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STATE OF THE FIELD ESSAY

AMERICA, ISLAM, AND CONSTITUTIONALISM: MUSLIM AMERICAN POVERTY AND THE MOUNTING POLICE STATE

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BOOKS DISCUSSED

The Cambridge Companion to American Islam. Edited by Julianne Hammer and Omar Safi. New York: Cambridge University Press, 2013. Pp. 386. $34.99 (paper). ISBN: 9780521175524.

On the Muslim Question. By Anne Norton. Princeton: Princeton University Press, 2013. Pp. 288. $28.99 (cloth). ISBN: 978-0691157047.

What Is an American Muslim? Embracing Faith and Citizenship By Abdullahi A. An-Na'im. New York: Oxford University Press, 2014. Pp. 232. $29.95 (cloth). ISBN: 978-0199895694.

KEYWORDS: Islamophobia, radicalization, counterterrorism, countering violent extremism

Intersectionality alone cannot bring invisible bodies into view. Mere words won't change the way that some people—the less-visible members of political constituencies—must continue to wait for leaders, decision-makers and others to see their struggles.

—Kimberlé Crenshaw[1]

Hamtramck is a city that occupies many intersections. Geographically, it is approximately two square miles, swallowed entirely by the city of Detroit. Racially and religiously, Hamtramck is at the latter end of a pivotal crossroads. The city of roughly 22,000 people was once a concentrated and celebrated Polish enclave, a coveted destination for immigrants from the Eastern European nation seeking safe haven and economic opportunity. Today, a declining number of Polish businesses, and a statue of Pope John Paul II on the corner of Joseph Campau and Belmont Streets, commemorating his 1987 visit, symbolize the city's proud Polish and Catholic heritage.[2] Taking

1 Kimberlé Crenshaw, "Why Intersectionality Can't Wait," *Washington Post*, September 24, 2015, https://www.washingtonpost.com/news/in-theory/wp/2015/09/24/why-intersectionality-cant-wait.

2 For a video of the pope's September 19, 1987, visit to Hamtramck, "Pope John Paul II - 1987 Visit to Hamtramck MI [part 01]," https://www.youtube.com/watch?v=oXtiRaudQ_k.

in the sights and sounds of the city today quickly reveals that Hamtramck, however, is no longer predominantly Polish, but rather a destination and hub for Muslims pursuing the American Dream while heavily steeped in their native traditions.

Still a gritty, blue-collar town situated near auto plants and in the shadow of Detroit's familiar skyline, Hamtramck's Polish identity has been usurped by a different shade of immigrants—from Yemen, Bangladesh, and Bosnia—the vast majority of them Sunni Muslims. Over time, these immigrant waves have converted the racial and religious identity of the working-class city from Polish and Catholic to predominantly South Asian and Muslim. It is a place where Muslim life is perhaps most conspicuously displayed. The Islamic call to prayer rings out five times a day, and Muslim American residents—largely poor, working class, and blue-collar—wear their traditional clothes as routinely as they do Nikes and Levis.

While situated in the shadows of Detroit, Hamtramck is also overshadowed by another nearby Muslim American city. Ten miles to its west, Dearborn boasts a larger, more established Muslim American population. The predominantly Arab Muslim population of Dearborn, composed mainly of Lebanese and Iraqi Shiite Muslims and Yemeni and Palestinian Sunnis, is widely regarded as the symbolic center of Muslim America. Indeed, this is the very community repeatedly examined by scholars, showcased on television programs and even on reality television series.[3] Although heavily Arab and Shiite, Dearborn is popularly regarded as the epicenter of Muslim American life. Despite these differences, Dearborn is also home to indigent and working-class households, particularly on its east and south sides. But this more scrutinized Muslim American community has also witnessed upward economic mobility by residents of past generations, with many (mainly Palestinian and Lebanese Americans) moving westward and northward toward more affluent suburbs. Dearborn is, at once, a living testament of Muslim socioeconomic struggle and upward mobility.

Indeed, much ink has been spilled about Dearborn. Particularly after the September 11, 2001, terror attacks, when the suspicion of the state and the curiosity of scholars descended onto Warren Avenue and the broader community. For instance, contributors to *Arab Detroit 9/11: Life in the Terror Decade* disproportionately steer attention to the emergence and impact of the USA PATRIOT Act and other anti-terror programming on Dearborn,[4] as does another salient work examining societal marginalization of Arab and Muslim Americans, *Race and Arab Americans before and after 9/11: From Invisible Citizens to Invisible Subjects*.[5] The greater concern given to Dearborn may very well be attributed to prioritizing of Arab American identity over Muslim American identity, although the police state—in the immediate wake of 9/11 and still today—extends its dragnet into the latter, broader demographic. Until recently, little attention has been devoted to nearby Hamtramck, which recently "earned the distinction of becoming what appears to be the first Muslim-majority city in the United States."[6] But with this special distinction comes a specific danger: an overlooked and under-studied Muslim American community sitting at the dangerous intersection of poverty, Islamophobia, and the increasing scrutiny and surveillance of the state.

3 *All-American Muslim*, a reality show based in Dearborn, Michigan, that featured families and characters predominantly from the Lebanese Shiite Muslim community, aired on TLC from November 2011 to January 2012.

4 Nabeel Abraham, Sally Howell, and Andrew Shyrock, eds., *Arab Detroit 9/11: Life in the Terror Decade* (Detroit: Wayne State University Press, 2011).

