

And do you realize what is the steep road?  
It is the freeing of a human being from bondage.  
Qur'an 90: 12-13



# Believers Bail Out

Ramadan 2019

"In the 76th chapter of the Qur'an, God Most High describes the bounteous reward believers will receive in Paradise, a reward based on their fear of the consequences of the Day of Judgement and their sense of responsibility toward their fellow human. Their virtue lies in caring for those around them, particularly those who are economically disadvantaged and socially marginalized.

**Among the most disadvantaged and marginalized members of our community are those who have been charged with a crime and incarcerated oftentimes remaining imprisoned while awaiting trial due to their inability to pay the exorbitant fees associated with the bail bond system.**

As the Qur'an describes in Surat al-Insan, verse 8, the believers are characterized by a high level of concern for those who cannot help themselves - the destitute, the child without parents, and the captive: "and who gives food - however great be their own want of it - unto the needy, and the orphan, and the prisoner." This Qur'anic imperative, along with the more detailed verses about those who are eligible to receive zakat, would seem to support for the permissibility of directing zakat funds to incarcerated Muslims. And Allah knows best."

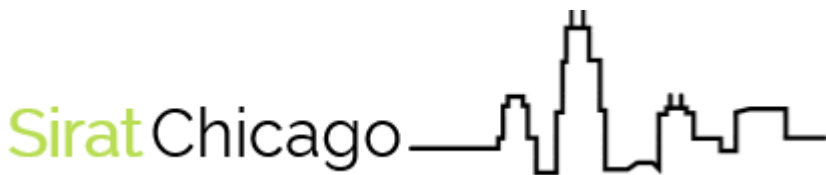
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## Who We Are

Believers Bail Out is a community-led effort to bail out Muslims in pretrial incarceration. We were formed in 2018 by a group of scholars and activists in conjunction with Sapelo Square, Sirat Chicago, and the Chicago Community Bond Fund and are run by volunteers. We seek to create sustainable change in our society by focusing on three major areas of concern: the prison-industrial complex, anti-Muslim racism, and anti-Blackness.



## **Zakat + Bail = Believers Bail Out**

The United States currently incarcerates more than two million people, predominately Black and Latinx. Almost half a million of these people are being held on pretrial bond (bail). Money bail penalizes poverty and reproduces racism. In 2015, nationwide the median bail was \$10,000, while the median pre-incarceration annual income of people incarcerated was \$15,000. Black people are twice as likely to be held pretrial as white people and Muslims in pretrial detention face an increased risk of victimization, surveillance and denial of religious freedom in the prison system due to anti-Muslim racism (frequently referred to as Islamophobia). People who are detained before trial have worse outcomes than those who confront their charges from outside a cage.

While the criminal legal system proclaims the principle of innocent until proven guilty, the reality is that people who have not been convicted of any crime can be jailed indefinitely because they can't afford bail. People in pretrial incarceration can lose their jobs, their children, their homes, and even their lives.

Immigration bond is imposed on immigrants held in Immigration and Customs Enforcement ("ICE") custody. Whether bond is imposed, and how much, is based on arbitrary "risk classifications." Immigration bond is often higher than bails in criminal cases, imposing significant burdens on immigrants, their families, and their communities. Immigrants who cannot afford bond amounts are forced into incarceration by ICE where their religious rights are frequently ignored and where they have few rights to due process.

## **Zakat + Bail = Believers Bail Out**

Believers Bail Out is a community-led effort to bail out Muslims in pretrial incarceration and ICE custody as a form of zakat. Zakat, one of the central tenets of Islam, is an annual tax on wealth. The Qur'an (9:60) specifies eight uses for zakat, including helping the poor and the needy and for the freeing of slaves or captives. People being held in pretrial incarceration because they can't afford bail qualify for zakat. By paying their bail and freeing them to address the charges against them, Believers Bail Out restores the presumption of innocence. It is in our capacity and our duty as Muslims to be a part of ending this unjust bail system that criminalizes poverty and is inherently racist in nature.

