

Lessons from Blackamerican Lawyers' Social Justice Advocacy for Immigrant Muslim Lawyers

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Abstract

About seven-in-ten American Muslims (69%) believe that “working for justice ...is essential to their identity.”¹ Blackamerican Muslim lawyers provide a particularly strong example of social justice advocacy. Today, immigrant Muslim lawyers are fighting against injustice as well. Although their histories and experiences differ significantly, immigrant Muslim lawyers have much to learn from Blackamerican lawyers in their fights for justice. Blackamericans as a whole have created a powerful legacy for social justice advocacy. Lawyers play a particularly strong role in social justice advocacy, because they can help change the law and its enforcement. This paper begins to explore the landscape of immigrant Muslim lawyers’ social justice advocacy and the lessons they should learn from Blackamerican lawyers. Those lessons include combatting anti-Blackness, adopting multi-prong strategies, pursuing critical approaches to the law, and building supportive networks. This paper does not cover all of the lessons that Blackamerican lawyers have to offer nor all of the strides that immigrant Muslim lawyers have made, but it is a crucial starting point.

¹ Lela Ali, *Muslim-Led Groups in the Triangle of North Carolina: A Social Network Analysis*, DukeSpace (forthcoming 2019) (manuscript at 36) (on file with author).

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Introduction

Justice is a pivotal concept in Islam as evidenced by the many Muslims in America fighting for justice. By spearheading social justice advocacy for centuries, Blackamerican Muslims (as defined in Section II below) provide a particularly strong example.² They include not only Malcolm X and Muhammad Ali, but numerous Blackamerican Muslim women who contributed to the fields of advocacy, media, social services counseling, and much more.³ Today, immigrant Muslims are building their fights against injustice as well. Many of them are lawyers working in non-profit advocacy organizations or running for office on social justice platforms like U.S. Congresswomen Rashida Tlaib and Ilhan Omar.⁴ Although the histories and experiences of oppression among immigrant Muslims are markedly different from the continuing legacies of oppression among Blackamericans, there is enough overlap that immigrant Muslim lawyers have much to learn from Blackamericans in their fights for justice.

Blackamericans as a whole have created a powerful legacy for social justice advocacy. From their early days, Blackamericans took courageous steps to combat the vilest forms of racism. Without this legacy, immigrant Muslims would not be in the U.S. nor have the foundation of social justice advocacy from which they work today. Lawyers play an important role in social justice advocacy, because they can help change the law and its enforcement. Blackamerican lawyers have recognized this important role as many of them have been combatting anti-Blackness, adopting multi-prong strategies, pursuing critical approaches to the law, and building supportive networks.

Unfortunately, immigrant Muslim lawyers as a whole have failed to collaborate with and thereby learn from Blackamericans. This is partially because immigrant Muslims, sometimes unknowingly, have given into white supremacy by not building community with Blackamericans, even when those Blackamericans are Muslim.⁵ For example, many immigrant

² See Interview by *The Islamic Monthly* with Jamillah Karim, Ph.D. (2013), for a discussion on the African American Muslim female experience in America, <http://www.theblackamericanmuslim.com/jamillah-karim>.

³ *Id.*

⁴ See generally Courtney Connley, *Meet Rashida Tlaib and Ilhan Omar, the First Muslim Women Elected to Congress*, CNBC: MAKE IT (Nov. 7, 2018, 3:39 PM), <https://www.cnbc.com/2018/11/07/rashida-tlaib-ilhan-omar-are-the-1st-muslim-women-elected-to-congress.html>.

⁵ See JAMILLAH KARIM, *AMERICAN MUSLIM WOMEN: NEGOTIATING RACE, CLASS, AND GENDER WITHIN THE UMMAH* 231 (Peter J. Paris, N.Y.U. Press, 2009) (describing the racial structures and hierarchies in the U.S., and how immigrants ascribe to them).

Muslims accept discriminatory and segregated residential policies that allow them to live in high-resource white suburbs, while many Blackamericans are forced to stay in under-resourced and majority-Black neighborhoods.⁶ When immigrant Muslims live far away from Blackamericans, they continue to see Blackamericans as “other” and therefore are averse to seeking their advice.⁷

My motivation for writing this paper comes from over ten years of leadership in predominantly immigrant Muslim communities as a second-generation American Muslim. Over the last five years, I have learned more about the exclusion and harms that immigrant Muslims, including myself, have committed against our Blackamerican sisters and brothers. A recent study by the Muslim Anti-Racism Collaborative found that 79% of Black, African, and Caribbean Muslim respondents in North America have experienced discrimination from other Muslims.⁸ Meanwhile, only 35% of Middle Eastern and North Africans and 48% of South Asians reported the same.⁹ Unfortunately, anti-Black racism among non-Black Muslims has stunted their opportunity to learn from and connect with Blackamericans.¹⁰

Without strong connections with Blackamericans, especially Blackamerican Muslims, immigrant Muslims lawyers have mostly focused their social justice advocacy on the needs of immigrant Muslims. For example, they ramped up their advocacy in response to post-9/11 surveillance and discrimination and tend to exert their political energy more on ending war and poverty in their motherlands than on ending racism and poverty in the United States.¹¹ Although immigrant Muslim lawyers have achieved many victories through successful lawsuits and policy wins, they have not yet been able to amass widespread change.¹²

To holistically pursue social justice in the United States, immigrant Muslims like me must proactively and intentionally build genuine relationships with Blackamerican Muslims. Scholar and writer Jamillah Karim advises that in order to improve the American Muslim community ,

⁶ *Id* at 53.

⁷ *Id* at 53.

⁸ Margari Hill et al., *Study of Intra-Muslim Ethnic Relations: Muslim American Views on Race Relations*, MUSLIM ANTI-RACISM COLLABORATIVE 1, 20 (2015).

⁹ *Id* at 20.

¹⁰ See Jamillah Karim, *To Be Black, Female, and Muslim: A Candid Conversation about Race in the American Ummah*, 26, J. OF MUSLIM MINORITY AFF., 225, 225-226 (2006).

¹¹ Emily Cury, *Muslim American Interest Group Formation: A Historical Narrative*, 10 DIASPORA STUD., 81, 88 (2017); Karim, *supra* note 5, at 125.

¹² See generally MUSLIM ADVOCATES, <https://muslimadvocates.org/>; COUNCIL ON AMERICAN-ISLAMIC RELATIONS, <https://www.cair.com/>.

immigrant American Muslims must “work especially hard not to alienate and marginalize African American Muslims [and] genuinely attempt to understand how a legacy of racism deeply affects their communities and families and go to great lengths to make sure that racism is not perpetuated in Muslim communities.”¹³

Immigrant Muslims must rectify these harms within their own Muslim community to truly embody the social justice that they seek from American society at large. In doing so, they must recognize that Blackamericans of all belief systems have been fighting the highest levels of oppression for centuries and therefore have much to teach us from their incredible feats. This paper will describe the landscape of immigrant Muslim lawyers’ social justice advocacy and the lessons they should learn from Blackamerican lawyers.

I. Terminology and Assumptions

“Social justice advocacy” has many meanings.¹⁴ I will use the Muslim Anti-Racism Collaborative’s definition of “advocacy,” which is a “process of pleading for, supporting, or recommending a particular cause or policy by individuals or groups in order to influence decisions in a political, economic, or social system/institution.”¹⁵

I invite readers to use their own definition of “social justice” based on their experiences and beliefs.¹⁶ I draw from my experiences and beliefs as a Muslim to understand “justice” as it is described in over fifteen verses in the Qur’an.¹⁷ The following are two examples:

- (1) “[B]e persistently standing firm in justice, witnesses for Allah, even if it be against yourselves or parents and relatives... So follow not [personal] inclination, lest you not be just...”¹⁸

¹³ Karim, *supra* note 2.

¹⁴ See Julie Lawton, Teaching Social Justice in Law Schools: Whose Morality is It?, 50 IND. L. REV. 813, 818 (2017).

¹⁵ Muslim Anti-Racism Collaborative, *MuslimARC Glossary*, <https://docs.google.com/document/d/1pphtydPWu0zLOOqiPuBytzkYq04uJ1Sxac7EbmNeVok/edit>.

¹⁶ See Lawton, *supra* note 14, at 818.

¹⁷ Hebba Choudhry & Mubashir Hussain, *Heavenly Hues — The Concept of Justice in Islam*, MUSLIM MATTERS, <https://muslimmatters.org/2008/06/12/heavenly-hues-the-concept-of-justice-in-islam/>.

¹⁸ Qur’an, 4:135.