5 Amaney Jabal and Nadine Naber, eds., *Race and Arab Americans before and after 9/11: From Invisible Citizens to Invisible Subjects* (Syracuse: Syracuse University Press, 2007).

6 Sarah Pulliam Bailey, "In the First Majority-Muslim City, Residents Tense about Its Future," *Washington Post*, September 21, 2015, https://www.washingtonpost.com/national/for-the-first-majority-muslim-us-city-residents-tense-about-its-future/2015/11/21/45d0ea96-8a24-11e5-be39-0034bb576eee_story.html.

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For poor and working-class Muslim Americans, Hamtramck may serve as a more fitting representative than other cities, including its more celebrated neighbor ten miles to the west, particularly during a still protracting and mutating "war on terror" that disproportionately targets poor and working-class Muslim Americans. Although the state's anti-terror and national security arms stretch most deeply into urban and concentrated Muslim American geographies, which tend to be populated by Muslim American households living "below, at, or dangerously close" to the legal poverty line,[7] scholarly interventions have fallen short of examining the impact of poverty, or "near poverty," on the experience of Muslim Americans living in spaces where the perils of surveillance, Islamophobia, and indigence converge.

This review essay examines three new books on American Islam and the so-called Muslim Question emerging in societies around the globe for what they do and do not say about race and poverty as important subjects for the study of American Islam. These works, individually and jointly, have contributed to the broadening understanding of Muslim America during an impasse when fear, suspicion, and misrepresentations of this demographic were rife. Fifteen years after 9/11 and its attendant challenges, Muslim America has matured and developed, and today, confronts new challenges: challenges that threaten Muslim Americans' safety and civil liberties, and as before, an accurate understanding of the rich milieu of identities encompassed by the tag "Muslim American." By examining these three important works, this essay seeks to identify and introduce the experience of poor and indigent Muslim Americans in the United States during this protracted war on terror. This is a demographic that has received scarce attention in general, and no attention at all with specific regard to anti-terror policing, within scholarly literature.

Applying an intersectional analysis is especially vital when examining Muslim Americans, particularly segments of the population marginalized along lines of race, ethnicity, and class. Integrating narratives of race and poverty into the "continuously growing field of scholarship that addresses American Islam," as Julianne Hammer and Omar Safi put it in their introduction to the *Cambridge Companion to American Islam* (Hammer and Safi, *Cambridge Companion*, 9), and as the war on terror expands and intersects with established forms of state policing, is not only intellectually vital but also imperative to carrying forward activism and advocacy focusing on poor and working-class Muslim American communities.

WRITING RACE AND POVERTY INTO MUSLIM AMERICAN SCHOLARSHIP

In 2011, the Pew Research Center's *Muslim Americans: No Signs of Growth in Alienation or Support for Extremism* reported on the state of socioeconomic stratification within the Muslim American population. The study on which the report was based, which focused largely on the effects of state and private stigmatization of Muslim Americans at a critical impasse of the war on terror, was the first to meaningfully inject class into a demographic analysis of Muslims in the United States.

The study found that 45 percent of Muslim American households reported household income of less than $30,000 per year.[8] Thirty-six percent of the general American public report the same household income, which is roughly $1,500 more than the legal poverty line for a family of five;

7 Khaled A. Beydoun, "Between Indigence, Islamophobia, and Erasure: Poor and Muslim in 'War on Terror' America," *California Law Review* 104, no. 6 (2016).

8 Pew Research Center for the People and the Press and the Pew Forum on Religion and Public Life, "Muslim Americans: No Signs of Growth in Alienation or Support for Extremism," August 30, 2011, http://www.people-press.org/2011/08/30/muslim-americans-no-signs-of-growth-in-alienation-or-support-for-extremism/.

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and $2,580 less than the legal poverty line for a family of six. As political scientists Amaney Jamal and Liali Albana point out in their essay "Demographics, Political Participation, and Representation" in the *Cambridge Companion to American Islam*, approximately one-half of the Muslim American population—estimated to be "around nine to ten million people"—live on incomes that are below, at or dangerously close to the legal poverty line (Jamal and Albana, *Cambridge Companion*, 98). This is reality that conflicts with widely held stereotypes of Muslim Americans as comfortably middle-class, economically model minorities, or in line with the trope conflating Muslim Americans with natives of Arab Gulf states, portrayed as opulently wealthy.

While these figures clash with these pervasive stereotypes and embedded tropes, which function to overshadow the reality of Muslim American poverty, a drive down the major thoroughfares of Hamtramck—where "We Accept EBT Card" signs are as prominent as the call to prayer emanating from the Islamic Center on Holbrook Avenue—instantly demystify them. Poor Muslim Americans exist beyond studies and statistics, and moreover, populate the most densely packed Muslim communities in the country. Indeed, the very communities that are drawing the greatest ire of Islamophobes, and the intensifying suspicion of the state. These communities, which I discuss in greater detail below, are Arab, Black, and South Asian; Sunni and Shiite; recent immigrants and multigenerational American. And thus, reflect the myriad diversity of the broader Muslim American population.