Alongside providing bail and support for individuals released on bond, which we began in Chicago (home to the largest single-site jail in the United States), Believers Bail Out hosts fundraising iftars and teach-ins across the country to support efforts to abolish money bail and to raise awareness within Muslim communities on the injustices of the bail bond system, immigration bonds, and the broader prison-industrial complex of which they are a part.

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## About the Believers Bail Out

Money bail targets poor people of color and immigrants, takes away their freedom and puts their families, communities and lives in danger. This Ramadan, Believers Bail Out is collecting zakat to bail out believers and help end mass incarceration.

Inspired by and indebted to the National Bail Out collective and other organizers, we're working to bring this conversation into Muslim communities, and to make clear the links between our faith and our actions in the context of oppressive systems and structures. We're committed to educating ourselves and our communities about money bail and mass incarceration through iftars and teach-ins, as well as fundraising to bail out Muslims in pretrial incarceration - people who have not been convicted of a crime but are being held for their inability to pay bail.

# About the Believers Bail Out

## Our Process

Believers Bail Out (BBO) bails out Muslims in partnership with the National Bail Fund Network and Sirat Chicago (Sirat). BBO raises zakat-eligible and tax-deductible funds. Family members and supporters of Muslims held in pretrial incarceration or on electronic monitoring reach out to Believers Bail Out to apply for support in venues including Cook County, Illinois; New Haven Connecticut; and Minneapolis, Minnesota, where we work with local bond funds. Cases are reviewed according to our criteria and BBO partners with community bond funds to pay bonds. Once the individual is released, BBO provides support and connects them to other community resources until the case is resolved. Once the case is resolved the bond funds are returned to the partner community bond fund to be used to bail out a new individual.

 <p><b>OUR PROCESS</b></p> <p>BELIEVERSBAILOUT.ORG</p>	<p><b>1. FUNDRAISE</b> </p> <p>BBO raises zakat-eligible funds during Ramadan.</p>	<p><b>2. APPLY</b> </p> <p>Families and supporters of incarcerated Muslims apply for support.</p>
<p><b>3. POST BOND</b> </p> <p>Case is reviewed. If the applicant meets criteria, BBO partners with Chicago Community Bond Fund to post bond.</p>	<p><b>4. SUPPORT</b> </p> <p>BBO and partners will support and connect released individual to community resources until case is resolved.</p>	<p><b>5. FREE 'EM ALL</b> </p> <p>Once the case is resolved, the funds will be returned to CCBF to work to bail out another individual behind bars.</p>



## About the Believers Bail Out

### Our Criteria

BBO wants to "free 'em all" but we are currently unable to assist everyone who needs help paying bond. BBO, in coordination with partner community bond funds, uses the following interactive factors to evaluate whether we will assist someone who applies for our help paying bond:

- Incarcerated person identifies as Muslim and qualifies for zakat;
- Inability to pay bond required, including lack of access to sufficient family or community resources;
- Amount of bond to be paid;
- Existing support system, such as a family member, friend, or case manager who commits to provide assistance making court dates and/or other forms of support;
- Risk of victimization in the jail, including but not limited to: race, religion, gender identity and expression, people with disabilities, and youth or elder status;
- Special health needs such as pregnancy, chronic medical conditions, or ongoing mental health treatment;
- Is a primary caregiver; has dependents or other family members who may be harmed by applicant's incarceration, including risk of custody loss or Department of Children and Family Services involvement;
- Immigration status and potential immigration consequences of a criminal conviction, risk of deportation;
- Referral through or connection to established partner organization;

## About the Believers Bail Out

- Anticipated impact of incarceration on applicant's employment, housing, educational attainment, and/or custodial rights;
- Position in relation to structural violence, community disinvestment, systemic racism, survival, and resistance; and
- Willingness to assist with raising money to cover any anticipated court costs, fines, or fees that will not be refunded to the bond fund.

Because we presume innocence and recognize the harm caused by incarceration BBO will not use the criminal charge as a criterion. One reason BBO is focusing on Muslims in pretrial incarceration is that anti-Muslim racism exposes Muslims to increased risk of victimization and denial of religious freedom in the prison and immigration incarceration systems.

## **Our First Year**

During our first Ramadan 2018/1439, BBO was able to raise \$153,000 from Muslims around the world.

