



Written Statement of the
Council on American-Islamic Relations

On

Protecting the Civil Rights of American Muslims

Submitted to the

Senate Committee on the Judiciary, Subcommittee on the
Constitution, Civil Rights, Human Rights, and the Law

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CAIR is America's largest Muslim civil liberties and advocacy organization. Its mission is to enhance the understanding of Islam, encourage dialogue, protect civil liberties, empower American Muslims, and build coalitions that promote justice and mutual understanding.

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Chairman Durbin, Ranking Member Graham and other members of the subcommittee, the Council on American-Islamic Relations (CAIR) thanks you for holding this vital hearing and respectfully submits this written testimony for your consideration.

Past proves need to protect minority rights

Sadly, it is commonplace for minority groups and their leaders to be painted as a threat and be vilified, even by the government. Martin Luther King—a non-violent, shining example of the civil rights movement who now has a federal holiday named after him and who won a Nobel Peace Prize—was branded "the most dangerous and effective Negro leader in the country" in an FBI memo. FBI Director J. Edgar Hoover labeled King a "degenerate."¹

Prior to the Civil War, nativist groups organized to resist German and Irish immigrants of the Roman Catholic faith. Striving to "civilize" Native Americans, the federal government instituted a practice of taking children away from their parents and placing them in off-reservation boarding schools to learn a culture not their own.² These schools still existed in the 1960s.

It took until 1920, 144 years after the signing of the Declaration of Independence, to pass a constitutional amendment granting women the right to vote. The Lilly Ledbetter Act, signed into law in 2009, reminds us that women in America must still struggle for pay equal to that of men for equal work.

Our nation placed Japanese-Americans in internment camps following the 1941 attack on Pearl Harbor. The deeply troubling story of the African-American struggle for full equality is well known.

Muslims have the great fortune to receive guidance, support and wisdom from the many groups who have fought discrimination before us. We see it as a civic duty to stand firm on Islamic and constitutional principles in the face efforts to erode the liberties our nation's founders implemented.

To not do so would be a failure to honor the struggle of those before us and a disservice to the next minority that will be the subject of fear, misunderstanding and discrimination.

Documenting Muslim Community Civil Rights Concerns since 1995

CAIR published a civil rights report annually until 2008, beginning in the wake of the 1995 terrorist bombing of the Murrah Federal Building in Oklahoma City, after which unsubstantiated linkage of "Middle Easterners" to the terror act prompted stereotyping, harassment and actual attacks on Muslims and Arab-Americans across the country.

For the 2008 calendar year, the last year for which we have published our data, CAIR and its affiliate chapters processed a total of 2,728 civil rights complaints. This number represents a 3 percent increase in reported cases from 2007 (2,652 reports) and an 11 percent increase over cases reported in 2006 (2,467 reports).

In that report, we noted increases in incidents at Muslim institutions and schools.

¹ Christensen, Jen. "FBI tracked King's every move," *CNN*, December 29, 2008, <http://www.cnn.com/2008/US/03/31/mlk.fbi.conspiracy/index.html>.

² Bear, Charla. "American Indian Boarding Schools Haunt Many," *NPR*, <http://www.npr.org/templates/story/story.php?storyId=16516865>.

CAIR's report covering 2009 and 2010 will be issued in the near future. This new report will also explore the expanding phenomenon of Islamophobia.

The Four Major Issues Impacting the Civil Liberties of American Muslims

These issues are of equal concern to CAIR and are not presented in any particular order.

Fury directed at places of worship

In 2009-2010, CAIR documented more than fifty incidents of violence, threats, vandalism and the use of Islamophobic rhetoric—such as opponents of a the proposed mosque in Roxbury, Mass. claiming without evidence the planners had terrorist ties—targeting mosques.

In May 2010, a firebomb was detonated outside the Islamic Center of Northeast Florida. Approximately sixty people were inside at the time.

Also during the 2009-2010 time period, the playground of the Dar El-Eman Islamic Center in Arlington, TX was set ablaze. In Murfreesboro, Tenn. nine shots were fired near a mosque. In Illinois, a man was indicted after he threatened to plant a bomb at a mosque. The FBI reported an apparent attack on the Salman Al-Farisi Islamic Center in Corvallis, Ore.

Along with these disturbing incidents are efforts to block mosques and Islamic Centers from obtaining permits and other items needed to build or expand their facilities.

The Department of Justice noted this trend in its "Report on the Tenth Anniversary of the Religious Land Use and Institutionalized Persons Act" (RLUIPA) issued in September 2010:

For example, nearly a decade after the attacks of September 11, 2001, Muslim Americans continue to struggle for acceptance in many communities, and still face discrimination. Of 18 RLUIPA matters involving possible discrimination against Muslims that the Department has monitored since September 11, 2001, eight have been opened since May of 2010. This fact is a sober reminder that, even in the 21st century, challenges to true religious liberty remain.