Despite the wellspring of literature examining Muslim America since 9/11, little attention has been devoted to the socioeconomic diversity within the population. Instead of closely examining the impact of economic circumstance on Islamophobic animus and anti-Muslim violence since 9/11, the "Muslim American victim" caricature projects the myth that it is experienced uniformly.[9] The "redeployment of Orientalist tropes after 9/11," as observed by law scholar Leti Volpp in her article "The Citizen and the Terrorist,"[10] written in the wake of 9/11, led not only to the resurfacing of the Muslim American villain stereotype in the form of the terrorist, but also to a falsely flat illustration of Muslim America victimhood. The stereotype of the powerful villain, a damaging caricature in its own right, ignores the salience of race, gender, and poverty, on the way that state surveillance is experienced, and private, anti-Muslim animus endured.

Jamal and Albana examine poverty in relation to Muslim American political participation, also citing the 2011 Pew Study (Jamal and Albana, *Cambridge Companion*, 98). In line with Abdullahi Ahmed An-Na'im's thesis that Muslim America is not racially or ethnically monolithic, recounted in his recent book *What Is an American Muslim?* (An-Na'im, 3), Jamal and Albana's discussion of economic status counters the misunderstanding that Muslim America is a monolith along racial and economic lines. Their essay presents a demographic snapshot of Muslim America, steering a conversation about how class impacts political participation. By introducing the socioeconomic stratification among Muslim Americans, Jamal and Albana facilitate subsequent conversations—beyond political participation—that investigate the impact that class and, in particular, poverty, have on other aspects of Muslim American life. Their chapter broadens the salience of socioeconomic status, namely poverty, in the Muslim American experience, connecting it to state policing and surveillance at an impasse when both are escalating and converging at unprecedented degrees.

Progressively, the work of historians, social scientists, and critical legal scholars has added important multidimensionality to the understanding of the Muslim American population and its experience. Yet the dearth of attention to poverty within the Muslim American population in

9 Khaled Beydoun, "Poor and Muslim in 'War on Terror' America," *Islamic Monthly* (May 25, 2015), http://theislamicmonthly.com/poor-and-muslim-in-war-on-terror-america/.

10 Leti Volpp, "The Citizen and the Terrorist," *UCLA Law Review* 49, no. 5 (2002): 1586.

relation to terrorism and combatting terrorism differs significantly from the considerable attention that scholars have paid to indigence and integration of European Muslims, for example. This is particularly true in the case of France, where the concentrated, poor, and working-class *banlieues* (ghettoes) have been studied closely by scholars stateside and abroad during the riots of the last decade and as sites of radicalization today. In this context, Anne Norton's *On the Muslim Question* examines terrorism from a global perspective; yet while implicating poverty as a cause of radicalization in Europe, Norton does not address how it influences the execution of anti-terror programming in the United States. Norton's discussion of poverty is largely limited to an overview of the poverty rates of Muslims in Western European nations. This analysis falls short for two reasons. First, it fails to examine how poverty invites greater suspicion and more aggressive policing from the host state. Second, it overlooks how poverty and disaffection, rather than religion, spurs radicalization, as French public intellectual and anti-terror expert Olivier Roy has observed.[11] Rather than view poverty as merely economic circumstance, more attention should be given, especially in the American context, to the pivotal effects to which poverty gives rise, particularly by exposing poor and working-class Muslim Americans to greater suspicion and surveillance. This is particularly the case in light of the movement toward an approach called countering violent extremism, or CVE, policing, which has been deepening and expanding in Muslim strongholds across the country.

CVE policing initiatives, dubbed the "New Patriot Act," focus largely on poor and working-class Muslim American spaces. Through collaborative partnerships between the Department of Homeland Security and city law-enforcement departments, CVE policing monitors Muslim American communities and seeks to prevent Muslim subjects from becoming radicals. Analysis of these state-policing initiatives can serve to expand and update Norton's focus on the "Muslim question" and by paying close attention to race and poverty add a pivotal dimension to the terrorism and counterterrorism studies and to the inquiries of a growing field of scholars investigating the causes, strategy, and legality of such policing within and beyond American borders.

The conclusion in academic and advocacy circles that "Muslim Americans are doing better than other Muslims in Western societies" (Jamal and Albana, *Cambridge Companion*, 101), has suppressed the effects of poverty on Muslims stateside, which in turn, has stifled scholarly inquiry into these dimensions of the problem. With the expansion of the state surveillance unfolding in poor and working-class Muslim American communities, the neglect of race and poverty has significant implications far beyond the realm of scholarship. It has particular implications for studies in which Norton and other scholars seek to examine transitions toward radicalization and counter-radicalization in addressing the "terror question."

Recent events highlight that Muslim radicalization is no longer exclusively a European fear. Launched in the United Kingdom in the last decade, counter-radicalization was adopted to monitor and police the large Muslim communities, notably Pakistani and Arab diasporas. The New York Police Department informally adopted the United Kingdom's PREVENT counter-radicalization program as early as 2002 to spy on Muslim communities in New York City, and the broader tri-state area. However, full-fledged counter-radicalization pilot programs were implemented in Boston, Los Angeles, and Minneapolis in 2014. The programs are slated to expand into new cities, particularly after the recent terror attacks in San Bernardino, California, and Orlando, Florida, and particularly, urban Muslim American geographies that house poor and working-class Muslims.

11 Olivier Roy, "Islamic Terrorist Radicalisation in Europe," in *European Islam: Challenges for Society and Public Policy*, ed. Samir Amghar et al. (Brussels: Centre for European Policy Studies, 2007), 55.