- (2) “[B]e persistently standing firm for Allah, witnesses in justice, and do not let the hatred of a people prevent you from being just. Be just; that is nearer to righteousness.”¹⁹

These verses explain that in Islam, justice requires condemning hatred and calling out ourselves and our loved ones if we are not just.²⁰ As these verses command, I have recognized situations where my immigrant Muslim community and I have failed to stand firmly for justice. I am writing this paper to learn for myself and share with others how to stand firmly for justice, especially for the most marginalized people.

I use “American Muslims” to describe all individuals who identify as Muslim, regardless of the sect, and live in or have spent most of their lives in the United States. American Muslims are of all races and ethnicities. They are Blackamericans, immigrants, children of immigrants, converts, combinations of these identities and more. None of these categories are mutually exclusive. As the most ethnically diverse religious group in the country, American Muslims have a countless number of intersectional identities.²¹ The nuances of their vast diversity are challenging to fully capture in a simple narrative.²²

This nuance is important to keep in mind, because Muslims are often racialized and categorized into Arab or Middle Eastern, thereby marginalizing the many Muslims who do not fall into those categories.²³ The false myth that all Muslims are Arab is pervasive, even in the American legal system. For example, in a landmark U.S. Supreme case, *Ashcroft v. Iqbal*, the highest court of the land refers to a Muslim Pakistani man as “Arab.”²⁴ However, Pakistan is not an Arabic-speaking country and it is

¹⁹ Qur’an, 5:8.

²⁰ See Shaykh Riad Saloojee, *Spiritual Activism: Justice Now!*, Seekers Guidance (April 18, 2018) <https://seekersguidance.org/articles/social-issues/spiritual-activism-justice-now/>; Ustadh Salman Younas, *#Blacklivesmatter Because Our Lord Demands It*, Seekers Guidance (July 10, 2016), <https://seekersguidance.org/articles/prophetic-guidance/%e2%80%8blacklivesmatter-lord-demands/>, (interpreting verses of the Qur’an).

²¹ See *American Muslim Poll 2017: Muslims at the Crossroads*, Institute for Social Policy and Understanding (2017), <https://www.ispu.org/public-policy/american-muslim-poll-2017/>.

²² See *MuslimARC Inter-Ethnic Study*, Muslim Anti-Racism Collaborative, 7 (2018), <https://members.muslimarc.org/interethnic>.

²³ Karim, *supra* note 2.

²⁴ *Ashcroft v. Iqbal*, 556 U.S. 662, 669 (2009).

not in the Middle East.²⁵ The predominant language in Pakistan is Urdu and it is located in South Asia, bordering India.²⁶ Mainstream media also tends to paint all Muslims as Middle Eastern immigrants, but one-fifth of American Muslims are Black, most of whom were born in the U.S..²⁷ Thus, the racializing of American Muslims is wildly inaccurate.

I use “immigrant Muslims” to refer to American Muslims who are immigrants or children of immigrants. Children of immigrants like myself often do not see themselves as “immigrant Muslims,” but I include them in my definition because they are raised in the cultural norms and prejudices of their parents.²⁸ Although Middle Eastern and South Asian Muslims tend to take up much space in immigrant Muslim communities, immigrant Muslims also come from many other regions, such as East Africa, West Africa, the Caribbean, Southeast Asia, and Eurasia.²⁹

Some immigrant Muslims came to the United States in the mid-1800s, but most began to immigrate after the Immigration and Nationality Act of 1965.³⁰ This Act ended national origin quotas and allowed more non-European immigrants to enter the country.³¹ The Civil Rights Movement made this change possible by creating a political climate where advocates could fight against exclusionary immigration policies.³² However, the Act furthered anti-Blackness among immigrant Muslims by categorizing many of them as “white” and thereby distancing them from Blackness.³³ It is evident that anti-Blackness among immigrant Muslims have persisted, because immigrant Muslims tend to primarily seek social acceptance in white communities but rarely in Black communities. Often, they form their own mosques instead of joining and contributing to existing Blackamerican mosques.³⁴

²⁵ See Shahid Javed Burki & Lawrence Ziring, *Pakistan*, Encyclopaedia Britannica, <https://www.britannica.com/place/Pakistan> (last updated Feb. 28, 2020).

²⁶ *Id.*

²⁷ See Covering American Muslims Objectively + Creatively: A Guide for Media Professionals, <https://www.ispu.org/journalists/> (last visited Feb. 29, 2020).

²⁸ See Karim, *supra* note 5, at 211-12, 215-17.

²⁹ See <https://www.britannica.com/topic/Islamic-world>

³⁰ See Cury, *supra* note 11, at 96.

³¹ Karim, *supra* note 5, at 4.

³² *Id.*

³³ See ROSANNA HERTZ & SHERMAN A. JACKSON, ISLAM AND THE BLACKAMERICAN: LOOKING TOWARD THE THIRD RESURRECTION 15-16 (2005).

³⁴ Karim, *supra* note 5, at 7, 231; Muslim Anti-Racism Collaborative 14 (2015) <https://www.thefyi.org/wp-content/uploads/2019/11/MuslimARC-InterEthnic-Study-2015.pdf>.

I use “Blackamerican Muslims” to refer to Americans who identify as Muslim and are descendants of enslaved Africans. Sherman Jackson adopted the term “Blackamerican” from the late C. Eric Lincoln, a Blackamerican scholar.³⁵ It appears that Lincoln did not define the term, but Jackson uses it to recognize that Blackamericans were forced to create a new identity and culture that is largely separate from African identity and culture.³⁶ It is not hyphenated with “African” because when identities are hyphenated with “American,” the “American” identity is assumed to protect the culture and religion of the other identity.³⁷ Jackson explains, “As Blackamericans have rarely if ever enjoyed this protection on par with other ethnic Americans, it would be misleading, in my view, to cast blacks as just another hyphenated group in America.”³⁸

In the broader American Muslim community, there is a tendency among non-Black immigrant Muslims to treat Blackamerican Muslims as “just another hyphenated group” or conflate their experiences with those of Black immigrant Muslims.³⁹ However, Blackamerican Muslims face a unique, higher level of marginalization and exclusion than do Black immigrant Muslims. For instance, immigrant Muslims sometimes consider Black African Muslims to be well-versed in Islamic scholarship because they come from Muslim-majority countries and may be fluent in Arabic.⁴⁰ However, non-Black immigrant Muslims often consider Blackamerican Muslims more “American” and therefore less knowledgeable in Islam and weaker in faith.⁴¹ This false belief about Blackamerican Muslims perpetuates the distance between immigrant and Blackamerican Muslims.⁴²

It is clear from the above definitions that American Muslims experience intersectionality in a plethora of ways. In 1989, legal scholar and professor Kimberlé Crenshaw first published an article on intersectionality theory.⁴³ This theory recognizes the unique situations and forms of discrimination against individuals who fall within multiple subordinated

³⁵ Hertz & Jackson, *supra* note 33, at 17-18.

³⁶ *See id.*

³⁷ *Id.* at 17.

³⁸ *Id.* at 17-18.

³⁹ Karim, *supra* note 10.

⁴⁰ *Id.* at 228-29 (Karim’s ‘To be black, female, and Muslim’)

⁴¹ *See Hill, supra* note 8, at 13.

⁴² Hertz & Jackson, *supra* note 33, at 15-16

⁴³ Kimberlé Crenshaw, *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics*, 1989 U. OF CHI. LEGAL F. 139, 140 (1989).

groups.⁴⁴ Blackamerican Muslims fall within multiple subordinated groups as they face discrimination in ways similar to Blackamericans of other faiths or Muslims of other races and ethnicities, but also in ways that are unique to them. They experience over-policing like other Blackamericans, denial of religious accommodations like other Muslims, but also marginalization by other Muslims who discount their faith. I write this paper with the recognition that there are endless intersectional identities among American Muslims, many of which I have not described. I use some general terms and ideas for ease of reading, but I ask the reader to interpret my points with intersectionality in mind.

II. Historic Context

The following background information does not purport to be comprehensive. Rather, it highlights a few key moments in American history that help the reader understand why immigrant Muslim lawyers should learn from Blackamerican lawyers' social justice advocacy. The first few subsections will focus on the history of Blackamerican Muslims while the remainder will focus on Blackamerican lawyers as a whole and their social justice advocacy.

A. Early Blackamerican Muslims

In the early 1500s, the first Muslims set foot in the Americas.⁴⁵ They were enslaved Africans forced into the "New World" by European colonizers.⁴⁶ Estimates say that 10 to 40% of enslaved Africans were Muslim.⁴⁷ Many slave owners forced them into Christianity, but a significant number of them secretly remained Muslim.⁴⁸ One example is Omar ibn Said, a writer and Islamic scholar who was enslaved.⁴⁹ Journal

⁴⁴ *See id.*

⁴⁵ *African Muslims in Early America: Religion, Literacy and Liberty*, NAT'L MUSEUM OF AFR. AM. HIST. & CULTURE, <https://nmaahc.si.edu/explore/stories/collection/african-muslims-early-america> (last visited Feb. 26, 2020); *Islam in America*, PUB. BROADCASTING SERV., <https://www.pbs.org/opb/historydetectives/feature/islam-in-america/> (last visited Feb. 26, 2020).

