



2020

**MUSLIM  
LEGAL  
FUND OF  
AMERICA  
ANNUAL  
REPORT**

2020

# DON'T STAND SO CLOSE TO ME

It may be a cliché to claim that a person was simply “in the wrong place at the wrong time,” but that’s not much of a comfort when that person is you. And what if you don’t even have to be in the same room, or even the same country when a crime is committed to receive the blame? What if you only have to share a gender or an ethnicity or a religious affiliation to be assigned the guilt of another party?

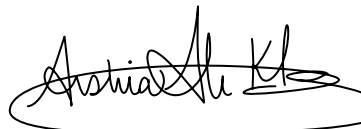
Without doubt, the most grievous miscarriages of justice are those that happen when a person or a group gets blamed for the actions of another.

That’s exactly what happened to one non-profit organization who, had they not had the help made possible by MLFA, could have found themselves unfairly responsible for \$156,000,000 worth of damages (story on page 7).

*For years, individuals, families, organizations, and communities have suffered because the law is not applied equally. The ongoing fallacy of association means that Muslims have become the target of government programs designed to make society safer for all, but which have instead made it significantly more perilous for some.*

I’ve had the privilege, with the approval of MLFA’s board, of taking on these challenges, building on years of work led by those who have come before me, including my predecessor, Khalil Meek. It’s an honor and a challenge, and I’m excited because I believe the best is yet to come.

In faith and for justice,



*Arshia Ali-Khan,*  
INTERIM CEO



## ■ WHAT WE DO

- Fund the representation of clients in targeted federal civil and criminal proceedings
- Fund individualized legal compliance advice to non-profit organizations
- Make legal education available in partnership with like-minded community organizations

## ■ OUR VISION

A nation where Muslims are treated like everyone else, and an America in which constitutional rights and liberties are upheld equally for all, regardless of ethnicity, religion, or cultural heritage.

## ■ OUR MISSION

To advance equality and justice for American Muslim organizations and individuals by combating injustices done in the name of national security.

### ROLLING UP OUR SLEEVES

All organizations face challenges, but when those challenges have been created by a worldwide phenomenon like the recent COVID-19 pandemic, the consequences are far-reaching, complicated, and constantly evolving. Many were not prepared for the difficulties ahead, some had to start from scratch, and some did not survive. Those who made it through did so because they found ways to adapt.

At MLFA, we knew that we would need to evolve quickly to meet these obstacles and challenges head on: The justice system doesn't rest, discrimination doesn't stop, and non-profits still need to do the important work of supporting communities—work that is even more vital during times of universal stress. That's why we were determined not only to rise to

the challenges presented by the pandemic, but to push further ahead by broadening our vision, and ultimately expanding our mission. In 2020, we raised over \$3,000,000 to fund our work, reduced our staff to make better use of our resources, and established new and exciting partnerships to expand our reach.

Arshia Ali-Khan took over as interim CEO, bringing over two decades of extensive non-profit experience to help drive the organization toward an exciting future, helping to open the door to more opportunities. The world may still be figuring out how to move ahead from the difficult legacy of the past year, but at MLFA we are well underway towards emerging from the pandemic as a stronger, more effective leader in support of Muslim-Americans.

# BECAUSE OF YOU

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**FAMILIES STAY TOGETHER**

**COMMUNITIES ARE PROTECTED**

**NARRATIVES ARE REWRITTEN**

**LIVES ARE TRANSFORMED**

**JUSTICE IS UPHELD**

*Excellence Demands Consistency*

*Become a monthly donor*

*You help strengthen American Muslims*



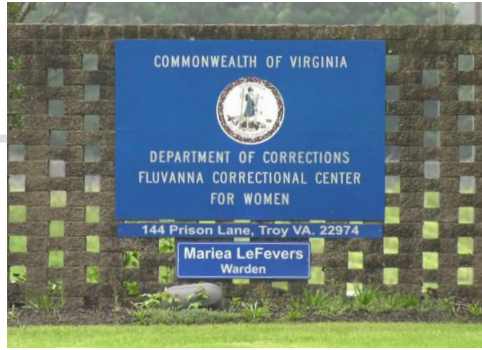
**VICTORY for Noor Salman:**  
Acquitted in “guilt by association” prosecution for the crimes of her abusive husband.



**VICTORY for Imam Sait Zekiri:**  
CLCMA helps client overcome 20 years of unfair and biased practices on the part of the US government to finally achieve US citizenship.