In 2018 the National Bail Fund Network, a national project of organizations challenging bail systems and mass incarceration, invited Believers Bail Out to be a member of the network. Through this partnership, BBO has established relationships in new places and expanded our bail efforts beyond Illinois. We currently work with local bond funds in Minnesota and Connecticut and are in conversation with additional organizations. BBO was also invited to speak at the keynote panel for the National Bail Fund Network's second annual convening in Chicago.

Believers Bail Out has proudly stepped into the role of freeing our siblings held by ICE.

The past year has demonstrated that solidarity between communities is needed now more than ever. National and federal government efforts to reduce mass incarceration have stalled and the criminal prosecution of immigrants has spiked. This has created a need for a rapid response bond fund for immigrants who cannot pay their bonds, and as a result, may face deportation. Many immigrants in the United States are fleeing violence, seeking livelihood, and/or trying to remain with family. The immigrant prison-system reinforces racism, xenophobia, and anti-Blackness and further criminalizes marginalized communities.

## **Our First Year**

BBO works with the National Bail Fund Network to provide immigration bond to release people so they may fight their deportation. Muslim immigrants incarcerated by Immigration and Customs Enforcement ("ICE") are often denied religious rights, halal meats, Qurans, or access to religious advisors.<sup>(1)</sup>

We remain amazed by and grateful for the support of our community.

In the past year, BBO's support has freed or helped free eleven people, using a total of \$88,000 in zakat funds, including four believers held by ICE, and seven believers incarcerated in Cook County jail. Bond amounts ranged between \$2,500 to \$20,000. To provide support to those who remain incarcerated in jails, BBO has added \$10 to 46 people's accounts for phone cards and stamped envelopes so that they can communicate with family and supporters. With other Chicago organizations, BBO is working to develop a post-release program for believers.

BBO has also held educational and consciousness-raising events, including two webinars in conjunction with MPower Change and Twitter town halls to create discussions about the school-to-prison pipeline and the prison industrial complex. BBO was selected by the Solidaire Network for a \$25,000 grant to grow our efforts. BBO has received media coverage on public radio, national news coverage, and international media.

1. Yusuf Saei, ICE Contract Facilities, Including Counties, Continue to Violate the Religious Exercise of Rights of Muslim Detainees, American Constitution Society (Apr. 24, 2019).  
[https://www.acslaw.org/acsblog/ice-contract-facilities-including-counties-continue-to-violate-the-religious-exercise-rights-of-muslim-detainees/?utm\\_campaign=website&utm\\_source=TakeCareBlog](https://www.acslaw.org/acsblog/ice-contract-facilities-including-counties-continue-to-violate-the-religious-exercise-rights-of-muslim-detainees/?utm_campaign=website&utm_source=TakeCareBlog).

## **Our First Year**

BBO volunteers continue to provide support to Believers during their incarceration and after their release, attending court appointments and connecting people to support services. Legal volunteers conduct interviews in Illinois jails to identify the needs of Believers requesting assistance from BBO. Adding to this all-volunteer network, in 2019 Believers Bail Out added the support of a paid administrator and a graphic designer. Additional funds have gone towards conference travel and materials to spread the word about BBO's efforts.

Join us this Ramadan and beyond as we expand these efforts: the communal work of building freedom, fighting anti-Muslim and anti-Black racism, and developing the consciousness of our communities.

Paying bail and bond is the beginning of this journey, striving towards broader justice is our goal.

RAMADAN 2018 - RAMADAN 2019

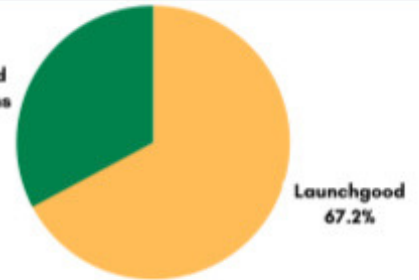
# BELIEVERS BAIL OUT

## FUNDRAISING

With the support of Muslims from around the world...

WE RAISED OVER  
**\$153,000**  
 FROM OVER 2000 DONORS

Officers, direct, and monthly donations  
 32.8%

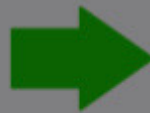


## BAIL OUTS

WE FREED

**11**

MUSLIMS OUT OF DETENTION



PRE-TRIAL DETENTION

**7**

BELIEVERS DETAINED IN COOK COUNTY JAIL IN CHICAGO, IL.