⁴⁶ *See* Crystal Ponti, *America's History of Slavery Began Long Before Jamestown*, HISTORY.COM, Aug. 26, 2019, <https://www.history.com/news/american-slavery-before-jamestown-1619> (last visited Feb. 27, 2020).

⁴⁷ Dora Mekouar, *America's First Muslims Were Slaves*, VOICE OF AM. NEWS, Jan. 29, 2019, <https://www.voanews.com/usa/all-about-america/americas-first-muslims-were-slaves> (last visited Feb. 26, 2020); *Islam in America*, *supra* note 45.

⁴⁸ *Islam in America*, *supra* note 45.

⁴⁹ *See* *Uncle Moreau*, N.C. U. MAG. 2 (September 1854), <https://docsouth.unc.edu/nc/omarsaid/support4.html>; *Omar ibn Said, African Muslim*

articles from the early to mid-1800s tell his story of reportedly converting from Islam to Christianity.⁵⁰ However, recent findings show that many of his Arabic writings were verses from the Qur'an.⁵¹ One of his writings was labeled as "The Lord's Prayer," but a re-translation of it shows that it was in fact a chapter from the Qur'an.⁵²

Over the centuries, enslaved Africans and their descendants experienced some of the worst forms of oppression, discrimination, and marginalization.⁵³ These tremendous brutalities prevented African Muslims from being able to build long-lasting Muslim communities.⁵⁴ Amid decades of persistent dehumanization, some Blackamericans found Islam in the early twentieth century through various external groups, such as the Ahmadiyya.⁵⁵ The Ahmadiyyah were a group of Indian Muslim missionaries who focused on teaching Blackamericans about Islam in the 1920s.⁵⁶

Many Blackamericans also found a derivative form of mainstream Islam from the 1930s-1980s through the Nation of Islam.⁵⁷ Wallace D. Fard Muhammad initiated this movement in 1930 to "improve the spiritual, mental, social, and economic condition of African Americans in the United States and all of humanity."⁵⁸ As the movement began growing in popularity, Clara Muhammad, a young mother in Detroit encouraged her husband, Elijah Muhammad, to join the Nation with her.⁵⁹ This couple co-

Enslaved in the Carolinas, DOCUMENTING THE AM. S., THE U. OF N.C. CHAPEL HILL, <https://docsouth.unc.edu/highlights/omarsaid.html> (last visited Feb. 27, 2020).

⁵⁰ *Uncle Moreau; Omar ibn Said, African Muslim Enslaved in the Carolinas*, *supra* note 49.

⁵¹ *African Muslims in Early America*, *supra* note 45.

⁵² *See id.*

⁵³ Hill, *supra* note 8.

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ Karim, *supra* note 5 at 6.

⁵⁷ J. Gordan Melton, *Nation of Islam Religious Organization*, ENCYCLOPEDIA BRITANNICA (Dec. 17, 2004), <https://www.britannica.com/topic/Nation-of-Islam>; DAWN-MARIE GIBSON, A HISTORY OF THE NATION OF ISLAM: RACE, ISLAM, AND THE QUEST FOR FREEDOM (Library of Congress 2012).

⁵⁸ *See* Elijah Muhammad, *Nation of Islam in America: A Nation of Beauty and Peace*, NATION OF ISLAM (March 28, 1996). <https://www.noi.org/noi-history/> (discussing the mission of the Nation of Islam).

⁵⁹ Jamillah Karim, *Profile: The Leadership and Legacy of Sister Clara Muhammad*, SAPELO (Feb. 1, 2016), <https://sapelosquare.com/2016/02/01/profile-sister-clara-muhammad/>; *See also* Zakiyyah Muhammad, *Clara Evans Muhammad (1899-1972)*, INSTITUTE OF MUSLIM AMERICAN STUDIES (May 16, 2016),

led the Nation until Elijah Muhammad's death in 1975.⁶⁰ The Nation had about 500,000 members in the 1950s when activist Malcolm X was becoming a prominent figure for the Nation.⁶¹ The couple's son, Warith Deen Muhammad became the next leader of the Nation and eventually transitioned many of the Nation mosques to Sunni Islam.⁶² Currently, there are between 10,000 and 50,000 members of the Nation making up about 2% of the Black Muslim population in the U.S.⁶³ Many Blackamerican Sunni Muslims today are descendants of former Nation followers.⁶⁴ They are known as the Imam Muhammad community or the Warith Deen Muhammad community.⁶⁵

Although the Nation of Islam was one of the most prominent movements through which Blackamericans later embraced Sunni Islam, there are many Blackamerican Muslims who have embraced a variety of Muslim sects through other ways as well. For example, there are some Blackamericans who found Islam through the Dar al Islam movement, a grassroots Blackamerican movement founded in Brooklyn, New York around 1962.⁶⁶ Today, a large portion of Blackamerican Muslims are born

<https://instituteofmuslimamericanstudies.com/clara-evans-muhammad-1899-1972/> (discussing Clara's background before joining the Nation of Islam).

⁶⁰ MDZM, *The Honorable Elijah Muhammad (1897-1975)*, INSTITUTE OF MUSLIM AMERICAN STUDIES (May 5, 2016), <https://instituteofmuslimamericanstudies.com/2016/05/05/the-honorable-elijah-muhammad-1897-1975/>.

⁶¹ Lawrence A. Mamiya, *Malcolm X American Muslim Leader*, ENCYCLOPEDIA BRITANNICA (Feb. 17, 2020), <https://www.britannica.com/biography/Malcolm-X#ref260832>.

⁶² Gibson, *supra* note 57.

⁶³ J. Gordan Melton, *Nation of Islam Religious Organization*, Encyclopedia Britannica (Dec. 17, 2004), <https://www.britannica.com/topic/Nation-of-Islam>; Black Muslims account for a fifth of all U.S. Muslims, and about half are converts to Islam, <https://www.pewresearch.org/fact-tank/2019/01/17/black-muslims-account-for-a-fifth-of-all-u-s-muslims-and-about-half-are-converts-to-islam/> (last visited March 29, 2020) ("Today, just two of every 100 black Muslims surveyed say they currently identify with the Nation of Islam.").

⁶⁴ See, e.g., Jamillah Karim, *A Discussion with Jamillah Karim, Scholar and Mother*, GEO. U. BERKLEY CTR. FOR RELIGION, PEACE & WORLD AFF., (Sept. 25 2014), <https://berkeleycenter.georgetown.edu/interviews/a-discussion-with-jamillah-karim-scholar-and-mother>.

⁶⁵ Karim, *supra* note 5, at 14.

⁶⁶ Kamilah AbdulKhabir-Barbour, *Brooklyn To Silver Spring: Sharing The Story of the Dar al Islam Movement*, MUSLIM LINK PAPER, <https://www.muslimlinkpaper.com/national-news/4506-brooklyn-to-silver-spring-sharing-the-story-of-the-dar-al-islam-movement> (last visited Jan. 20, 2020).

Muslim.⁶⁷ Their parents and grandparents converted to Islam through these movements and continued teaching Islam in their families.⁶⁸ However, there are also many Blackamerican Muslims today who converted into Islam themselves.⁶⁹ Due to their diverse paths to Islam, Blackamerican Muslims have a variety of perspectives on Islamic teachings and practices.⁷⁰

Finally, it is important to note that Blackamerican Muslims have set the foundation for Muslims' social justice advocacy in the United States. Jamillah Karim, a Blackamerican Muslim academic, highlights the powerful legacies of many influential Blackamerican Muslim organizations that formed between the 1920s and 1970s.⁷¹ Although many were not legal or "social justice" oriented explicitly, they left important legacies for American Muslims' ability to influence law and policy.⁷² For example, many Blackamerican Muslim women have established social service organizations, women's shelters, family counseling centers, and victim advocacy groups; played important roles in print and televised media; and been among the first American Muslims to obtain doctorates in Islamic Studies and publish scholarship on American Muslims.⁷³ These avenues were crucial steps for social justice advocacy, because they placed American Muslims on the map. The monumental work of Blackamerican Muslim women who established a strong media presence, organized institutions, and produced academic scholarship have provided a model of successful social impact. Without these initial steps by Blackamerican Muslim women, immigrant Muslim social justice advocates would have had to start from scratch.

