

September 17, 2019

Dan Ruben  
Executive Director  
Equal Justice America  
Building II, Suite 204  
13540 East Boundary Road  
Midlothian, VA 23112

Dear Mr. Ruben,

Please find below a detailed description of the work I completed this summer at Project South. A team of phenomenal, dedicated attorneys and law clerks made this work possible and really rewarding. I hope this piece does justice to all that we accomplished this summer.

#### I. FOIA Requests

I helped write, send, and manage responses to FOIA requests sent to law enforcement agencies that we suspected had concerning law enforcement practices regarding surveillance. I collected and followed leads on where surveillance and the use of informants was particularly prevalent. In one instance, through meetings with the community, we were able to ascertain Muslim mosque-goers in Cumming, GA were reporting increased concerns about the prevalence of suspected informants. I sent a FOIA request to Forsyth County Police Department to try and ascertain whether there were policies that were specifically targeting surveillance toward Muslim, Arab, and South Asian communities in the county.

This was one of hundreds of FOIA requests Project South sent out over the course of a couple of months. I helped manage the agency follow up, and I analyzed the influx of documents that were coming through our doors. We received many law enforcement policies and internal memos. I helped comb through what language created problematic loopholes and could be used to permit surveillance so that coalition partners could bolster their outreach efforts in those parts of the Southern United States. The work was quite technical because if you request the wrong documents, then you will be met with nothing. So, we had to strike a delicate balance, and it took some trial and error.

#### II. Demand Letter to South Carolina Department of Corrections

We received a complaint from Muslim women in South Carolina who stated that they were required to uncover their hair in front of unrelated men when they visited detention centers. The detention centers do this as part of their security screening process, yet they do not allow women any privacy in doing so. Many Muslim women find it a violation of their faith to have to uncover in this way, and requests for privacy and a female guard to conduct the inspection have gone unheeded.

I wrote a memo regarding these women's ability to sue for such a violation. My analysis mainly focused on whether a §1983 claim could survive, and I highlighted issues of qualified immunity, personal and official capacity, and the color of law doctrine. I closed by

recommending that the organization send a demand letter highlighting relevant law in the hopes that it will get the Department of Corrections to change its behavior short of litigation.

I then helped craft the demand letter addressed to the warden persuading him to change the policy for Muslim women and those similarly situated. As far as I have understood, the organization is still communicating about this issue with the hopes that it will be quickly resolved.

### III. Community Organizing

This was probably the largest part of what we did, and it was by far the most enjoyable. We did quite a bit of public education regarding the use of informants in the Muslim community, preemptive prosecution, and community defense. We held a number of events over the summer which I helped spearhead given my connection to the Atlanta Muslim community. These events are important because Project South is in the process of building its name recognition in the Muslim community as a source of legal representation when one has a law enforcement issue. These events help us build our client base because it's oftentimes our participants that will disclose they have a legal issue or will share Project South's name with friends and family who do. While I cannot share intimate details of what our clients were facing, many of them needed our help when they were questioned by agencies like the FBI.

#### A. Chai Chats

We appeared on Roswell Community Mosque's talk show called Chai Chats, where we discussed preemptive prosecution and the use of informants in recent cases in our communities. We fielded questions from the live audience and had a great conversation about the legal rights and vulnerabilities many in our community have.



#### B. Open Mic

We held an open mic night where we opened by highlighting the legal issues associated with preemptive prosecution and the use of informants. We also heard from a young African American man who was approached by the FBI after a whirlwind summer traveling through South Asia. He talked about the pressures placed on him to be an informant and how that was the first time he had ever spoken of this particular issue in public before. He along with many others in the audience were grateful that we had created a space where we could openly talk about how this aspect of law enforcement is negatively impacting our ability to be proudly Muslim.



### C. Film Screenings

We held a few film screenings with local mosques and Muslim community centers. Screenings often accompanied a know your rights training where I and the other lawyers share what to do if someone is approached by the FBI. We screened HBO's *The Newburgh Sting* and *(T)ERROR* by Lyric Cabral and David Felix Sutcliff. I think these films were particularly powerful and resonated with our audience because of common themes like poverty, anti-blackness, and over policing, which mirror the lives of the communities Project South works with daily.



There is quite a bit I did this summer which doesn't fit into the aforementioned categories but were nonetheless instrumental to making this summer a phenomenal learning experience. We attended stake holders' meetings in addressing the 287(g) program in Cobb County. Project South representatives and GLAHR (Georgia Latino Alliance for Human Rights) presented social and legal concerns to the Cobb County Sheriff's Department and local ICE representatives. We

presented reports, statistics, and personal accounts to the Sheriff's Department with the hopes they would abandon the program. While they made it very clear they weren't going to abandon their partnership with ICE, it was a chance to participate in advocacy in action.

We also did a lot of work in preparation for Trump's pending summer raids. We handed out know your rights materials outside of Indian, Pakistani, Arab, Ethiopian, and Chinese supermarkets in the Decatur and Norcross areas of metro-Atlanta. My favorite encounter was when I was outside of Madinah Halal Meat Market, and I had a conversation, in Arabic, with one of the patrons. I explained what DHS does, why they are important, and how to keep safe if she were caught up in a raid. I am very grateful for the support the EJA provided me this summer because without this support, it would have made doing this important work a lot harder!

Sincerely,

Nicole Fauster  
J.D. Candidate 2020  
Georgetown University Law Center