IMMIGRATION DETENTION

**4**

BELIEVERS DETAINED IN IMMIGRANT DETENTION IN FOUR STATES

Your zakat contributions enabled 11 fellow Muslims to rejoin their families and fight their cases from a position of relative freedom.

- Bonds ranged from \$2500 to \$20,000.
- We paid \$88,000 in bonds & have about \$64,000 left in zakat funds.
- We put \$10 on 46 Believers' accounts so they could purchase phone cards and stamped envelopes to communicate with us and family.
- We also funded an introductory meal for Believers & their support team.



## POST-RELEASE SUPPORT



We check in about court dates and transportation, & accompany Believers to court



We use our Muslim networks to assist Believers in finding employment and housing.



Many of the Chicago Believers are on electronic monitoring, which severely limits their ability to find work, support their families, and live their lives.



We assist Believers in applying for zakat from other organizations as they rebuild their lives



We are developing a program to provide Islamic post-release support - assisting Believers in the basics of Muslim beliefs and practices, providing them with Qur'ans, prayer mats, dhikr beads upon release, and copies of *Being Muslim* by Dr. Asad Tarsin (Sandala Press 2015).

## MOVEMENT BUILDING

We received \$25,000 from the Solidaire Network to amplify our work. We used these funds to hire a part-time administrator for three months (\$5000), a graphic designer (\$300), and travel to conferences and promotional materials (t-shirts, fliers, etc.[\$1000]). All our administrative costs are covered by the grant or *sadaqa* we received last year (\$2000). We are building with the Coalition to End Money Bail and other groups to abolish the money bail system and mass incarceration. This year we will build with Muslim organizations nationally. It is in our capacity and our duty as Muslims to be a part of ending this cycle that criminalizes poverty and is inherently racist in nature.

JOIN US! [WWW.BELIEVERSBAILOUT.ORG](http://WWW.BELIEVERSBAILOUT.ORG)

## Zakat

Zakat, the practice of purifying wealth, is one of the central obligations of Islam. It's an annual levy of 2.5% on wealth due from Muslims who possess a certain amount over and above their housing, debts, and immediate needs for one full lunar year. (Zakat calculators are widely available online.)

The Qur'an specifies eight uses for zakat, including relief to the poor and the needy, giving to those with burdensome debts, and freeing slaves or captives. (Q. 9:60). Scholars suggest that any Muslim who does not have enough wealth to owe zakat is eligible to receive zakat - so this category would apply to those incarcerated due to lack of resources to pay bail. Another argument for using zakat to pay bail is that pretrial incarceration is essentially a form of bondage or captivity for those who haven't been convicted of any crime. In other cases, predatory policing and courts - as in Saint Louis County, MO - create a kind of debtor's prison: writing tickets, charging exorbitant fees and fines, and arresting and detaining those unable to pay.

Muslims using their money to free other Muslims from bondage has a long history, and carries spiritual rewards. During the time of the Prophet Muhammad, peace and blessings be upon him, the emancipation of the enslaved, freeing those in bondage, was always considered a noble act. An example of this was when the Prophet Muhammad, peace and blessings be upon him, actively participated in securing the freedom from bondage of his companion Salman Al-Farisi, Allah be pleased with him. Allah beautifully says in Surah Al-Baqarah (2:281), "If the debtor is in difficulty, then delay things until matters become easier for him; still if you were to write it off as an act of charity, that would be better for you, if you only knew." God is reminding us that we have an obligation to help others in

## Zakat

need while at the same time striving to improve our own spiritual state in front of God. Through giving, we aim to remove diseases of the heart - stinginess and love of money.

As a point of reflection, the life-transaction itself, the "deen," is related to the word for debt, "dayn." All of humanity owes a debt to Allah, one that cannot be paid and one that everyone hopes for Allah to pardon. God shows mercy to those who show mercy, and God will pardon those who pardon, so pardoning debts is one way we hope to engender Allah's pardoning of everyone's debt. Also, when someone is freed from worldly debt, they are freed from one of this worldly life's tightest grips upon them. As a result, it allows that person to refocus on their transaction with Allah. If someone relieves stress and anxiety of the debtor, in turn, Allah has promised the same for the reliever.