B. Blackamerican Lawyers' Social Justice Advocacy

Blackamericans as a whole have a powerful legacy for social justice advocacy. From their early days, Blackamericans took courageous steps to combat the vilest forms of racism. In addition to organizing and movement building, Blackamericans began choosing law as a career as early as 1844.⁷⁴

⁶⁷ Karim, *supra* note 5, at 58.

⁶⁸ *Id.* at 12.

⁶⁹ See, e.g., Jamillah Karim, *A Discussion with Jamillah Karim, Scholar and Mother*, Geo.

⁷⁰ See Karim, *supra* note 5.

⁷¹ See Karim, *supra* note 2.

⁷² *Id.*

⁷³ *Id.*; See also Mehwish Shaukat, *American Muslim Women: Who We Are and What we Demand from Feminist Jurisprudence*, 31 *Hastings Women's Law Journal* (forthcoming April 2020).

⁷⁴ Walter J. Leonard, *Development of the Black Bar*, 407, *THE ANNALS OF THE AM. ACAD. OF POLITICAL AND SOC. SCI.*, 134 (1973).

The numbers of Blackamerican lawyers rose and fell several times throughout the mid-nineteenth and mid-twentieth centuries.⁷⁵ Despite the rise and fall in their numbers, Blackamerican lawyers aimed high and fought discrimination to arrive at their influential careers.⁷⁶ Many early Blackamerican lawyers gained power and influence as they rose through the ranks of the legal system and became judges, legislators, attorney generals, and presidents of law schools.⁷⁷ They also organized themselves by forming the National Association for the Advancement of Colored People (NAACP) in 1909, which remains strong today.⁷⁸

As their numbers grew, Blackamerican lawyers continued building a well-connected network to support each other. In 1925, twelve Blackamerican lawyers formed the National Bar Association, which was likely the first “affinity group” for lawyers.⁷⁹ However, Blackamerican lawyers continued seeking space in formerly white bar associations throughout the 1930s as well.⁸⁰ They grappled with the dilemma of seeking inclusion in the entities that perpetuated anti-Blackness, but many decided to continue participating with the purpose of growing their own network and reputation.⁸¹

As they gained power, Blackamerican lawyers diversified their social justice advocacy. Although they began by litigating segregation cases, particularly in schools and universities, they recognized the need to go beyond litigation and to include mass movements, such as marches and demonstrations.⁸² These two approaches of litigation and demonstrations fused into one in the 1950s, planting the seeds to the overall strategy of the Civil Rights Movement.⁸³

Along with the Civil Rights Movement came an influx of Blackamerican lawyers.⁸⁴ However, there were very few Blackamerican

⁷⁵ *See id.* at 135, 137.

⁷⁶ *See id.* at 137-138.

⁷⁷ *See id.* at 135-137.

⁷⁸ NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE, <https://www.naacp.org/nations-premier-civil-rights-organization/>. (Jan. 28, 2020)

⁷⁹ Leonard, *supra* note 74, at 140.

⁸⁰ *Id.*

⁸¹ *Id.*

⁸² NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE, *supra* note 77.

⁸³ *See* Leonard, *supra* note 73, at 141 (explaining that the strategy of combining litigation and protests evolved during the 1940s and came into use during the Civil Rights Movement).

⁸⁴ *Id.*

lawyers in influential positions at top law firms, corporations, and banks.⁸⁵ Only 1.2% of law firm associates and 0.08% of partners were Blackamerican.⁸⁶ Among the Blackamerican lawyers in the South, only about 25% worked in law firms by 1971. The rest were mostly solo practitioners, making the lowest incomes and getting the least exposure to the broader legal community.⁸⁷ This happened in part because Blackamerican lawyers were encouraged to take on “neighborhood practice” and provide legal services for poor, Blackamerican clients which meant that they had less influence in the broader legal community.⁸⁸ To encourage more Blackamerican children to become powerful lawyers, Howard Law professor J. Clay Smith, Jr. published an article in 1983 calling primary and secondary school teachers to motivate their Black students to become lawyers in high positions.⁸⁹

Not only have Blackamerican lawyers been planning for a more powerful future by building strong networks and encouraging each other to rise to the highest roles, they have also taken a critical approach to the status quo. A prime example is the formation of Critical Race Theory (CRT), which is a study of race, racism, and power in a broader context of “economics, history, context, group- and self-interest, and even feelings and the unconscious.”⁹⁰ In other words, CRT takes a holistic and critical approach to civil rights discourse, going beyond the written law.

Today, social justice advocacy led by Blackamerican lawyers and scholar-activists persists and is successfully expanding into mainstream discourse. For example, CRT now has subgroups that cover more issues affecting women, the queer community, Latinos/as, indigenous people, and Asians.⁹¹ Blackamericans in other fields are also engaging in social justice advocacy through their respective platforms. A few examples include Kimberly Bryant who founded an organization called Black Girls Code to

⁸⁵ See Harry T. Edwards, *A New Role for the Black Law Graduate--A Reality or an Illusion* 69 Mich. L. Rev. 1407, 1415 (1971) (discussing the need for black lawyers in the traditional “power pockets” of American society).

⁸⁶ Leonard, *supra* note 73, at 142.

⁸⁷ *See id.*

⁸⁸ *See* Edwards, *supra* note 84, at 1416-1417 (arguing that black American lawyers who work in “neighborhood practice” are consequently excluded from working in more influential areas of the legal profession).

⁸⁹ J. Clay Smith Jr., *The Role of Primary and Secondary School Teachers in the Motivation of Black Youth to Become Lawyers*, 52 J. NEGRO EDUC. 302, 306 (1983).

⁹⁰ RICHARD DELGADO & JEAN STEFANCIC, *CRITICAL RACE THEORY: AN INTRODUCTION* 2-3 (2001).

⁹¹ *Id.* at 6.

teach computer programming to Black pre-teen girls, Ta-Nehisi Coates who writes popular books and articles about racial disparities and reparations for Blackamericans, Fania Davis who is pursuing restorative justice for students of color who would otherwise face suspension or the juvenile justice system, famous musician John Legend who quoted *The New Jim Crow* by legal scholar Michelle Alexander, and countless others.⁹²

The above achievements show why Blackamerican lawyers can provide strong guidance for immigrant Muslim lawyers in their social justice advocacy. Although there remains a disturbingly long way to go before mainstream American policies and culture give Blackamericans the equitable reparations they deserve, the successful results that Blackamericans have experienced are indicative of their wisdom, perseverance, and courage.

III. Landscape of Immigrant Muslim Lawyers and Social Justice Advocacy

This section roughly describes the landscape of immigrant Muslim lawyers to highlight opportunities for learning and growth. Due to the lack of comprehensive data on the numbers of Muslim lawyers in America, I created a survey and distributed it widely using my connections with Muslim lawyers of various racial and ethnic backgrounds, as well as Muslim bar associations across the United States. This section will describe results of the survey, conversations I have had with other Muslim lawyers, and noteworthy patterns and trends I have seen as a second-generation American Muslim lawyer working on social justice advocacy.

From October to November 2019, I distributed my survey to 42 American Muslim lawyers and law students and 10 Muslim bar associations (including two national associations). I also posted the survey on my LinkedIn and in a Slack group (an online platform used as an alternative for e-mail) for Bay Area Muslims. In my posts, emails, and text messages, I asked respondents to share the survey with other Muslim lawyers and listservs.

A total of 78 respondents from across the country completed the survey. About one-third of them are law students while the remaining are lawyers. My respondents were fairly diverse in geography as they work in several metropolitan and suburban regions. About one-third of them are on

⁹² Matt Pearce & Kurtis Lee, *The New Civil Rights Leader: Emerging Voices in the 21st Century*, L.A. TIMES, (March 29, 2020) <https://www.latimes.com/nation/la-na-civil-rights-leaders-br-20150304-htmstory.html>.

the West Coast, mostly in California. About one-quarter of respondents are in the Northeast, split almost evenly between the New York-New Jersey area and the D.C. area. Another quarter of respondents are in the Southeast, primarily in Virginia and North Carolina. About 13% are in the Midwest (primarily Chicago) or Texas. This breakdown only represents my survey respondents and does not necessarily reflect the actual statistics of Muslim lawyers in America.