**VICTORY for Captain James “Yusuf” Yee:**  
Cleared of wrongful accusations simply on the basis for his faith.

**VICTORY for Osman Eberle**  
Taken off No Fly List after being separated from family and denied due process.



**VICTORY for Regina Smith:**  
Inmate at a Virginia state prison is granted her constitutionally protected right to wear hijab at all times and in all settings throughout her incarceration.



**VICTORY for Larry Stanfill:**  
Inmate at a Florida civil commitment center is granted access to essential religious texts as guaranteed under the US Constitution, allowing him to expand his knowledge of Islam and practice his sincerely held beliefs.

**VICTORY for Indiana Inmate:**  
Inmate and devout follower of Islam secures access to religious food plan that allows him to eat meals consistent with his belief system.

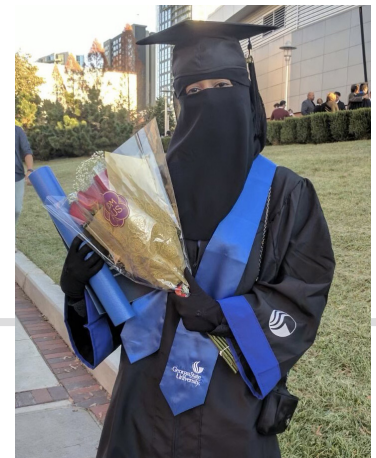


**VICTORY for Dr. Main Al Qudah:**  
Granted lawful residence after decades-long unwarranted immigration delay.



**VICTORY for Akili Ujima:**  
CLCMA client and a Special Learning Needs Coordinator for the Bureau of Prisons secures the right to attend Friday prayers during his lunch hour at the mosque across the street from where he works.

**VICTORY for Hamid Hayat:**  
Conviction overturned after unjustly serving 14 years behind bars for a crime he did not commit.



**VICTORY for Umaima Shaikh:**  
Student, wife, and soon-to-be mother is removed from “No Fly List” after almost two years of litigation, allowing her to resume visiting overseas relatives and attending important family events.

# CLCMA, GRANT-FUNDED BOUTIQUE LAW FIRM

In 2014, The Constitutional Law Center for Muslims in America (CLCMA) was founded through a strategic grant from MLFA with a mission to advance equality and justice for American Muslim individuals and organizations by combatting the injustices done in the name of national security in America's courtrooms. To accomplish this mission, CLCMA recruited 10 dedicated staff attorneys in the fields of criminal defense, civil rights defense, immigration, and non-profit government compliance.

CLCMA concentrates on cases representing the most menacing aspects of the government's national security policy - guilt by association, reprisal for speech, entrapment, and systemic barriers in the form of secret evidence against Muslims.

By focusing exclusively on national security issues, CLCMA has created a practice that accepts cases and clients from across the country. During its six years of dedicated effort, it has grown into a cost-effective organization with the experience and

expertise necessary to challenge the full spectrum of the government's Islamophobic national security policies. For many Muslims in America who have been faced with unexpected and sometimes overwhelming challenges, CLCMA has become a refuge when there's been nowhere else to turn.

Genuine and enduring change in society comes at a cost and can require a serious commitment of time and resources that not everyone is willing to make. At MLFA, we dedicate ourselves to the pursuit of equal justice for all despite the difficult work involved, exactly because we understand the devastating consequences of doing nothing.



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# PROTECTING MUSLIMS' FIRST AMENDMENT RIGHTS

At CLCMA, we know that free speech isn't really free—we must fight to achieve it and we must continue to fight to protect it. That's why we are especially proud of the work we do to uphold that right through the cases we take on and the clients we defend. During one of our more recent cases, we represented a well-known and respected non-profit, American Muslims for Palestine (AMP), whose First Amendment rights were being threatened by actions that occurred long before the organization even existed.

In 2017, the organization found itself the target of plaintiffs seeking payment of a multi-million dollar judgment from a lawsuit that had been ruled on over a decade earlier. The lawsuit sought to transfer the liability for \$156,000,000 in damages to AMP based on the theory that its pro-Palestinian rhetoric made them responsible for a terrorist attack.

AMP was being targeted because it shared a stated mission with the defendants in the prior lawsuit, namely to “educate people about Palestine.” The plaintiffs claimed that AMP was therefore culpable for the cited actions of the defendants in the earlier ruling, and financially responsible to pay damages.

