversight. To that end, we urge you, as many of the undersigned organizations have previously and repeatedly urged your Administration, to strengthen the Department of Justice's Guidance Regarding the Use of Race by Federal Law Enforcement Agencies ("DOJ Guidance"). The DOJ Guidance was an important step forward in clarifying the Justice Department's position against racial profiling in law enforcement when it was crafted in 2003. However, it must be amended to ban profiling on the basis of religion, sexual orientation, gender identity or national origin, and loopholes in the DOJ Guidance that permit all forms of racial profiling in the national security and border contexts must be closed.

The need for these amendments is critical given the proliferation of new forms of technology used by law enforcement to conduct surveillance of all Americans—and particularly minority communities and their members. While we are still learning about the cases reported by First Look and cannot draw firm conclusions about what effect a revised DOJ Guidance would have had in these instances, we believe that now more than ever, your Administration needs to repudiate the notion that racial profiling is ever acceptable.

To be sure, we do not know the scale of surveillance conducted pursuant to the Foreign Intelligence Surveillance Act on American Muslim community leaders and whether there is a pattern of discriminatory abuse in this particular context. Yet that is in large part because of government secrecy. Unnecessary government secrecy surrounding the government's surveillance activities invites abuse and feeds the sense that surveillance is being used for illegitimate ends. We cannot trust government assurances of fairness and legality when surveillance is being conducted without sufficient public oversight. As a first step, we urge you to provide the public with the information necessary to meaningfully assess the First Look report.

As organizations that support your commitment to equal protection, we look forward to working with your Administration to strengthen civil liberties and human rights safeguards for all. Thank you.

Sincerely,

Access
American Civil Liberties Union
American-Arab Anti-Discrimination Committee
Amnesty International
Arab American Institute
Asian Americans Advancing Justice - Asian Law Caucus
Brennan Center for Justice
Center for Community Change
Center for Constitutional Rights
Center for Democracy and Technology
Council on American-Islamic Relations

Defending Dissent Foundation
Free Press
Gay & Lesbian Advocates & Defenders
Human Rights Campaign
Human Rights Watch
Interfaith Alliance
Islamic Society of North America
Lambda Legal
Mexican American Legal Defense and Educational Fund
Muslim Advocates
Muslim Legal Fund of America
Muslim Public Affairs Council
National Association for the Advancement of Colored People Legal Defense Fund
National Center for Lesbian Rights
National Center for Transgender Equality
National Coalition on Black Civic Participation
National Gay and Lesbian Task Force
National Immigration Law Center
National Immigration Project of the National Lawyers Guild
National Lawyers Guild
National Network for Arab American Communities
National Religious Campaign Against Torture
National Security Network
National Urban League
New America Foundation's Open Technology Institute
New Evangelical Partnership for the Common Good
Partnership for Civil Justice Fund
Presbyterian Church (U.S.A.)
Sikh American Legal Defense and Education Fund
The Sikh Coalition
South Asian Americans Leading Together
Transgender Law Center
T'ruah: The Rabbinic Call for Human Rights
United Church of Christ, Justice and Witness Ministries