A. The Numbers and Demographics of Muslim Lawyers in America

Overall, the number of American Muslim lawyers appears to be substantial and growing. In 2017, there were 701 Muslims registered with the Michigan state bar alone.⁹³ Although Michigan has a disproportionately high number of Muslims,⁹⁴ there are sizeable numbers of Muslim lawyers in other states and regions as well.⁹⁵ This is evident by the many Muslim bar associations across the country.⁹⁶ Currently, Muslim bar associations are based in: North Texas, the San Francisco Bay Area, the D.C. area, Florida, Georgia, Chicago, Houston, Southern California, Michigan, New England, New Jersey, and New York.⁹⁷

However, the above numbers and bar associations likely undercount the number of Muslim lawyers in America. One reason is that many American Muslim lawyers do not join a Muslim bar association or provide their Muslim identity in professional settings. About 27% of the Muslim lawyers who responded to my survey agreed that it is often hard to find other American Muslim lawyers because they do not explicitly share that they are Muslim. One prominent Blackamerican Muslim lawyer I interviewed noted that this makes it more difficult for American Muslim lawyers to build a strong network. She contrasts this circumstance to Blackamerican lawyers who can often quickly identify other Blackamerican lawyers. They are thus able to invite each other to events or opportunities for Black lawyers almost immediately.

The estimated number of Muslim lawyers also likely undercounts the number of Blackamerican Muslim lawyers. Due to the segregation

⁹³ An Impact Report of Muslim Contributions to Michigan, MUSLIMS FOR AMERICAN PROGRESS 8, <https://www.ispu.org/key-findings-an-impact-report-of-muslim-contributions-to-michigan/>

⁹⁴ *Id.* at 3 (Muslims make up about 1% of the US population but 2.75% of Michigan's population).

⁹⁵ NAML Affiliates, NAT'L ASS'N OF MUSLIM LAWYERS (Jan 28, 2020), <https://naml.wildapricot.org/NAML-Affiliates>.

⁹⁶ *Id.*

⁹⁷ *Id.*; MUSLIM BAR ASSOCIATION OF NEW YORK, <https://www.mubany.org/>

between Blackamerican Muslims and non-Black immigrant Muslims and the latter's minimal attempts to form community with Blackamerican Muslims, as described above, the majority of lawyers in Muslim bar associations are immigrant Muslims.⁹⁸ Admittedly, this segregation is also a major limitation in my own survey, because my primary method of distribution was through Muslim bar associations.

Although I did not include a general race question in the survey, I asked if respondents are African-American, both African and American, or neither. The majority (82.1%) of respondents were neither. About 13% of respondents were African-American, including about 4% who also identify with another race. Five percent of respondents were both African and American. The majority of respondents were also first- or second-generation Americans, making up 24% and 64% respectively. Thus, the majority of my respondents were non-Black immigrant American Muslims. This is a product of my segregated Muslim community and admittedly, my insufficient attempts to meet and connect with more Blackamerican Muslims.

B. Social Justice Advocacy Among Immigrant Muslim Lawyers

This section will focus on the overall landscape of social justice work by immigrant Muslim lawyers to appreciate how they can learn from the successes and learnings of Blackamerican Muslim and non-Muslim lawyers.

One success for immigrant Muslim lawyers is that social justice advocacy has been a key component of their work as a community since the 1990s.⁹⁹ The formation of the National Association of American Muslim Lawyers (NAML) provides a noteworthy snapshot: in 1996, a non-profit legal research and advocacy organization in Washington, D.C. called KARAMAH: Muslim Women Lawyers for Human Rights started NAML as an e-mail listserv for Muslim attorneys.¹⁰⁰ After several conferences and a decade of growth, NAML launched Muslim Advocates, a non-profit legal organization that focuses on litigation, advocacy, and education.¹⁰¹ Thus, NAML was formed by a social justice organization and then NAML itself created a new social justice organization.¹⁰² In 2012, the boards of NAML

⁹⁸ See Karim, *supra* note 5, at 53.

⁹⁹ See NATIONAL ASSOCIATION OF MUSLIM LAWYERS – NAML HISTORY, <https://naml.wildapricot.org/About-NAML> (last visited Jan. 28, 2020)

¹⁰⁰ *Id.*

¹⁰¹ *Id.*

¹⁰² *Id.*

and Muslim Advocates decided to separate leadership because their functions were growing farther apart.¹⁰³ A new NAML launched in 2016 with a new board with attorneys from all over the U.S.¹⁰⁴ Since then, NAML has been an affinity group for attorneys of all practice areas with annual conferences and an active e-mail listserv.¹⁰⁵

Immigrant Muslims have also created several robust advocacy organizations over the last three decades but primarily in response to the civic needs of immigrant Muslims.¹⁰⁶ Examples include Muslim Advocates and the Council on American-Islamic Relations (CAIR).¹⁰⁷ CAIR formed in 1994 to “enhance understanding of Islam, protect civil rights, promote justice, and empower American Muslims.”¹⁰⁸ Its currently has 32 chapters around the country.¹⁰⁹

To further explore the role of social justice advocacy among immigrant Muslim lawyers, I interviewed a couple of them in the Bay Area. The Bay Area attorneys noted that a small minority of the Bay Area Association of Muslim Lawyers’ (BAAML) members are working on social justice issues while the majority work in corporate law. In my conversations with other Muslim lawyers around the country, I found that this is a common occurrence. To confirm this conclusion, I included several questions in my survey about the respondents’ involvement in social justice advocacy.

Specifically, I asked: “Are you involved in, or have previously spent a significant amount of time in, any social justice work (however you define it)?” I found that about 31% of my respondent’s current jobs focus on social justice, about 62% engage in social justice work through extra-curricular activities, and about 37% provide some pro bono services. It appears that most respondents are engaged in social justice advocacy through at least one capacity, while for a significant minority, social justice advocacy is their full-time job.

¹⁰³ *Id.*

¹⁰⁴ *Id.*

¹⁰⁵ *Id.*

¹⁰⁶ Cury, *supra* note 11, at 85.

¹⁰⁷ *See About Us*, Muslim Advocates, <https://muslimadvocates.org/about/> (last visited Feb. 29, 2020). *About us*, CAIR, https://www.cair.com/about_cair/about-us/ (last visited Feb. 29, 2020).

¹⁰⁸ *CAIR Chapters*, CAIR, https://www.cair.com/about_cair/cair-chapters/ (last visited Feb. 29, 2020).

¹⁰⁹ *Id.*

Although most respondents have engaged in social justice work through at least one capacity, I found that the proportion of the Blackamerican respondents working on social justice in their current jobs is 60% while the proportion of immigrant respondents is only about 30%. Among the 10 respondents who identify as Blackamerican, 6 of them stated that their current jobs focuses on social justice. Three others have engaged in social justice work during law school and through extra-curriculars. The remaining respondent hopes to work on social justice soon. However, the survey sample is not large enough to conclude a meaningful difference between the rates of social justice advocacy among Blackamerican Muslim lawyers and immigrant Muslim lawyers.

C. Challenges and Pitfalls in Immigrant Muslim Lawyers' Social Justice Advocacy

In my survey, I asked my respondents about the shortcomings that immigrant Muslim lawyers face in their social justice work. Based on their responses and my interviews with other lawyers, these include: (1) anti-Blackness and complicit exclusion of Blackamericans, (2) narrow strategies, (3) naïve understandings of American law, and (4) lack of resources and infrastructure.

1. Anti-Blackness and Complicit Exclusion of Blackamericans

Anti-Blackness and the resulting exclusion of Blackamericans are among the most troubling pitfalls in immigrant Muslims' social justice advocacy. Although I have only witnessed it from a place of privilege, a Blackamerican Muslim lawyer who I interviewed confirmed from her experience that predominantly non-Black immigrant Muslim legal organizations tend to exclude Blackamerican Muslim lawyers. This is partially a product of the stark segregation of Middle Eastern and South Asian immigrants from Blackamericans.¹¹⁰ In the most disturbing cases, immigrant Muslim communities are explicitly anti-Black, which furthers this segregation.¹¹¹

About 36% of my survey respondents agreed that immigrant Muslim legal organizations and affinity groups have excluded Blackamerican Muslims and about 37% agreed that immigrant Muslim lawyers overall fail to seek advice from Blackamerican lawyers working in social justice. These numbers show that at least some immigrant Muslims

¹¹⁰ See Karim, *supra* note 5, at 33, 53.

¹¹¹ See *id.* at 35-36.

admit that they or their community has contributed to anti-Blackness. One respondent commented that many immigrant Muslim legal organizations “become de facto cultural organizations,” which leads to exclusion of others. If I had reached more Blackamerican Muslim lawyers, the proportion of respondents who agreed with the above statements could have been higher.