Helping others achieve their freedom is not only part of the Muslim tradition elsewhere, but also something enslaved Africans in the Western hemisphere did, sacrificing to free each other. Muslims being held on bail they cannot afford by a system that systematically discriminates based on race, can be freed with zakat. Once free, they can address the charges against them while going about their lives, caring for their families, and being part of their communities.



## Zakat

The Qur'an calls on Muslims to call out oppression and act to remedy it. The current U.S. system of policing and prisons, including money bail, is deeply unjust and massively harmful to people, families, and communities, especially Black people and families and communities. The Prophet Muhammad, peace and blessings be upon him, reminds us through a hadith about the prayers of the downtrodden: "Beware of the supplication of the oppressed, even if he is an unbeliever, for there is no barrier between it and Allah." Building alternatives to incarceration is a long-term project. In the meantime, the Believers Bail Out is a tactic to free people, while educating ourselves and our communities about bail, policing, and mass incarceration.

# HOW DOES MONEY BAIL WORK?

People need care, not cages. Our current system punishes people for being poor by incarcerating them before trial, while they are legally presumed innocent.



## AN ARREST HAPPENS

If there is probable cause that you allegedly committed a crime, you are arrested and then taken to jail.

Black people are 2.5 times more likely to be arrested than white people

Black people are twice as likely to be held pretrial.

## BOOKING

Following the arrest, processing begins which is known as booking. During this time, fingerprints are taken. Some people are released without having to pay money bail; for all others money bail is set.



## CAN PAY BAIL

The person accused is eventually able to return home once the bail is posted. From a position of freedom, the person accused is able to receive legal counsel to defend themselves against the alleged charges and return to their life.

## CAN'T PAY BAIL

If the accused person or their family is unable to come up with the money either personally or through a commercial bail bondsman, they will be incarcerated until the case is resolved.

## POTENTIAL EFFECTS OF REMAINING IN JAIL



Psychological Trauma



Eviction



Loss of Job



Losing Children



Inability to Practice Religion

or Possibly  
Death

# Money Bail

## What is Money Bail?

There is a gap between when someone is arrested and charged with a crime and when they are given a trial for that crime. Bail, also known as bond, is money charged by the state to release a person from custody while their criminal or immigration case proceeds.

In criminal cases, some people are released on their own recognizance (set free for free). That means they are trusted to come back for their trial. Those who are deemed too big of a risk are held without bail. In many other cases, the judge sets bail. Bail is justified as a way to guarantee that people show up to court.

The immigration bond system criminalizes immigrants for existing. Though the U.S. government prosecutes immigration as a civil, rather than a criminal violation, immigrants are confined by ICE, often in for-profit facilities; they may be eligible for release or must pay a bond. Immigration bond amounts are set by ICE; while immigration judges may reassess this at bond hearings, many immigrants do not have access to legal counsel to advocate for a reduction. Immigration bond does not permit deposit amounts, requiring thousands of dollars of payment in-full to release an individual. Even when immigrants resolve their cases, the bond may take years to return, if the funds are ever released. In 2018, ICE had not returned over \$204 million in bond money.(2) ICE spends two billion dollars each year to incarcerate upwards of 73% of immigrants in private prisons.(3)

2. Meagan Flynn, ICE is Holding \$204 Million in Bond Money, and Some Immigrants Might Never Get It Back, The Washington Post (Apr. 26 2019), [https://www.washingtonpost.com/immigration/ice-is-holding-204-million-in-bond-money-and-some-immigrants-might-never-get-it-back/2019/04/26/dcaa69a0-5709-11e9-9136-f8e6361f6df\\_story.html](https://www.washingtonpost.com/immigration/ice-is-holding-204-million-in-bond-money-and-some-immigrants-might-never-get-it-back/2019/04/26/dcaa69a0-5709-11e9-9136-f8e6361f6df_story.html)