After three years of litigation, a Chicago federal court ruled in favor of CLCMA's longtime clients. The judge disputed the assertion that the organization's leaders were associated with HAMAS, stating that their community connections and support of Palestinian issues failed to constitute sufficient proof of the plaintiff's allegations.

Sometimes it takes years of unrelenting hard work and an unremitting commitment to justice to fight cases such as these. In this instance, CLCMA and its clients tirelessly defended themselves through numerous depositions and attempts to find incriminating evidence until it was clear that the evidence against AMP just didn't exist.

“We are thrilled for our clients after this long and hard fought battle,” commented Christina A. Jump, Civil Litigation Department Head for CLCMA. “Without CLCMA's ability to work for non-profits like AMP free of charge, due to the generosity of our operating grant funded by many small donations from across the country, a blameless non-profit would have been forced out of existence solely because of the nationality of its members and the culture which it works to preserve.”

# CHARLIE AGAINST THE WALL



On March 30, 2018, the Chicago Daily Herald posted a photo of Charlie Swift, one of CLCMA's defense attorneys—phone up to an ear in one hand, a cigar held between two fingers in the other—walking alone next to a wall constructed of massive concrete blocks.

The wall dominates the picture, but it's Charlie who stands out.

While Charlie was pacing outside the courthouse, a jury inside was deciding whether or not the client he was defending should be found guilty.

We all understand about walls—the kind that stand as insurmountable problems in our lives. And when you work for an organization like ours, you know better than anyone how hard those walls are to deal with, how unfair they are, and how much damage they can do to people.

When Charlie and the other attorneys at CLCMA fight criminal cases, sometimes all the way to the Supreme Court, they are standing up against the most imposing wall of them all: the United States Government; which, thanks to the support CLCMA receives from MLFA and its donors, is something they are able to do all the time.

That photo of one man up against a wall serves as a powerful and metaphorical image for Charlie and his fellow attorneys and staff at the Constitutional Law Center for Muslims in America, and for us at MLFA, because it represents not only what we're up against, but what we've been able to accomplish by persistently dismantling discriminatory laws and practices, brick by brick.

Most significantly, it's what the MLFA community of supporters has been able to accomplish with its ongoing support.

So, what did end up happening the day the photograph of Charlie was taken? The verdict didn't come in that day, but Charlie's client later won her freedom.

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*Charlie had taken on the wall, not just for his client but for all the innocent victims of discrimination. And he'd won.*

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# PAVING THE WAY WITH PARTNERSHIPS

MLFA's partnership with The Muslim Philanthropy Initiative (MPI) at the Lilly Family School of Philanthropy is a fantastic opportunity for MLFA to extend its philanthropic reach and take advantage of much needed research regarding the health of Muslim American non-profits. This research will serve the needs of these non-profit organizations and create awareness within new groups of individuals, corporations, and foundations.

Muslim Americans, like other faith communities, rely heavily upon their non-profit sector to sustain and build religious identity. But an increased distrust of the Muslim community in the wake of 9/11, along with a greater scrutiny of their financial giving practices, has caused a distinct shift in philanthropic practices: private remittances have declined and been replaced by a more formalized philanthropy. As a result, humanitarian organizations have experienced significant growth—a development that is welcome, but which has brought with it another type of scrutiny, manifested as a broad range of governmental rules and regulations.

To help organizations navigate these regulations, MLFA took the important step of developing a program that helps Muslim American non-profits be compliant with legal, governance and

non-profit best practices. This is accomplished by providing Governance, Risk and Compliance (GRC) Assessments to Muslim American non-profits and by organizing and conducting Non-profit Board Boot Camps.

The Muslim Philanthropy Initiative (MPI) at the Lilly Family School of Philanthropy at Indiana University will add to the GRC to include non-profit best practices, establish an advisory council in consultation with MLFA to include important partners that can further amplify this project, and organize Continuing Legal Education workshops for lawyers that will educate them about Muslim Americans, Muslim American non-profit sector, Islamophobia and the legal challenges that these organizations faced. Going forward, the initiative will also allow Non-profit Board Boot Camps to be offered virtually to engage a larger and more diverse set of Muslim American organizations.



**IUPUI**

LILLY FAMILY SCHOOL OF PHILANTHROPY

# BUILD LEGAL POWER FOR AMERICAN MUSLIMS

## WHAT DOES IT COST TO DEFEND OUR CONSTITUTIONAL RIGHTS?

\$250

The average attorney fee for one hour.

\$5,000

Funds one federal court brief.