Similarly, a prominent immigrant Muslim lawyer who I interviewed noted that immigrant Muslim organizations tend to prioritize white allies instead of Blackamerican allies. For instance, many are focused on combatting the post-9/11 anti-Muslim behavior and politics by building relationships with the American Civil Liberties Union, the American Friends Service Committee, the Lawyers Committee for Human Rights, and the Jewish community.¹¹² However, there does not appear to be similar efforts towards Blackamerican organizations.¹¹³

Immigrant Muslims’ complicity towards anti-Blackness and exclusion of Blackamericans in our own communities is a major setback to social justice advocacy for several reasons. First, we should address these injustices in our own community, as commanded by the many verses in the Qur’an, before asking others to do the same. Second, Blackamericans have been combatting injustices for centuries and they have immense wisdom to share. Third, Blackamericans fought for the rights that have allowed immigrant Muslims to thrive economically and spiritually, while the majority of Blackamericans have remained at a disadvantage.¹¹⁴ Among the many other reasons, Islam commands all Muslims to seek justice, to get to know people of different backgrounds, and to appreciate their equal dignity as human beings.¹¹⁵ Anti-Blackness is therefore a severe shortcoming that immigrant Muslims must reverse.

2. Narrow Strategies

Another pitfall among the immigrant Muslim legal community is its delay in exploring multi-prong strategies in social justice advocacy. About 30% of my survey respondents agree. According to a prominent immigrant Muslim lawyer I interviewed, the community has mostly focused on litigation and has not yet mastered mass mobilization or education.

¹¹² See Cury, *supra* note 11, at 92.

¹¹³ *Id.* at 92

¹¹⁴ See Karim, *supra* note 5, at 53.

¹¹⁵ Qur’an, 4:135, 5:8, 49:13

Other strategies that immigrant Muslim lawyers could pursue include policy advocacy and allying with other social justice groups and communities. An influential Blackamerican Muslim lawyer I interviewed stated that American Muslim legal affinity groups are catering mostly, if not completely, to attorneys who identify as Muslim, without leaving much room for allies to join as well. She contrasted this with several Blackamerican affinity groups that openly seek allies to join the community. About 39% of my survey respondents agree that immigrant Muslim lawyers are not building enough relationships with allies.

However, immigrant Muslims are slowly starting to change this. In 2016, three American Muslims of various races together formed MPower Change.¹¹⁶ Although not a lawyer-led organization, MPower Change is a digital advocacy organization that runs campaigns against injustices towards American Muslims and other underrepresented groups by large corporations and elected officials.¹¹⁷ This is an example of both engaging in policy advocacy and working with allies. I am eager to see more of this in the coming years.

3. Naïve Understanding of the American Legal and Political Systems

Immigrant Muslim lawyers are also limited in their advocacy because of the broader immigrant Muslim community's naïve understanding of the American legal and political systems. The community has not been particularly critical of the law whether due to indoctrination into the "American Dream" or fear of otherization, discrimination, or dangerous consequences related to immigration status. Thus, immigrant Muslims tend to follow the government's notions of "good" or "bad." This means that very few of them seek unique perspectives on how government policies systemically oppress marginalized groups. Without taking this critical approach, it is challenging for immigrant Muslim lawyers to motivate the broader immigrant Muslim community to take action for policy change.

However, several major events in U.S. politics inspired immigrant Muslims to challenge the status quo in the last two decades: post-9/11 policies that unfairly target immigrant Muslims such as the Patriot Act and the blatantly anti-Muslim and immigrant actions of Donald Trump, such as

¹¹⁶ See *MPower Change About*, MPOWER CHANGE, <https://mpowerchange.org/about-2/> (last visited Feb. 29, 2020).

¹¹⁷ See *id.*

his “Travel Ban”¹¹⁸ The election and presidency of Donald Trump coincide with sharp decreases in American Muslims’ satisfaction with the direction of our country: from 2016 to 2017, the proportion of satisfied American Muslims decreased from 63% to 41%.¹¹⁹ It decreased again to 27% in 2018 before increasing slightly to 33% in 2019.¹²⁰ This dissatisfaction may inspire more immigrant Muslims to critique the American legal and political system.

An important point is that in both 2018 and 2019, Muslim women and Black Muslims (including both Black Americans and Africans) were substantially less satisfied than male, Asian, Arab, or white Muslims.¹²¹ In 2018, only 16% of Black Muslims were satisfied with the direction of the country, while 30-40% of Asian, Arab, and white Muslims were satisfied.¹²² Similarly, in 2019, only 20% of Black Muslims were satisfied, while about 40% of Asian and white Muslims were satisfied.¹²³

¹¹⁸ See Cury, *supra* note 11; See generally Arshad Ahmed & Farid Senzai, *The USA Patriot Act: Impact on the Arab and Muslim American Community*, INSTITUTE FOR SOCIAL POLICY AND UNDERSTANDING (Jan. 1, 2004), <https://www.ispu.org/the-usa-patriot-act-impact-on-the-arab-and-muslim-american-community/> (discussing how the Patriot Act disproportionately affected Muslims); Debi Kar, *Ten Years After Patriot Act, Time to Restore America’s Freedoms*, MUSLIM ADVOCATES (Oct. 27, 2011, 8:32 PM), https://muslimadvocates.org/2011/10/ten_years_after_patriot_act_time_to_restore_america_s_freedoms/ (discussing how post-911 policies unfairly targeted Muslims); WHAT YOU NEED TO KNOW - MUSLIM ADVOCATES, <https://muslimadvocates.org/muslim-ban/need-to-know/> (last visited Jan. 28 2020) (discussing how Trump’s travel ban unfairly targeted Muslims).

¹¹⁹ See INST. FOR SOC. POLICY AND UNDERSTANDING, *AMERICAN MUSLIM POLL 2018: PRIDE AND PREJUDICE* 8 (2018) <https://www.ispu.org/american-muslim-poll-2018-full-report/>.

¹²⁰ See INST. FOR SOC. POLICY AND UNDERSTANDING, *AMERICAN MUSLIM POLL 2019: PREDICTING AND PREVENTING ISLAMOPHOBIA* 8 (2019) <https://www.ispu.org/american-muslim-poll-2019-full-report/>.

¹²¹ See INST. FOR SOC. POLICY AND UNDERSTANDING, *supra* note 120, at 9; INST. FOR SOC. POLICY AND UNDERSTANDING, *supra* note 121, at 8-9.

¹²² See INST. FOR SOC. POLICY AND UNDERSTANDING, *supra* note 120.

¹²³ INST. FOR SOC. POLICY AND UNDERSTANDING, *supra* note 121.

Muslim Satisfaction with Direction of Country Has Declined Since 2016

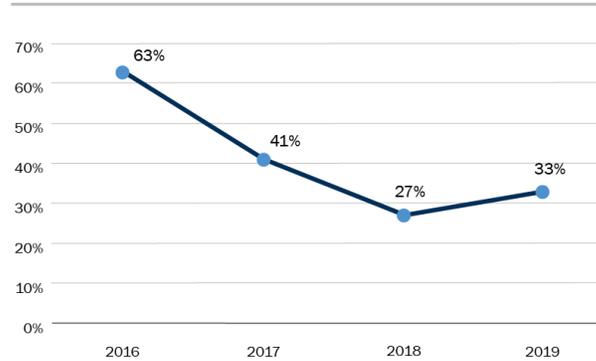


FIGURE 4: Overall, are you satisfied or dissatisfied with the way things are going in this country today? (% Satisfied shown) Base: Total Muslim respondents, 2016, 2017, 2018, 2019

Muslim Women, Black Muslims Least Satisfied with Direction of Country

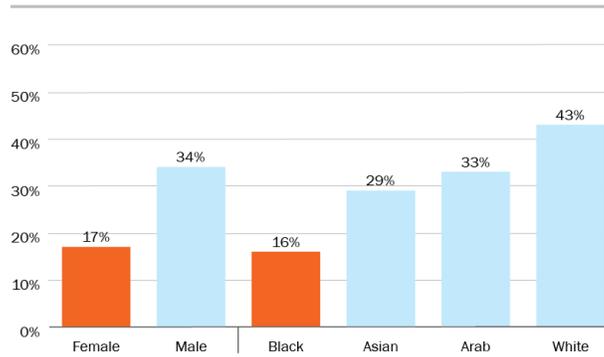


FIGURE 2: Overall, are you satisfied or dissatisfied with the way things are going in this country today? (% Satisfied shown) Base: Total Muslim respondents

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These differences show that Muslims who are Black and/or women are more concerned by the direction of our country than other Muslims. This is likely because their intersectional identities increase their chances of being aware of and affected by oppressive policies.

Although there are many immigrant Muslim lawyers who are now acting on their dissatisfaction with the U.S. by challenging the status quo,

¹²⁴ See INST. FOR SOC. POLICY AND UNDERSTANDING, *supra* note 120, at 8-9.

they may be hesitant to accelerate their social justice advocacy until they amass widespread support from the broader immigrant Muslim community. However, the broader community may not be ready to provide this support unless Muslim lawyers proactively teach their community how to view domestic policy with a critical eye. Thus, Muslim lawyers should take the lead on using a critical approach to the law.