3. John Burnett, Big Money As Private Immigrant Jails Boom, National Public Radio: Morning Edition (Nov. 2017), <https://www.npr.org/2017/11/21/565318778/big-money-as-private-immigrant-jails-boom>; Clyde Haberman, For Private Prisons, Detaining Immigrants Is Big Business, New York Times (Oct. 1 2018), <https://www.nytimes.com/2018/10/01/us/prisons-immigration-detention.html>

## Money Bail

Incarcerated immigrants may be forced to do labor for as little as a dollar each day, and private facilities maximize their profits by withholding care and supplies to immigrant prisoners. Each person freed from a private immigrant prison facility chips away at the profits of private prison corporations like CoreCivic and GEO Group.

**But bail isn't necessary.** Washington D.C.'s Pretrial Services Agency doesn't use money bail. They release 85% of all defendants, the vast majority of whom (88% of released defendants) attend all their court dates and are not rearrested while their cases are ongoing. In New York, 96% of the Bronx Freedom Fund's clients attended every one of their court dates—a rate higher than that of people who paid their own bond! Programs to provide defendants with phone call reminders, transit vouchers, and child care for court hearings can be as effective as punitive money bail. Prior to the 1980's, the majority of immigrants were released, rather than confined, before immigration court hearings. In a twenty-year old pilot project, 93% of immigrants and asylum seekers paired with case managers returned without the payment of bond.(4)

**Bail is essentially unfair and unjust.** It is part of a racist system: Black people are twice as likely to be held pretrial as white people. Bail discriminates against the poor: in 2015 the median bail set nationwide was \$10,000, while the median pre-incarceration annual income of people incarcerated was \$15,000. The average immigration bond amount is

4. Justice for Immigrants, The Real Alternatives to Detention, <https://justiceforimmigrants.org/what-we-are-working-on/immigrant-detention/real-alternatives-detention/>

## Money Bail

\$8000, and ranges between \$1500 to \$20,000, requiring immigrant communities to dip into limited personal and community resources to free each individual.(5) Money bail does not keep us safe. Someone who poses no threat to others should be released regardless of their access to money; likewise, someone who is truly a threat should not be released simply because they can pay bond. Our current system makes wealth, not safety, the primary determinant of whether someone is released while awaiting trial.

Why is making bond so important? The simple inability to pay bond often hurts the very things that help someone charged with a crime succeed: employment, stable housing, and strong family and community connections. For many people a bail amount of \$100 or \$500, and fees, means they will stay in jail for days, weeks, or months until their trial. People who have not been convicted of any crime can be jailed indefinitely. They can lose their jobs, their kids, their homes, and even their lives. People often plead guilty or plea bargain simply so they can get out and go home. These convictions mean that if the person is re-arrested (and remember that Black people, other people of color, and Native Americans are arrested at far higher rates than white people even when the rate of offenses is similar), their criminal record may result in more severe charges and harsher punishment. If the plea is to a felony, they can also lose their

5. Meagan Flynn, ICE is Holding \$204 Million in Bond Money, and Some Immigrants Might Never Get It Back, The Washington Post (Apr. 26 2019), [https://www.washingtonpost.com/immigration/ice-is-holding-204-million-in-bond-money-and-some-immigrants-might-never-get-it-back/2019/04/26/dcaa69a0-5709-11e9-9136-f8e636f1f6df\\_story.html](https://www.washingtonpost.com/immigration/ice-is-holding-204-million-in-bond-money-and-some-immigrants-might-never-get-it-back/2019/04/26/dcaa69a0-5709-11e9-9136-f8e636f1f6df_story.html)

## Money Bail

right to vote, to hold some jobs, and to live in certain housing. If immigrants who lack documentation or status are charged with a crime, they may be placed in mandatory deportation proceedings and lose the chance for bond release in future immigration proceedings. With the stakes so high, BBO hopes to alleviate the harm for as many people as possible. People need care, not cages.

Some people may borrow funds from a bail bonds company, an industry with few protections for borrowers against predatory bond lenders. Money bail and bail bonds companies are part of the prison-industrial complex, a mutually reinforcing web of relationships, between and not limited to, prisons, the probation service, the police, the courts, government officials and all the companies that profit from transporting, feeding and exploiting incarcerated people. This web results in the wide-ranging use of surveillance, policing, and imprisonment as solutions to economic, social, and political problems.