\$10,000

Funds one appellate court brief.

\$20,000

Funds one U.S. Supreme court brief.

\$30,000

Funds an administrative hearing.

\$50,000

Funds a federal civil trial.

## YOUR MONTHLY DONATION WILL ALSO HELP US:

- Continue to build legal power for Muslims in America.
- Staff the departments at the MLFA-funded law center with expert attorneys, paralegals, researchers, interns, and support staff.
- Fund projects that empower American Muslims through legal education and training, including law conferences, board boot camps, legal clinics, community events, and online education projects.

1.

or

2.

or

3.

JOIN ONLINE  
mlfa.org/give

FILL OUT A  
PLEDGE CARD

CALL TOLL-FREE  
866.MLFA.USA

## JOIN THE LEGAL GUILD

*A monthly investment for a lifetime of liberty*

### PILLAR . . . . . \$1000

You empower and protect American Muslim institutions and organizations against the injustices done in the name of national security.

### MOBILIZER . . . . . \$500

You defend Muslims facing legal challenges in federal courtrooms.

### CATALYST . . . . . \$250

You work to restore justice for innocent American Muslims and their families by providing one hour of legal work.

### ADVOCATE . . . . . \$100

You provide legal education to protect yourself and others around you

### PATRON . . . . . \$50

You are dedicated to ensuring that the constitution applies to all Americans - including Muslims

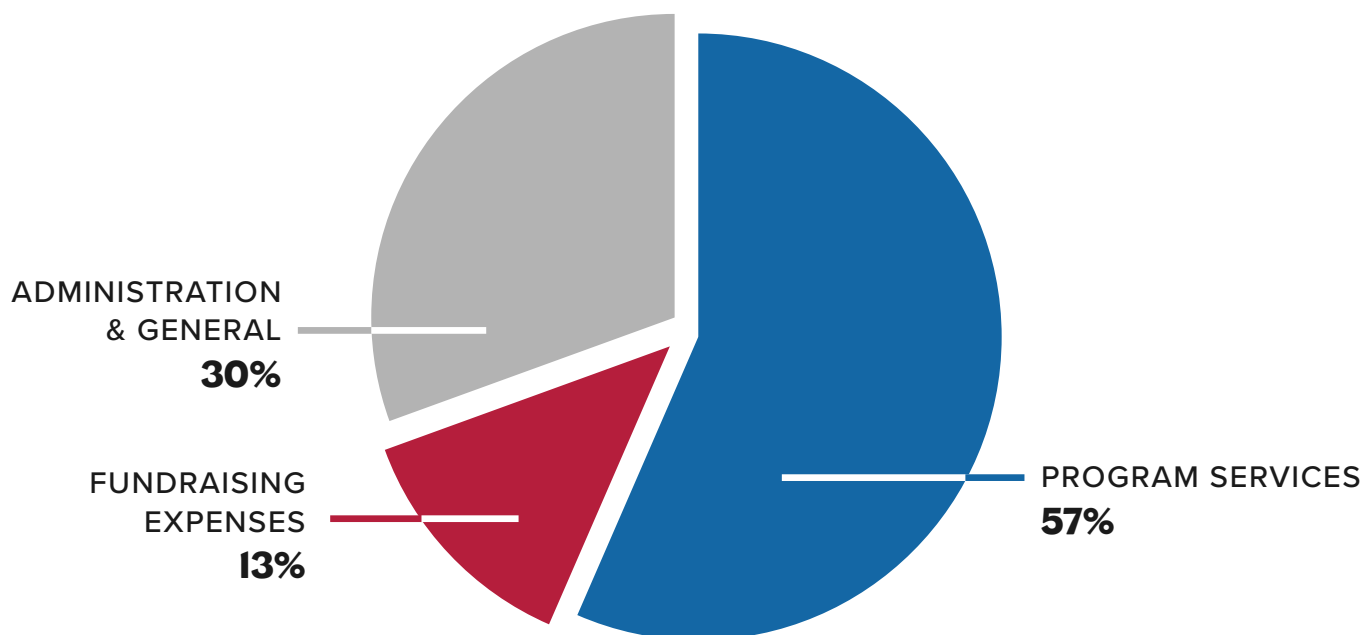
### ALLY . . . . . \$25

You fight for justice. Every dollar counts.