Concern over use of Muslim-Bashers as law enforcement trainers

In December 2010, CAIR called on Attorney General Eric H. Holder Jr. to review Justice Department policies on the reported use of anti-Muslim extremists to train counterterrorism officials nationwide.³

CAIR said an investigative report on post-9/11 government surveillance published in the *Washington Post* states: "Seeking to learn more about Islam and terrorism, some law enforcement agencies have hired as trainers self-described experts whose extremist views on Islam and terrorism are considered inaccurate and counterproductive by the FBI and U.S. intelligence agencies."⁴

The Post's report cites cases of individuals who lack formal training "teaching classes on terrorism and Islam to law enforcement officers all over the country." One such trainer tells all his students that Muslims in the United States "want to impose sharia law here."

³ For more information on this subject see also, Stalcup, Meg and Joshua Craze. "How we train our cops to fear Islam," *Washington Monthly*, March/April 2011.

⁴ Priest, Dana and William Arkin. "Monitoring America," *Washington Post*, December 20, 2010.

Another trainer, a former Muslim who converted to Christianity, told the Post he warns officers that "you need to look at the entire pool of Muslims in a community." He recommends that law enforcement authorities "monitor Muslim student groups and local mosques and, if possible, tap their phones."

Since CAIR's December 2010 call *Washington Monthly* published "How We Train Our Cops to Fear Islam" a lengthy story detailing more examples of trainers attempting to instill anti-Muslim bias into law enforcement and homeland security officials. Additionally, Political Research Associates produced "Manufacturing the Muslim Menace" a report further elaborating on the use of biased trainers and the impact on rights and security.

In July 2010, CAIR called on the FBI and Virginia's Tidewater Joint Terrorism Task Force to explain why a leader of an anti-Islam hate group was invited to offer training to state and federal law enforcement officers. Robert Spencer, co-founder of the hate group Stop the Islamization of America⁵ (SIOA), claimed in a blog post that he "gave two two-hour seminars on the belief-system of Islamic jihadists to the Tidewater Joint Terrorism Task Force."

Spencer has referred to Islam's Prophet Muhammad as a "...con man. Someone who is knowing [sic] that what he is saying is false, but is fooling his followers." In the same video he asserts, "From a historical stand point, it is not even clear that Muhammad existed."⁶ In that video he asserts he is writing a book currently entitled *Did Muhammad Exist*. It seems realistic to ask how a trainer who questions the existence of Islam's founder can be expected to present a reasonably-balanced view of the faith.

These are not the only incidents in which national security personnel received anti-Islam training. The Naval Criminal Investigative Service (NCIS) acknowledged in 2010 that an anti-Islam film should not have been used in training offered to security personnel by that military law enforcement agency.

In March 2011, New York City Council members and local and state representatives will join interfaith groups, civil rights leaders, Muslim and immigrant organizations, and a diverse group of concerned community members for a press conference in response to the New York Police Department's (NYPD) use of the disturbing and prejudicial film "The Third Jihad" to train officers working in Muslim communities in New York City.

An article in the *Village Voice* newspaper said, "The Third Jihad," is "a spectacularly offensive smear of American Muslims." The article also states: "It is 72 minutes of gruesome footage of bombing carnage, frenzied crowds, burning American flags, flaming churches, and seething mullahs. All of this is sandwiched between a collection of somber talking heads informing us that, while we were sleeping, the international Islamist Jihad that wrought these horrors has set up shop here and is quietly going about its deadly business."

⁵ The Southern Poverty Law Center lists Stop the Islamization of America among its designated anti-Muslim hate groups, <http://www.splcenter.org/node/3502/activegroups>

⁶ Robert Spencer interview, part 9 "Prophet Mohammad: A Con Man?" (4/26/2010) available at <http://www.livingscoop.com/watch.php?v=NDQ4>, Video accessed 7/27/2010. First reference is at 1:14. Second reference is at 0:29.

Osama bin Laden, Al-Qaeda and other violent extremists

The terrorism and complete distortion of Islam generated by bin Laden, Al-Qaeda and other violent extremists provide the breeding ground for anti-Muslim extremism. The violent extremist's campaign to harm our nation directly contributes to the suspicion and civil liberties infringements to which our community is subject. CAIR, along with the mainstream American Muslim community, utterly rejects violent extremists. Our successes and messaging counter the narrative put forth by those who twist our faith and seek to harm our nation.

To more than a billion Muslims worldwide, Islam is a religion that teaches tolerance, freedom and compassion. Those who understand Islam and know Muslims as friends and colleagues realize that Islam is one of the three Abrahamic faiths and that Muslims are contributing members of societies around the world.

Unfortunately, for many who know little of Islam or Muslims, violent extremists have come to represent both, fueling Islamophobia and allowing a space for Islamophobes to flourish. The worldview of these violent extremists is a complete distortion of Islam because Islamic teachings clearly state that the killing of one innocent life is the moral equivalent to the killing of all humanity.