## **Mass Incarceration, Anti-Blackness, and Anti-Muslim Racism**

Mass incarceration is bad for everyone. The scope and scale of the United States' prison-industrial complex is unprecedented in history. Deplorable and oppressive conditions in jails, prisons, and for confined immigrants, violate the human rights of incarcerated people, including those who have not been convicted of crimes. The media report only a small fraction of deliberate and sometimes deadly assaults by guards; violence, including sexual violence, is also a risk, especially for trans and gender non-conforming people. There are also routine denials of basic health care. Pregnant women may be shackled during delivery, putting themselves and their infants at risk. Conditions in jails and prisons and immigration incarceration facilities may be dangerous: oppressively hot in summer or perilously cold in winter; water may be inadequate or unsafe. But because of social inequality, as well as discriminatory policing, bail practices, and court systems, jails and prisons affect some people and communities more than others.

Racism is foundational to the prison-industrial complex. Anti-Blackness includes historic and contemporary attitudes, ideas, policies and practices that are built upon and reproduce the dehumanization of Black people. Anti-Blackness makes Black people primary targets of everyday and state-sanctioned violence and structural inequality. Police killings of unarmed Black youth, stop-and-frisk policing, high arrest rates, and predatory fines in Black areas are interconnected ways that the prison-industrial complex affects people unequally. Because of racist policing practices a Black person, other person of color, or Native American is far more likely to be arrested and charged than a white person who acts in the same way.

## **Mass Incarceration, Anti-Blackness, and Anti-Muslim Racism**

While 7% of immigrants in the United States are Black, 20% of all immigrants deported on criminal charges are Black, since Black people are already over policed and criminalized.<sup>(6)</sup> And local police arrests are a primary funnel of immigrants into deportation proceedings.

Anti-Muslim racism is a global phenomenon that intersects and overlaps with other forms of discrimination. It identifies Muslims as racial and religious “others,” which leads to Muslims being targets of systemic inequality and violence in both interpersonal and institutional interactions. Muslims, Black people, and especially those who are both Black and Muslim are heavily impacted by the broader structures and histories in which mass incarceration is embedded. Those with intersecting marginalized identities, such as Black Muslim immigrants, encounter anti-Black racism, anti-Muslim racism, and xenophobia throughout the prison-industrial complex.

Surveillance of Black (and) Muslim people began during the transatlantic slave trade. In the 1930s, the U.S. government began tracking the Nation of Islam and the Moorish Science Temple. (Malcolm X’s 9,000 page FBI file includes his prison activism, calling for pork-free meals for incarcerated Muslims.) Over decades, this surveillance transformed into an elaborate FBI system of targeting and the use of informants known as COINTELPRO

6. Jeremy Raff, The 'Double Punishment' for Black Undocumented Immigrants, The Atlantic (Dec. 30 2017), <https://www.theatlantic.com/politics/archive/2017/12/the-double-punishment-for-black-immigrants/549425/>.



## **Mass Incarceration, Anti-Blackness, and Anti-Muslim Racism**

(Counter Intelligence Program). The Reagan-era War on Gangs and War on Drugs had further devastating effects on Black communities, which were disproportionately affected by discriminatory policing and harsh sentencing strategies. Clinton-era policies continued a prison expansion trajectory, underwritten by notions of Black youth as nihilistic “super predators,” and accelerated deportations. Each day 30,000 immigrants are held in mandatory ICE custody. From 1978-2014, the prison population increased 408%, fueled by the economic and political incentives of being tough on crime, serving de-industrialized regions with new prison industry jobs (what some have called “dungeon economies”), and by the parasitic relationship that private contractors, vendors, and employee organization lobbyists have on the publicly-funded criminal justice system.