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Indigent and working-class Muslim American communities such as Hamtramck, where Muslim life is as conspicuous and concentrated as anywhere in America, embody the very spaces the state seeks to monitor for radicalization.

Race and poverty influence exposure and injury to state surveillance, and the impact of state policing on poor and working-class black Muslim communities is particularly strong. In fact, black Muslims are a sizable segment of the American Muslim community, who have heretofore discursively disconnected from the Muslim American experience,[12] and until recently, under-examined by scholars. This relative lack of coverage relates to the imagining of Muslim identity in narrowly Arab or immigrant terms, and indeed, the framing of Islam itself as a foreign faith; tropes that work to overlook the rich history of African American Islam, beginning with slavery, through the modern moment. Richard Brent Turner's essay "African Muslim Slaves and Islam in Antebellum America" in the *Cambridge Companion to American Islam* contributes to the demystification of Muslim America as a racial or ethnic monolith.

Turner dismantles that myth by going back to the roots of American Islam—enslaved African Muslims. Building on the foundational works of Sylviane Diouf[13] and Allan D. Austin,[14] and his own notable contribution in his earlier book, *Islam in the African-American Experience*,[15] Turner effectively synthesizes the history of enslaved Muslims in the antebellum South. Highlighting that "15 to 20 percent, or between 2.25 and 3 million Muslims were enslaved in the Caribbean and North and South America" (Turner, *Cambridge Companion*, 32), Turner connects the earliest black Muslim communities—living in bondage—to the black Muslim American communities; which comprise the biggest plurality of the Muslim American population. This turns out to be a crucial preface to examining how criminal and anti-terror policing distinctly impact poor and working-class black Muslim communities—both the descendants of slaves and recent immigrants from African states—connecting the earliest forms of state persecution of black bodies to contemporary forms, and in turn, adding a neglected dimension of the black Muslim experience into the scholarly literature examining American Islam.

As Abdullahi Ahmed An-Na'im has recently observed, "There is simply no coherent way of regarding all American Muslims as a single monolithic community, or of speaking about them as such" (An-Na'im, 3). An-Na'im's observation is confirmed by Turner's study of Muslim American history, extending back to slave narratives in the Antebellum South. Rooting the history of Muslim Americans in the black slave experience not only facilitates an analysis of modern Muslim American heterogeneity but also disrupts the popular imagining of Muslim Americans as immigrant, Arab, or South Asian. A combined reading of Turner's account of history and An-Na'im's contemporary account as a Sudanese immigrant is essential for steering discussion of Muslim America beyond confined and caricatured racial parameters and enables further expansion into the population's socioeconomic heterogeneity—particularly at a time when racial and economic marginalization, amid the war on terror, invites a milieu of distinct dangers.

By giving primacy to poverty and working-class status within Muslim America at a moment of escalating suspicion and surveillance of the broader group, the discussion below aims to bring to

12 For a legal history and analysis of how black identity is disassociated from Muslim identity, see Khaled Beydoun, "Antebellum Islam," *Howard Law Journal* 58, no. 1 (2014): 171–81.

13 Sylviane Diouf, *Servants of Allah: African Muslims Enslaved in the Americas* (New York: New York University Press, 1998).

14 Allan D. Austin, *African Muslims in Antebellum America: Transatlantic Stories and Spiritual Struggles* (New York: Routledge, 1997).

15 Richard Brent Turner, *Islam in the African-American Experience* (Bloomington: Indiana University Press, 1997).

the fore the neglected narratives of Muslim communities occupying a range of intersections. These intersections include, poor, Muslim, and immigrant populations; black Muslims in impoverished urban spaces where structural police violence is pervasive; poor, but outwardly devout Muslims in spaces where CVE policing is practiced; and other constellations of experience that have been pushed to the furthest margins of the grand narrative of American Islam.

MUSLIMS IN AMERICA: POVERTY, PRAYER, AND PREY

The discourse around terrorism has shifted pointedly in recent years toward radicalization and counter-radicalization. This shift was spurred by adoption of a reformed anti-terror philosophy and policy, based on the notion that law enforcement with assistance from those inside particular communities can prevent Muslim Americans from becoming "radicals" through preemptive policing and community involvement. Instead of fighting terrorism beyond American borders, the Department of Homeland Security frames the new terror threat to be developing within. In short, the foreign terror operative has been usurped by the "homegrown radical." CVE policing—the new front of American anti-terrorism—charges city police departments with the mission of identifying, engaging with, and, finally, preventing Muslim subjects from enlisting with transnational terror networks and committing unspeakable acts.

Still in its early stages, CVE policing is largely an unknown commodity within Muslim American communities. While many concentrated Muslim American communities, after 9/11, are not ignorant to the realities of individual and collective surveillance, specific knowledge of CVE policing structures and strategy is still minimal. As a result, exacerbating the range of civil liberties threats—particularly core First Amendment freedoms, including the free exercise of religion free speech—to Muslim American communities where CVE policing is deployed.

What Is CVE Policing?