4. Lack of Organized Resources and Infrastructure

A fourth challenge among immigrant Muslim lawyer networks is a lack of organized resources and weak infrastructure. Muslim legal organizations usually do not receive large sums of long-term funding and instead rely on smaller, sporadic community donations. Without a reliable stream of resources, immigrant Muslim lawyers are struggling to work together on social justice advocacy.

Although networking infrastructure among immigrant Muslim lawyers is more organized in some regions, it is largely informal on the national level. There are many successful Muslim attorneys across the country, but they often must go through several connections to find other Muslim attorneys in their practice area. The National Association of Muslim Lawyers is a currently operative resource, but it was not always as active as it is today. When such a network does not exist, is inactive, or under-resourced, it is often hard to know which attorneys identify as Muslim because many Muslims can or choose to pass as non-Muslim. Without a strong network, it can be more difficult to build power for social justice advocacy.

However, advocacy organizations led by immigrant Muslims seem to have the opposite pattern. They appear to be stronger on the national level while less institutionalized on the local level.¹²⁵ This means that immigrant Muslim lawyers working in advocacy are better set up to collaborate on federal rather than on local policies. A recent social network analysis of Muslims of all races in the Raleigh-Durham region of North Carolina shows how here is room for more connection among Muslim organizations on a local level.¹²⁶ I rely on this analysis as a snapshot for other similar suburban-metropolitan areas in the United States because this analysis is the first of its kind.¹²⁷ Although this analysis is not focused on social justice advocacy, it shows the underlying landscape from which the advocacy network must grow.

¹²⁵ See Cury, *supra* note 11, at 87-88.

¹²⁶ Ali, *supra* note 1, at 45.

¹²⁷ *Id.* at 36.

Lela Ali, the researcher of this social network analysis, identified that local connections between American Muslims is not easily measurable.¹²⁸ This is partially due to America's history of surveillance and profiling of communities of color, including Muslims, which leads to less publicly available information on these communities.¹²⁹ Through interviews with every Muslim-led group in the Raleigh-Durham area, Ali found that the network is only about 19% connected, which is a low number, despite its relatively small size.¹³⁰ This means that a particular group would need to go through two other groups, on average, to reach another group in the same network.¹³¹ A few contributors to this weak connection include: low capacity, limited budgets, and volunteer-based staff.¹³² However, Ali found that in times of trauma or crisis, Muslim-led groups engage more widely and quickly.¹³³ This relatively weak level of connection among one American Muslim network suggests that the lack of organized resources and capacity will continue to be a challenge for social justice advocacy given that it requires collaboration. However, given the stronger connections during times of crisis, there is hope that these networks can steadily grow in strength as they tackle various crises together.

IV. Lessons from Blackamerican Lawyers in Social Justice Advocacy

Blackamericans have fought against slavery, the Confederacy, Reconstruction, Jim Crow laws, a civil rights battle and the legacies of all these severe injustices and more.¹³⁴ Immigrant Muslims, on the other hand, did not experience those injustices but faced different forms of discrimination and othering based on foreign politics and 9/11.¹³⁵ Although the histories and experiences of oppression among immigrant Muslims are markedly different from the continuing legacies of oppression among Blackamericans, there is much to learn from the latter's battles against systemic oppression. Below are key takeaways that immigrant American Muslims should strive to understand and embody.

¹²⁸ *Id.* at 27.

¹²⁹ *Id.*

¹³⁰ *Id.* at 45.

¹³¹ *Id.* at 51.

¹³² *Id.* at 46.

¹³³ *Id.* at 48.

¹³⁴ Karim, *supra* note 5, at 10.

¹³⁵ Cury, *supra* note 11, at 88-90.

A. *Call Out and Combat Anti-Blackness*

Blackamericans have been fighting against anti-Blackness in America for centuries through various avenues, including but not limited to legal action, policy advocacy, and community education. Many Blackamerican Muslims are also striving to combat anti-Blackness within the American Muslim community.¹³⁶ Immigrant Muslims should learn how to contribute to this fight by first recognizing that anti-Blackness is rampant among immigrant Muslims. One practical way to do this is to respectfully call it out (whether to oneself or to community members) and replace that prejudice with an appreciation for the perspectives and human dignity of Blackamericans. An additional way to do that is to take a stronger stance against racism and systemic oppression in the U.S. Jamillah Karim stated in an interview:

“When immigrant Muslims think about injustice, they tend to think about U.S. foreign policy and the perpetual effects of European colonialism abroad. They relate to the struggles of poverty and war in their native lands; however, living in affluent white neighborhoods in the U.S., many immigrant Muslims have very little connection to communities of poor in America, particularly Black and Latino communities. Because immigrant Muslims are so removed from America’s underprivileged, some African American Muslims criticize them, accusing them of failing to live up to their Islamic duties in the U.S. African American Muslims say that in order for Muslims to emerge as a model faith community in America, Muslims need to actively stand for justice in America. They need to truly care about domestic poverty. They need to fight U.S. racism. They need to form alliances with other Americans to do the work of justice.”¹³⁷

She recognizes that immigrant Muslim advocacy groups tend to be under-resourced, but she recommends that they at least “demonstrate their support and concern, even if symbolically, for the welfare of other groups in the larger society.”¹³⁸

There are countless examples of Blackamerican Muslims combatting anti-Blackness within and adjacent to the Muslim community: Margari Hill, a Blackamerican Muslim, co-founded the Muslim Anti-

¹³⁶ MUSLIMARC ANTI-RACISM COLLABORATIVE, <http://www.muslimarc.org/about>.

¹³⁷ See Karim, *supra* note, 2.

¹³⁸ *Id.*

Racism Collaborative (“Muslim ARC”) with Namira Islam, a second-generation immigrant Muslim, to provide racial justice education and resources to advance racial justice in the American Muslim community, the United States, and the world.¹³⁹ Similarly, Dr. Kameelah Mu’Min Rashad, a Blackamerican Muslim, created the Muslim Wellness Foundation to reduce stigma and promote healing among American Muslims by using a framework that recognizes the negative impact of stressors such as anti-Blackness and anti-Muslim behavior.¹⁴⁰ Others are using their unconventional and creative platforms to combat anti-Blackness as well. Examples include comedian and social media personnel Nadirah P., blogger and author Leah Vernon, and podcasters Ikhlas Saleem and Makkah Ali.¹⁴¹ Immigrant Muslim lawyers should learn from and uplift these unapologetic examples and stand up for Blackamericans both inside and outside of their Muslim communities.

B. Utilize Multiprong Strategies

In addition to supporting their communities’ internal needs, Blackamerican lawyers have employed multiprong strategies in their external advocacy. For example, they have been: (1) encouraging each other to pursue influential positions, (2) combining legal strategy with demonstrations and other avenues of advocacy (i.e. the Civil Rights Movement), and (3) lifting up the local- and state-level work of Blackamerican public interest lawyers.¹⁴² Immigrant Muslim lawyers have not yet achieved widespread multiprong strategies in their advocacy and should therefore seek guidance from Blackamerican lawyers on how to do so.

One prong is to provide a strong and supportive network of attorneys who push each other to achieve influential positions. As described in Section III above, Blackamerican lawyers have been encouraging each other to rise up to legal leadership positions in a variety of ways: they have

¹³⁹ MUSLIMARC ANTI-RACISM COLLABORATIVE, <http://www.muslimarc.org/team>; MUSLIMARC ANTI-RACISM COLLABORATIVE, <http://www.muslimarc.org/about>.

¹⁴⁰ MUSLIM WELLNESS FOUNDATION, <https://www.muslimwellness.com>; *The Feeling of Being Watched: Community Screening Healing Guide About Muslim Wellness Foundation*, PBS, <https://www.pbs.org/pov/engage/resources/the-feeling-of-being-watched-community-screening-healing-guide/about-muslim-wellness-foundation>.

¹⁴¹ Nadirah Pierre, FACEBOOK, <https://www.facebook.com/NadirahPierre/>; Leah Vernon, BEAUTY AND THE MUSE, <http://www.beautyandthemuse.net/meetmuse>; Ikhlas Saleem & Makkah Ali, IDENTITY POLITICS, <http://identitypoliticspod.com/about/>.