Although mass incarceration and surveillance have reached previously unimaginable levels, there are commonalities and continuities. The FBI has begun to target so-called “Black Identity Extremists,” organizers and activists critical of state violence, including police brutality and mass incarceration. In reference to this leaked FBI report, the organization Color of Change has labeled this practice an extension of COINTELPRO. The ACLU states that this report, “marginalizes what are legitimate voices within the political debate that are calling for racial and economic justice.” This treatment is extended to other organizers - ICE targets immigrant activists for arrest and deportation, and hires private surveillance groups to track those who protest family separation policies.(7)

7. Nick Pinto, Ice’s Attempt to Deport a Critic Was “Outrageous” and “Egregious,” Appeals Court Rules, The Intercept (Apr. 27, 2019), <https://theintercept.com/2019/04/27/ice-ravi-ragbir-appeals-court-ruling/?menu=1>; Ryan Devereaux, “Homeland security Used a Private Intelligence Firm to Monitor Family Separation Protests,” The Intercept (Apr. 29, 2019), <https://theintercept.com/2019/04/29/family-separation-protests-surveillance/>.

## **Mass Incarceration, Anti-Blackness, and Anti-Muslim Racism**

The accusation that these Black organizers and activists are terrorists links them in the public imagination to the deliberately cultivated fear of (brown) Muslim terrorists from the Middle East, Africa, and South Asia. Especially since September 11th, Muslims have been surveilled, targeted, and entrapped, and deported. A lawsuit on behalf of the New York Muslim community, *Hassan v. NYPD*, alleged the New York Police Department mapped and spied upon Muslim communities, businesses, and groups solely on the basis of their religious affiliation. The claims survived a federal appeal, and the parties settled in 2018 for damages and new policies guarding against surveillance of religious and racial communities. Patterns of surveillance targeting Muslims continue, including a recent Department of Homeland Security call for surveillance of Sunni Muslims from the Middle East, Africa and South Asia, the basis of which the ACLU calls “junk science.” These interconnected issues of policing, surveillance, immigration enforcement, and incarceration are vital for Muslims in the U.S. to grapple with.

Educating ourselves and each other about these facets of our history and our current situation -- perhaps by hosting a fundraising iftar -- is vital to longer term projects of transformation, including ending the system of money bail. Using our zakat to bail out believers during this holy month of Ramadan is an immediate way to “stand firmly for justice” as the Qur’an (4:135) commands us to do.

## Terminology

Anti-Muslim racism: Structural and discrimination against Muslims due to intersecting racial and religious identities.<sup>(8)</sup>

We use the term anti-Muslim racism to highlight structural causes of the systemic discrimination and exclusion of Muslims. The term Islamophobia suggests discrimination due to individual bias of individuals; the root causes for anti-Muslim racism include racism, historical inequality, white supremacy, and imperialism.

Pretrial release: Freeing an individual from jail before a criminal trial; pretrial release often requires the payment of money bail.

Pretrial incarceration: The imprisonment of the accused before their trial. BBO uses incarceration, rather than detention, in recognition that those who are in jail are imprisoned and without their freedom.

Bail: The temporary release of a prisoner in exchange for a promise; the promise is often in the form of a money payment.

Cash bail: Money paid to secure pretrial release of a prisoner. Money is returned at the conclusion of all court hearings, after deducting fees. Money bail becomes forfeit if all conditions of release are not met.

Bail bond: Funds that are borrowed to pay bail. Bond companies keep portions of the bond as profit.

8. <https://islamophobiaistracism.files.wordpress.com/2017/03/islamophobiaistracismsyllabus11.pdf>

## Terminology

Immigration bond: The payment of money to release an immigrant from Immigration and Customs Enforcement ("ICE") custody. The amount of the immigration bond is determined by ICE, and must be paid by someone who is documented.(9)

Bond proceeding: A court hearing to determine if a prisoner is eligible for a money bond, and its amount. Some states require that the accused have access to legal representation, many do not. Immigrants are not provided legal representation to advocate for a lower bond.

Prison-industrial complex: The prison-industrial complex (PIC) describes the overlapping interests of government and industry that use surveillance, policing, and imprisonment as solutions to economic, social, and political problems.(10)

9. Michelle Mendez, Immigration Bond: How to Get Your Money Back, Catholic Legal Immigration Network, Inc. (2016), <https://cliniclegal.org/resources/immigration-bond-how-get-your-money-back>.

10. <http://criticalresistance.org/about/>