CVE policing seeks to identify and prevent "violent extremists" from committing acts of terrorism.[16] As the new front of anti-terror strategy, CVE policing is carried forward through strategic partnerships between the Department of Homeland Security, city police departments, and civil society elements within host cities. Law professor Sahar Aziz observes, "Operationally, the objective is to stop people from embracing extreme beliefs (an inherently subjective and vague term) that might lead to terrorism, as well as to reduce active support for terrorist groups."[17] Anchored in the philosophy of prevention, CVE policing supporters contend that law enforcement (and their informants) can prevent subjects prone to radicalization, namely young "westernized" Muslim men,[18] from adopting an extremist ideology and then acting on it.[19]

16 "Countering Violent Extremism," Department of Homeland Security, last published July 6, 2016, http://www.dhs.gov/topic/countering-violent-extremism. "[T]he radicalization process so described not to—and frequently does not—culminate in mobilization to engage in terrorist violence. The radicalized subject is not a terrorist, but rather someone who may be predisposed to regard terrorist violence as religiously sanctioned." Samuel J. Rascoff, "Establishing Official Islam? The Law and Strategy of Counter-Radicalization," *Stanford Law Review* 64, no. 1 (2012): 141.

17 Sahar Aziz, "Policing Terrorists in the Community," *Harvard National Security Journal* 5, no. 1 (2014): 164.

18 Roy, "Islamic Terrorist Radicalisation in Europe," 58.

19 Rascoff, "*Establishing Official Islam?*" 127.

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CVE policing philosophy conflates radicalization with "certain religious and political cultures within Muslim communities."[20] Its architects have articulated it into, "an identifiable and predictable process by which a Muslim becomes a terrorist," broken down into four stages: "'[1] pre-radicalization,' '[2] identification,' '[3] indoctrination' and '[4] action.'"[21] In line with this process, a Muslim subject suspected of radicalization is viewed as a greater threat at each successive stage. Thus, CVE preventive logic seeks to seize the subject at the early stages before full-fledged indoctrination takes place, and most critically, before terrorist action is planned and pursued. During the first, second, and third stages, suspicion of radicalization is linked mainly to religious expression, political activity, or both, which law enforcement suspects to be linked with radical activity. Here, no action has taken place, and constitutionally protected activity is being linked to (prospective) terrorism, and being chilled.

Marketed as a program that targets radicalization across racial and religious lines, CVE policing disproportionately threatens indigent Muslim Americans given their concentration in urban enclaves. CVE policing adopts the community policing philosophy, which is built upon the baseline that poor black and brown people are more prone to criminality. In the case of Muslim radicalization, proponents of CVE policing have maintained "The federal government anchors its community engagement with Muslim communities in a broader history and language: that of community policing with marginalized groups in the ordinary criminal context, calling on principles of communication, collaboration, and trust building."[22] The "geography" of community policing dedicates the bulk of its resources, manpower, and programming to poor communities, including indigent Muslim American communities. So, while "trust building" is core to CVE, it is disparately deployed in Muslim American communities where police mistrust is strongest and government suspicion rife. A close inspection of where CVE policing has been most frequently deployed, and where it will be implemented next, unveils that poor and working-class Muslim Americans have been, and will continue to be, its most frequent victims.

CVE Policing and Poverty

In communities marginalized on at least three tracks—poverty, religion, and race (either real or constructed)—indigent Muslim Americans confront the brunt of both CVE and customary community policing. This was vividly evident in the New York Police Department's Stop-and-Frisk Program, which disproportionately targeted black and Hispanic men and women—and was found to be unconstitutional.[23] Many of those targeted were black and Hispanic Muslims, in addition to Arab or South Asian Muslims racially profiled by police as black or Hispanic. Although not identical, CVE "knock and talk" interviews operate under the same profiling logic as "stop and frisk,"[24] linking religion (or culture and race) to a perceived national security threat. For Muslim

20 Amna Akbar, "Policing 'Radicalization,'" *UC Irvine Law Review* 3, no. 4 (2013): 814.

21 Ibid., 820.

22 Amna Akbar, "National Security's Broken Windows," *UCLA Law Review* 62, no. 4 (2015): 838.

23 "Stop-and-Frisk Data," New York Civil Liberties Union (2015), accessed November 2, 2016, http://www.nyclu.org/content/stop-and-frisk-data [https://perma.cc/R5NQ-8NHB, March 1, 2016]; see *Floyd v. City of New York*, 959 F. Supp. 2d 540 (2013) (holding that Stop-and-Frisk violated the Fourth and Fourteenth Amendment rights of black and Latino residents, who were disproportionately affected by the program).

24 "Under 'knock and talk,' police go to people's residences, with or without probable cause, and knock on the door to obtain plain views of the interior of the house, to question the residents, to seek consent to search, and/or to arrest without a warrant, often based on what they discover during the 'knock and talk.' When combined with such other exceptions to the warrant requirement as 'plain view,' consent, and search incident to arrest, 'knock

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Americans, particularly within poor and working-class communities, "knock and talks" are the new "stop and frisk." Furthermore, the NYPD is also a notable actor with regard to CVE policing because, "Since at least 2002, [it] has engaged in the religious profiling and suspicionless surveillance of Muslims in New York City and beyond."[25] Therefore, more than a decade before formal CVE policing programs were installed, the NYPD carried on surveillance of Muslim communities in the tristate area, which sowed the seeds and provided a domestic template for the official law enforcement initiatives to follow.

Pilot CVE policing programs extending federal policing tools to local law enforcement were introduced in Boston, Minneapolis, and Los Angeles in 2014. These three cities are not only home to sizeable Muslim American communities generally, but are also home to large indigent Muslim American communities. For instance, 82 percent of the estimated eighty thousand Somalis living in Minneapolis are "near or below the poverty line."[26] This community continues to face intense federal anti-terror surveillance and CVE policing scrutiny since twenty young men were recruited by transnational terrorist groups, including Somalia's Al-Shabaab and the Islamic State of Iraq and Syria, or ISIS.[27] As black men and women, Somalis are also vulnerable to the racial profiling and policing the broader African American community experiences.