¹⁴² Leonard, *supra* note 73, at 143. Kenneth W Mack, *Rethinking Civil Rights Lawyering and Politics in the Era Before Brown*, 115 YALE L. J. 256, 264-265 (2005).

published articles, formed organizations, visited law schools to support Blackamerican students, and much more.¹⁴³ Immigrant Muslim lawyers are rising in numbers and slowly reaching influential legal positions, but there is room to grow. For example, Muslim law students need more support as very small minorities in U.S. law schools. They face unique barriers when trying to build influential careers and would benefit from an encouraging Muslim legal community. Just as Blackamerican lawyers face their own unique barriers and find ways to encourage and support each other, immigrant Muslim lawyers should do the same.

A second prong is coordinating litigation with public demonstrations. Throughout the Civil Rights Movement, Blackamerican advocates always connected legal advocacy with public demonstrations such as the March on Washington.¹⁴⁴ Notably, demonstrators acted only when they had careful legal advice on how and when to assert their constitutional rights.¹⁴⁵ This combined legal and political approach is beginning to inspire work among immigrant Muslim-led organizations, but there is room to grow here as well.

Third, immigrant Muslim lawyers must lift up the work of Muslim public interest lawyers, especially Blackamerican Muslim public interest lawyers, advocating at local and state level governments. In 2005, Blackamerican law professor Kenneth Mack argued that civil rights discourse has neglected the importance of Blackamerican civil rights lawyers who worked in *local* NAACP offices and engaged in strategy outside of their national-level NAACP work.¹⁴⁶ It is important for immigrant Muslim lawyers to recognize and address the same issue, because simply focusing on national-level work will ignore the millions of decisions by local and state governments which impact the daily lives of many. One way to address this problem is to publish and celebrate local and state level stories of Muslim lawyers.

C. Critical Approach to American Law

In addition to critically assessing their own numbers and strategies, Blackamerican lawyers have maintained a critical understanding of the law.

¹⁴³ NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE, *supra* note 77; Leonard, *supra* note 73, at 142.

¹⁴⁴ *The March on Washington*, NAACP, <https://www.naacp.org/marchonwashington/> (last visited Feb. 23, 2020).

¹⁴⁵ Leonard, *supra* note 73, at 141. (quoting Burke Marshall, *The Protest Movement and the Law*, 51 Va. L. Rev. 51, 785, at 795 (1965)).

¹⁴⁶ Mack, *supra* note 143, at 264.

A prominent example of this is the development of Critical Race Theory.¹⁴⁷ In the mid-1970s, Blackamerican law professor, Derrick Bell, worked with other law professors to create this movement in response to the delay and reversal of many civil rights movement wins.¹⁴⁸ Their holistic scholarship laid the groundwork for social justice advocacy in other fields, such as school discipline, school curricula, voting strategies, and more.¹⁴⁹

Another critical race theorist, Kimberlé Crenshaw, has expanded this scholarship to include intersectionality theory, specifically on how civil rights law has erased Black women.¹⁵⁰ Her groundbreaking article in 1989, “Demarginalizing the Intersection of Race and Sex,” was the first publication describing intersectionality as a framework.¹⁵¹ She explained how anti-discrimination law fails to understand the experiences of Black women as both Black and women.¹⁵² Since then, the term “intersectionality” has spread outside of the realm of legal scholarship.¹⁵³ It is now a concept that many activists, students, and others are learning and embracing.¹⁵⁴

One prominent immigrant Muslim lawyer I interviewed has noticed that immigrant Muslims are often too quick to accept the American legal system’s notions of right and wrong. She has gathered that they are largely comfortable with their lives in America and fear challenging the status quo. But in order to advocate for social justice, immigrant Muslim lawyers must use a more critical approach to the American legal system and read the oppression that exists between the lines of every case and statute. If they do not recognize that white supremacy, patriarchy, and classism are all embedded into the law, immigrant Muslim lawyers will not know that these issues should be the primary targets in their social justice advocacy. Fortunately, immigrant Muslim lawyers are beginning to understand these issues and expanding their critical scholarship. One example is Rutgers law professor, Sahar Aziz, who has engaged in Critical Race Theory through scholarship, teaching, speaking engagements and more.¹⁵⁵

¹⁴⁷ DELGADO & STEFANCIC, *supra* note 89, at 2–3.

¹⁴⁸ *Id.* at 2–3.

¹⁴⁹ DELGADO & STEFANCIC, *supra* note 89, at 3.

¹⁵⁰ Crenshaw, *supra* note 43, at 139.

¹⁵¹ *Id.*

¹⁵² *Id.*

¹⁵³ Jane Coaston, *The intersectionality wars*, VOX (May 28, 2019, 9:09am), <https://www.vox.com/the-highlight/2019/5/20/18542843/intersectionality-conservatism-law-race-gender-discrimination>.

¹⁵⁴ *Id.*

¹⁵⁵ Sahar Aziz, RUTGERS LAW SCH., <https://law.rutgers.edu/directory/view/8277> (last visited Feb. 29, 2020).

D. Build Resources and Infrastructure

Finally, Blackamerican lawyers have taken many proactive steps to build their resources and infrastructure. Although the numbers of Blackamerican lawyers rose and fell several times throughout the mid-nineteenth and mid-twentieth centuries, they increased their numbers again between World War I and II (1917-1945).¹⁵⁶

Later in the twentieth century, Howard Law professor J. Clay Smith, Jr. published an article in 1983 calling primary and secondary school teachers to motivate and prepare their Black students to become lawyers.¹⁵⁷ He was careful to explain the need for more Blackamerican lawyers in influential positions and thus cautioned teachers against exposing their students to only poverty law.¹⁵⁸ He also asked teachers to invite Blackamerican attorneys, especially women, to visit classrooms and talk about the legal profession and serve as role models for the students.¹⁵⁹

Today, Blackamerican lawyers are continuing to build and maintain their networks in a multitude of ways. For example, many Black Law Students Associations bring Blackamerican alumni back to support current students. Even outside of law school, many Blackamerican lawyers have built robust networks to help each other succeed. One influential Blackamerican Muslim lawyer I interviewed stated that many Blackamericans lawyers make it a point to also invite other allies to join Blackamerican groups. She named the Georgia Association of Black Women Attorneys (GAWBA) as an example. This association explicitly states that it “is open to all individuals, regardless of race or sex.”¹⁶⁰ She stated that GAWBA successfully brings in allies who are there to support Black women attorneys. Actively including allies helps them bring more resources and support to the group.

Although the number of Muslim lawyers is slowly growing, it can grow even faster and stronger if Muslim lawyers systematically encourage more Muslims to pursue law, support Muslim law students, strengthen their bar associations, and most importantly – increase their inclusivity. Immigrant Muslim lawyers could begin addressing inclusivity by meeting with other affinity groups, especially Black affinity groups, to learn from their norms and practices. They might find that there are many Muslim

¹⁵⁶ Leonard, *supra* note 73, at 135.

¹⁵⁷ Smith Jr., *supra* note 88, at 302.

¹⁵⁸ *Id.* at 307-309.

¹⁵⁹ *Id.* at 311.

¹⁶⁰ *About GABWA, THE GA. ASS'N OF BLACK WOMEN ATT'YS*, <https://www.gabwa.org/about/about-gabwa/> (last visited Feb. 29, 2020).

lawyers in those affinity groups who will share why they feel comfortable in those groups rather than Muslim affinity groups.

Of course, all of this would take more capacity. Burnout is a major barrier to improvement, however if current leaders take active steps to grow the leadership of others – especially newer attorneys – that might help maintain a strong network. A strong network is a necessary foundation for social justice advocacy. Without a network, advocacy cannot spread wide enough to result in meaningful change.

Conclusion

Overall, immigrant Muslim lawyers can learn several lessons from Blackamerican lawyers. Some of them include calling out and combatting anti-Blackness, using multiprong strategies, taking a critical approach to the U.S. legal system, and building resources and infrastructure. Due to space and time limitations, this paper does not attempt to address an exhaustive list of learnings, but it is a crucial starting point.

In sum, it is important for immigrant Muslim lawyers to learn from Blackamerican lawyers because immigrant Muslims' social justice advocacy is not possible without their foundation and legacy. Rather than treating this learning opportunity as a favor to Blackamericans, immigrant Muslim lawyers must recognize that their advocacy is severely lacking without guidance from Blackamericans. When implementing these lessons, immigrant Muslim lawyers must be sure to credit the Blackamericans from which they learned.

Although it may be difficult to envision racial integration across American Muslims' social justice advocacy, there is hope for the future. Second- and third-generation immigrant Muslims and Blackamericans of all belief systems are beginning to find overlap and coming together to fight injustices in their local communities.¹⁶¹ These immigrant Muslims, including myself, must continue to cross ethnic boundaries and form stronger learning relationships with Blackamericans to authentically seek guidance in social justice advocacy.

¹⁶¹ See Karim, *supra* note 5, at 128-29, 240.