# MUSLIM LEGAL FUND OF AMERICA

## STATEMENT OF ACTIVITY

JANUARY - DECEMBER 2020



### GRANTS & CONTRIBUTIONS

Donations/Contributions	\$ 3,276,897
Grants	\$ 287,778
Misc	\$ 13
In-Kind Donations	\$ 7,725
	<b>\$ 3,572,413</b>

### EXPENSES

● Program Services	\$ 1,968,247
● Fundraising Expenses	\$ 452,513
● Administration & General	\$ 1,057,819
	<b>\$ 3,478,579</b>

# WHY YOU

Upholding the rights of American Muslims today safeguards the rights of all future generations tomorrow. We must stand up against government sanctioned discrimination by pooling our collective resources to make the greatest positive impact on the state of justice for Muslims in America. Every person can make a difference.

# WHY NOW

American Muslims continue to face systemic injustices by governmental infringements to their constitutionally-protected civil rights. Standing up to injustice today will protect our families and institutions for a brighter future, tomorrow.

## WHY MONTHLY

• **IT'S AFFORDABLE**

Start for as little as \$25/mo.

• **IT'S A COMMUNITY**

Connect with people standing up for others.

• **IT'S SUSTAINABLE**

Consistent funding expands legal services

• **IT'S REWARDING**

You give hope to those facing injustice.

• **IT'S EXCITING**

You Build Legal Power for American Muslims.

• **IT'S EASY**

You can give at [www.mlfa.org/give](http://www.mlfa.org/give) or by calling 866.MLFA.USA

**ADVOCATE . . . . . \$100/MO**

You provide legal education to protect yourself and others around you

**PATRON . . . . . \$50/MO**

You are dedicated to ensuring that the constitution applies to all Americans - including Muslims

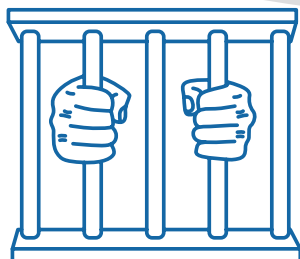
**ALLY . . . . . \$25/MO**

You fight for justice. Every dollar counts.

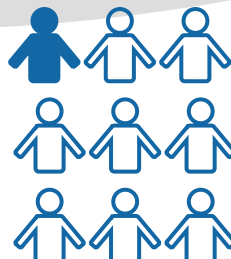
*"... the most beloved deed to Allah is the most regular and constant even if it were little."*

-Prophet Muhammad

# THE IMPORTANCE OF RELIGIOUS FREEDOM IN INSTITUTIONS



1,430,800 people were institutionalized in state or federal institutions at the end of 2019.\*



**1 in 9** state prisoners self-identify as Muslim.\*\*

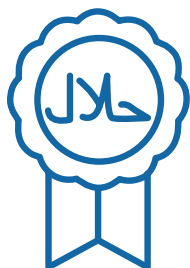
**1.1%** of Americans—or roughly 3.5 million people—self identify as Muslim.\*\*\*

## RLUIPA AND RFRA

The Religious Land Use and Institutionalized Persons Act and the Religious Freedom Restoration Act are two laws which protect inmates' right to religion. Per these laws, the government cannot substantially burden an inmate's religious exercise without a compelling government interest and that burden must be the least restrictive means of protecting that interest.



### RELIGION RESTRICTED



Despite a large Muslim prison population, Muslims are regularly denied the right to eat religiously appropriate food, wear religious garments, pray, fast, or own a Quran. Despite the law protecting these activities, they often have to fight for years to access to basic accommodations.

### QUALITY OF LIFE

Life behind bars is not easy for anyone. But for Muslims, the added insult of not being able to practice Islam has a secondary effect. It can signal that Islam is not worth the same protections as other religions practiced in the U.S. But the number of adherents or favorability is not a necessary requirement to practice.

Learn more about the problem and our efforts to combat it at: <https://www.clcma.org/wp-content/uploads/2020/12/Islam-in-Prisons-Handbook.pdf>

\*<https://www.bjs.gov/content/pub/pdf/p19.pdf#ubheading>

\*\*[https://muslimadvocates.org/wp-content/uploads/2019/07/FULFILLING-THE-PROMISE-OF-FREE-EXERCISE-FOR-ALL-Muslim-Prisoner-Accommodation-In-State-Prisons-for-distribution-7\\_23-1.pdf](https://muslimadvocates.org/wp-content/uploads/2019/07/FULFILLING-THE-PROMISE-OF-FREE-EXERCISE-FOR-ALL-Muslim-Prisoner-Accommodation-In-State-Prisons-for-distribution-7_23-1.pdf)

\*\*\*<https://www.pewresearch.org/fact-tank/2018/01/03/new-estimates-show-u-s-muslim-population-continues-to-grow/>

# REMOVING BARRIERS TO JUSTICE

Many cases, whether they are civil or criminal in nature, take a great deal of time and effort to resolve. At CLCMA, we are committed to removing every barrier to justice no matter how long it takes.