Furthermore, since conspicuous expressions of religiosity tend to be more pronounced among indigent and immigrant Muslim communities, CVE policing disparately endangers indigent Muslim Americans in both urban and suburban spaces. Indigent Muslim American communities tend to be densely populated with immigrants, which tend to maintain closer ties to their home countries and, thus, their religious identities. External markers of religiosity, according to CVE Policing philosophy, signals a greater likelihood of radicalization or prospective radicalization. CVE "mark[s] religious and political activities as the indicators of radicalization, [and] the discourse links religious and political practices in Muslim communities with the likelihood of terrorism."[28] Sahar Aziz has observed the chilling and debilitating effect CVE policing has on the constitutionally protected free exercise and speech rights of Muslim Americans in noting,

> As a consequence, Muslims are pressured to downplay their religious identity while attempting to assimilate by adopting local accents, remaining deferential and cheerful in the face of government targeting, and engaging in hyper-patriotic acts such as displaying American flags in their homes and businesses. In addition, they fear becoming too active in the religious activities of a Muslim community because this will be viewed as anti-assimilationist and indicative of terrorist inclinations. Muslims cease engaging in identity performance expressed through public prayer, wearing headscarves, attending Muslim community events, or other activities that foster a Muslim group identity. Instead of being welcomed as an act of citizenship, Muslims' civic participation is discredited as disingenuous at best, or duplicitous at worst.[29]

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and talk' is a powerful investigative technique." Craig M. Bradley, "'Knock and Talk' and the Fourth Amendment," *Indiana Law Journal* 84, no. 4 (2009): 1099.

25 "Factsheet: The NYPD Muslim Surveillance Program," American Civil Liberties Union, accessed October 24, 2016, https://www.aclu.org/factsheet-nypd-muslim-surveillance-program.

26 Elizabeth Dunbar, "Comparing the Somali Experience in Minnesota to Other Immigrant Groups," *MPR News*, January 22, 2010, http://www.mprnews.org/story/2010/01/25/comparing-the-somali-experience-in-minnesota-to-other-immigrant-groups-of-immigrants-

27 Dina Temple-Raston, "For Somalis in Minneapolis, Jihadi Recruiting is a Recurring Nightmare," *All Things Considered*, *NPR*, February 18, 2015, http://www.npr.org/2015/02/18/387302748/minneapolis-st-paul-remains-a-focus-of-jihadi-recruiting.

28 Amna Akbar, "National Security's Broken Windows," *UCLA Law Review* 62, no. 4 (2015): 879.

29 Aziz, "Policing Terrorists in the Community," 181.

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Therefore, protected religious or political expression may be a dangerous proposition within impoverished spaces. For instance, on the South Side of Chicago, police may be more prone to react more hastily and violently to individuals perceived to be national security threats, or radicals. As such, CVE disproportionately threatens the First Amendment free-exercise, speech, and assembly rights of indigent Muslim Americans because of the program's disparate focus on the very spaces where these communities reside.

While focusing centrally on concentrated Muslim American communities, CVE efforts are also being deployed within American prisons, which are viewed as centers of Islamic conversion and hotbeds for radicalization.[30] CVE programming in prisons allows prison officials and law enforcement to monitor Muslim targets while they are incarcerated, collect information on them, and continue to monitor them after release. Because most incarcerated Muslim Americans come from indigent backgrounds and are largely African American, the divide between CVE programming in prisons and "on the outside" often blurs, with perpetual monitoring that continues after the inmate is released and, oftentimes, returns to the hard-knock reality of poverty and scarce employment opportunities.

Where poverty and Islamophobia are both pervasive in America, CVE policing is sure to follow. As a result, suppressing the civil liberties of indigent Muslim Americans, and because of that circumstance, stifling their ability to access legal representation when profiled or wrongly persecuted. However, CVE policing does not operate independently within poor and working-class communities of color. But as revealed so vividly by the Black Lives Matter movement, the existing system of racialized community policing targets black and brown bodies—who, in many instances, are also Muslims.

THE CHANGING FACE OF AMERICAN ISLAM

I see empires in your furrowed eyebrows
Revolution in your swollen lips
Ancestors in your walk
God in your fists.

—Tariq Toure, Black Muslim activist from Baltimore[31]

With each passing year, Muslim America is becoming more racially and culturally heterogeneous. Immigrant waves from Muslim-majority states–most notably Afghanistan, Bosnia, Syria, Bangladesh, Somalia, and Morocco—are fluidly changing the demographic makeup of the population. In the United States, rising conversion rates among black, white, and, particularly, Latino Americans—the fastest growing Muslim American demographic—are enriching the breath and diversity of Muslim America. In addition to fluidly changing the face of Muslim America, these established and expanding segments of the Muslim American mosaic are demanding greater representation and inclusion of their concerns into the (still narrow) conception of "Muslim issues" and concerns. Abdullahi An-Na'im addresses this changing face of Muslim America in *What Is an American Muslim?*, specifically, the attendant challenges and rifts between "indigenous and

30 SpearIt, "Muslim Radicalization in Prison: Responding with Sound Penal Policy or the Sound of Alarm?" *Gonzaga Law Review* 49, no. 1 (2014): 37–82.

31 Tariq Toure, *Black Seeds: The Poetry and Reflections of Tariq Toure* (independently published, 2016), 63.

immigrant Muslims" (An-Na'im, chapter 3). While An-Na'im effectively highlights the rifts that exist among Muslim Americans, his work falls short of probing the specific intersections in Muslim identity that are obfuscated by the "indigenous versus immigrant" Muslim binary—many of which center squarely on the dangerous intersection of racial, religious, and socioeconomic subordination.

The rising tide of Islamophobia and anti-black police violence are discursively thought to be paralleling forms of animus. Yet, as trenchantly highlighted by black Muslim activists and scholars, including Donna Auston and Margari Hill of the Muslim Anti-Racism Collective, they often converge to compound the vulnerability of black Muslims living in heavily policed urban spaces. Auston observes,

> At first blush, it may seem that these two phenomenon are not intimately connected. Parallels can be drawn fairly easily, of course, between Islamophobia and anti-black racism as specific manifestations of a similar impulse, but making the leap to consider them intimate bedfellows may seem like an analytical stretch. In public discourse, we easily link anti-Muslim and anti-Arab discrimination as being nearly one and the same. Yet, in spite of the fact that a full one-third of the U.S. Muslim population is black, we rarely tend to think of issues of anti-black racism, poverty, mass incarceration, or police brutality as legitimate "Muslim" issues. This is because we rarely consider black Muslims.[32]

For black Muslims living in cities, particularly urban and impoverished spaces, where surveillance of Muslims and racialized criminal policing are staples, the dangers of being exposed to both spawn a distinct set of broader risks. As illustrated by the experience of Somalis living in Minnesota, blackness and Muslim identity simultaneously invite the civil liberties perils associated with CVE policing, and the ever-looming dangers of the systemic police violence that associate blackness with criminality. The latter was horrifically illustrated by the extrajudicial execution of Philando Castile, a thirty-two-year-old black man from the metropolitan Twin Cities area shot by a policeman after a traffic stop on July 6, 2016.[33]

The black Muslim presence in the Black Lives Matter movement, while under-examined, cannot be denied, particularly in indigent, urban areas that boast a heavy black Muslim presence, including St. Louis, Baltimore, Chicago, New York City, Detroit, Boston, and Philadelphia. While several of these cities already host CVE policing programs, the Department of Homeland Security has expressed interest in expanding the program into more cities. This, will in turn, expose longtime black Muslims (particularly Salafis[34]) and converts to the CVE policing dragnet that links Islamic conservatism to fear of terror involvement; but also, the critiques of state violence and structural racism that conflate political speech with radicalization. Indeed, the very brand of political speech that forms the theses of the Black Lives Matter Movement.

While the experience of Somalis in Minneapolis, one of the three CVE policing pilot cities, sheds important light on the intersectional dangers faced by black Muslims, there are notable distinctions

32 Donna Auston, "Mapping the Intersections of Islamophobia and #BlackLivesMatter: Unearthing Black Muslim Life and Activism in the Policing Crisis," *Sapelo Square*, May 19, 2015, last modified August 30, 2016, https://sapelosquare.com/2016/08/30/mapping-the-intersections-of-islamophobia-blacklivesmatter-unearthing-black-muslim-life-activism-in-the-policing-crisis/.

33 James Poniewozik, "A Killing. A Pointed Gun. And Two Black Lives, Witnessing," *New York Times*, July 7, 2016, http://www.nytimes.com/2016/07/08/us/philando-castile-facebook-police-shooting-minnesota.html.

34 The Salafis are a conservative Sunni Muslim movement.

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with the risks specifically faced by "indigenous" black Muslims.[35] Indeed, it is critical to note that as a relatively recent immigrant group, Somalis tend to express their religious identity in traditions that resemble expression in their home country, generally maintain close ties with family and friends in Somalia, and tend to live and worship in predominantly Somali spaces. Therefore, CVE policing suspicion of Somali Americans is linked more closely to these "immigrant" proxies to Muslim identity than it is blackness, while anti-terror suspicion of indigenous black Muslims is more closely tied to conversion or political subversion.

Therefore, several communities of black Muslims—immigrant and indigenous, established and recently converted—face the compounded risks of racialized police violence and CVE policing. And, as CVE policing continues to expand into more indigent and working-class communities, Muslim-concentrated communities and geographies will only become more vulnerable to the anti-terror aim to prevent, punish, and prosecute "homegrown radicalization." While religion and race are core to the discriminatory formula that drives CVE policing forward, one cannot overlook the pointedly impoverished urban spaces where they are most commonly, and most violently, executed. These are the very contexts where violent law enforcement is pervasive and structural Islamophobia unleashed, and, for the growing population of Latino Muslims, they are the centers of crackdowns on and mass arrests of undocumented immigrants.

As the face of Muslim America continues to develop and expand, so must the portfolio of Muslim American issues given primacy by mainstream Muslim advocacy organizations, pundits, and most vitally, scholars. Poverty itself is undeniably a vital issue, but perhaps more saliently, a fulcrum of the most nefarious policing programs endangering vulnerable segments of the Muslim American population. Mitigating structural poverty may be an imposing challenge, but paying it the attention it commands as the war on terror expands requires close examination of poor and working Muslim American communities.