One such case, a citizenship application made by our client Hemza Lefsih in 2014, is still ongoing. Hemza's issues began when the day prior to his being granted citizenship he was arrested for failing to list traffic violations on his application, despite the fact that immigration policy exempted such violations from being on the list.

At Hemza's first trial, the government withheld exculpatory evidence, and the judge misstated the law while also making disparaging comments about our client's immigrant status. Though Hemza was convicted at that point, his case was overturned on appeal and he was acquitted at his second trial. But his troubles were not over. After his acquittal, Hemza was threatened by an FBI agent who asserted that he would never become a US citizen.

Despite the obstacles, and after extensive litigation, CLCMA was finally able to secure Hemza's right to reinstate his citizenship proceedings.

In addition to Hemza Lefsih, CLCMA has assisted one other individual in gaining permanent residency along with three others who now have full citizenship. A further fourteen clients have been represented by CLCMA in FBI interviews.

Because courts have historically failed to recognize harassment, humiliation, and hostility as injuries to the Muslim community, it's extremely important that



CLCMA continues to defend cases that establish precedents that protect the rights of American Muslims.

Strategic partnerships with major law firms and social justice organizations help further the scope of CLCMA's mission

CLCMA recently partnered with Equal Justice Works, an organization dedicated to facilitating opportunities for law students and lawyers to engage in public service. Through EJW and the sponsoring law firm of Akin, Gump, Strauss, Hauer & Feld, CLCMA hosts a Legal Fellow who educates prison officials on the tenets of Islam, and how Muslim detainees should be treated while in custody. As a result, CLCMA now has an educational manual which it shares with prisons and detention facilities around the country to help inform them and gain better conditions for many Muslim inmates.

CLCMA recently partnered with the law firm of Perkins Coie to challenge the denial of medical treatment for an Imam in custody in Arizona, as well as the rights of inmates to religiously compliant meals.

# MORE OPPORTUNITIES FOR EFFECTIVE CHANGE IN 2021

## CRIMINAL DEFENSE

The government's growing focus on controlling social media extremism only serves to highlight the disparity of treatment of American Muslims.

When it comes to American Muslims, the deletion of tweets has been weaponized into federal obstruction of justice charges. Provocative criticisms of law enforcement are characterized as criminal threats, while Twitter posts and texts are described as overt acts of material support.

As a result of this ongoing and unfair scrutiny of Muslim's online activity, CLCMA has, in the first quarter of 2021, received a record number of requests for representation in these types of cases.

## CIVIL

The unwillingness of some courts to recognize the rights of our clients who are fighting civil cases has led to a disparity in the way the law is being applied.

After six years of litigation, three such cases have now progressed to the point that they are eligible for consideration by the United States Supreme Court.

This coming summer CLCMA will be petitioning the Court to hear each of these cases.

## IMMIGRATION

CLCMA has a number of clients whose immigration status has remained uncertain for years due to the government's deliberate delay tactics and use of pre-textual denials.


The recent change in administration represents an opportunity for our clients to finally see some progress in their cases. It also presents a very real opportunity for CLCMA to affect the policies that underly these injustices.


# PLEASE CONSIDER **MAKING** **A DONATION** TO FURTHER OUR WORK DURING THIS CRITICAL TIME

During the past year as we have dealt with the challenges presented by the COVID 19 pandemic, we have remained committed to the mission of securing equal rights and justice for all Muslims in America. As restrictions begin to loosen, however, we are seeing our case intakes increase exponentially. Unsurprisingly, the added workload is requiring that we expand our staff, which in turn is driving up costs. We need your help now more than ever.

CLCMA achieves its mission by providing pro bono legal representation in federal courts and administrative proceedings for qualified individuals and organizations where the representation is in the interest of the Muslim community.

**Please give by visiting [www.mlfa.org/give](http://www.mlfa.org/give) or by calling 866.MLFA.USA**

 Muslim Legal Fund of America  
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Richardson, TX 75081

 Phone: 972.331.9021  
Fax: 972.692.7484

 [www.mlfa.org](http://www.mlfa.org)