A notable obstacle is the persistence of anti-black racism within the Muslim American community, and concomitantly, the internal marginalization of black Muslims. This animus undermines solidarity at a critical impasse, when suspicion and surveillance of Muslims is rapidly escalating. In this regard, Abdullahi An-Na'im makes a timely observation regarding the troubled dynamic between African American and Arab, South Asian, and other immigrant Muslim communities:

> African American Muslims in particular are unlikely to separate their current experiences as American Muslims from the broader struggle of African Americans against slavery and its legacies: racial discrimination, economic deprivation, and political marginalization. This civil rights dimension should enable African American Muslims to act as facilitators for American Muslims in general who are struggling for religious self-determination. That assistance, however, may depend on a key question: Are immigrant Muslims *willing* to accept it? (An-Na'im, 72)

Confronting today's surveillance and civil liberties challenges, particularly in poor and working-class Muslim American spaces, mandates that acceptance. However, a prerequisite step is honest engagement and erosion of the anti-black racism that thrives within non-black Muslim communities.

35 Introduced by Sherman Jackson, this is the term popularly used to classify African American Muslims who are the descendants of slaves. Jackson classifies as "immigrant Muslims" those Muslims who migrated to the United States or are the progeny of immigrants. Sherman Jackson, *Islam and the Blackamerican: Looking toward the Third Resurrection* (New York: Oxford University Press, 2005), 4–5. I critique this binary and begin the conversation for a broader framework in Khaled A. Beydoun, "Beyond the Binary: Muslim America More than 'Indigenous and Immigrant,'" *Islamic Monthly*, July 23, 2015, http://theislamicmonthly.com/beyond-a-binary-muslim-america-more-than-indigenous-and-immigrant/.

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CONCLUSION

Socioeconomic divides exist within every ethnic community, or religious demographic. This is especially true for Muslim America, a population discursively imagined as wealthy and professional, boot-strapping, and, while riddled by nightmarish Islamophobia and state surveillance, reaping the economic fruit of the American dream. While caricatured as a threat, Muslim America is simultaneously stereotyped as an economic model minority. This is not true for nearly half of Muslim American households, mired by poverty or dangerously close to the margins, navigating the pathways to pivot upward while disproportionately targeted by counter-radicalization policing, and disparately exposed to the private violence of Islamophobes.

The representation of Muslim America in scholarship has not kept pace with the population's fluid expansion and diversification. This is true with regard to race, ethnicity, and, indeed, economic circumstance. As noted, Turner's chapter in the *Cambridge Companion to American Islam* unveils the first chapters of the Muslim experience in North America, a narrative bounded by slavery, unspeakable horror, and the attendant trials slaves of all faiths endured in antebellum America. Turner's work, in conjunction with that of other scholars who trenchantly examine the experience of enslaved African Muslims in the Americas, affirms that every accounting of Muslim American history must begin with the slavery narrative, a critical intervention that instantly demystifies the conflation of Muslim with Arab identity and facilitates the very focus of this effort to examine the role of race and, specifically, black Muslim identity, in the modern war on terror. Furthermore, this "terror question," is one that has developed beyond conventional state tactics and familiar foes. The establishment and expansion of counter-radicalization policing in the United States, a policing program that seeks to prevent the "radicalization" spurred by new terror networks such as ISIS, complicates this terror question, and mandates this revisiting, particularly in terms of the places where state policing and surveillance is most disparately deployed—geographies surveyed generally, as noted, by Jamal and Albana in relation to political participation but not examined in relation to the war on terror, namely, the vulnerability and victimization that indigent Muslim Americans confront in the face of expanding counter-radicalization policing.

A walk through Hamtramck, Michigan, the country's first majority Muslim city, vividly explains what the pages of academic literatures have excluded: the modest homes on the outskirts of auto plants, traditionally garbed Muslims walking on streets named for their Polish predecessors, and the ubiquitous presence of city police driving around and inside the city's perimeter. Hamtramck is at once a vivid portrait of Muslim American prominence and an ominous reminder of the protracting police state.

A beautiful mural by Dasic Fernandez, a Chilean muralist based in New York City, covers the northern wall of 8752 Joseph Campau Avenue: it depicts an elderly Yemeni man with images of buildings of the old country on his headdress, and two Muslim girls—one wearing the *niqab* and the other the *hijab*—with mushrooms sprouting around them.[36] The mural celebrates many things but perhaps, most saliently, Hamtramck's new majoritarian Muslim identity. Beyond the mural is a community riddled by poverty, blue-collar blues, rising Islamophobia, and the trappings associated with them. These trappings enhance the vulnerability of Muslim Americans to the extending reach of the surveillance state, surely expected to stretch further with the election of Donald Trump. Yet indigent and working-class Muslim American communities have not attracted

36 Dale Carlson, "3 New Murals on Joseph Campau Avenue in Hamtramck," *I Love Detroit Michigan*, May 7, 2015, http://ilovedetroitmichigan.com/detroit-graffiti-street-art/3-new-murals-on-joseph-campau-avenue-in-hamtramck/#!wp-prettyPhoto[g17736]/3/.

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even a fraction of the scrutiny by academics that they have from the state, which impoverishes our understanding of this vulnerable demographic even as state investment in policing it expands. Today, more than ever before, moving poor Muslim Americans from the margins and closer to the mainstream on the pages of scholarship is a vital prerequisite to alleviating the state suspicion, and violence, escalating within their communities.

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