There can be no moral, ethical or religious justification for cowardly attacks on innocent civilians. We condemn terrorism whenever it happens, wherever it happens, whoever commits it.

After reviewing a 2009 report titled *Deadly Vanguard: A Study of Al-Qaida's Violence Against Muslims*, Ralph Peters, wrote in New York's Daily Post, "Al-Qaeda does one thing extremely well: killing Muslims."⁷

President Obama echoed this conclusion at a White House Ramadan fastbreaking reception in 2010 when he noted, "In fact, al Qaeda has killed more Muslims than people of any other religion — and that list of victims includes innocent Muslims who were killed on 9/11."

Legislation Interfering in Free Exercise of Religion

The Constitution is the law of the land and CAIR likes it that way. Our organization expends enormous legal and advocacy energy defending its principles. Among those principles, adopted into the Constitution in 1791 as part of the First Amendment, is free exercise of religion.

The term "Sharia" is undoubtedly misunderstood in our nation. American Muslim scholar Suhaib Webb defines the term as, "The Islamic system of law and the totality of the Islamic way of life based on the Qur'an and Sunnah." The Quran is Islam's revealed text. The Sunnah comprises the traditions and practices of the Prophet Muhammad.

'Sharia' is nothing more than the religious traditions that all Muslims use to guide the practice of their faith.

Anti-Sharia bills are being considered in a number of state legislatures. These anti-Sharia measures can easily infringe on free exercise.

⁷ Peters, Ralph, "Killing Muslims, America needs to publicize Al-Qaeda's main 'Achievement,'" New York Daily Post, January 23, 2010.

Two of the many anti-Sharia measures introduced around the nation have attracted significant attention.

Identical bills introduced in the Tennessee House and Senate (House Bill 1353/Senate Bill 1028) would criminalize "Sharia organizations," which in the language of the proposed legislation included two or more individuals who support any "rule, precept, instruction, or edict arising directly from the extant rulings of any of the authoritative schools of Islamic jurisprudence of Hanafi, Maliki, Shafi'i, Hanbali, Ja'afariya, or Salafi."

The bills introduced into Tennessee's legislature are a gross violation of both the Establishment and Free Exercise Clauses of the First Amendment.

Amendments fixing some of the major concerns in the Tennessee bills are expected to be introduced during the week of March 28, but until the language of those amendments as introduced can be reviewed significant concerns over the civil liberties implications of this proposed law remain.

In November 2010, Oklahoma voters overwhelmingly approved the "Save Our State" amendment (SQ 755), which banned their state courts from considering or using either international or Sharia law.

A lawsuit filed by Muneer Awad, executive director of CAIR's Oklahoma chapter, said SQ 755 violates the First Amendment's Establishment Clause that bars government bodies from making laws "respecting the establishment of religion."

On Monday, November 28, 2010, CAIR applauded a strongly-worded ruling by a federal judge in Oklahoma granting an injunction that barred certification of SQ 755.

The ruling by Chief Judge Vicki Miles-LaGrange of the United States District Court for the Western District of Oklahoma ordered a preliminary injunction to block the certification of the amendment by the Oklahoma State Board of Elections until a final determination is made based on the merits of Awad's lawsuit.

In her ruling in support of Awad's legal arguments, Judge Miles-LaGrange wrote:

"This order addresses issues that go to the very foundation of our country, our (U.S.) Constitution, and particularly, the Bill of Rights.

"Throughout the course of our country's history, the will of the 'majority' has on occasion conflicted with the constitutional rights of individuals, an occurrence which our founders foresaw and provided for through the Bill of Rights. . .

"Having carefully reviewed the briefs on this issue, and having heard the evidence and arguments presented at the hearing, the Court finds plaintiff has made a strong showing of a substantial likelihood of success on the merits of his claim asserting a violation of the Free Exercise Clause.

"As set forth above, plaintiff has shown that the actual language of the amendment reasonably, and perhaps more reasonably, may be viewed as specifically singling out Sharia Law (plaintiff's faith) and, thus, is not facially neutral.

"Additionally, as set forth above, the Court finds that plaintiff has shown that there is a reasonable probability that the amendment would prevent plaintiff's will from being fully probated by a state court in Oklahoma because it incorporates by reference specific elements of the Islamic prophetic traditions.

"Further, plaintiff has presented evidence that there is a reasonable probability that Muslims, including plaintiff, will be unable to bring actions in Oklahoma state courts for violations of the Oklahoma Religious Freedom Act and for violations of their rights under the United States Constitution if those violations are based upon their religion.

"Finally, the Court finds that defendants have presented no evidence which would show that the amendment is justified by any compelling interest or is narrowly tailored."

Other Significant Civil Liberties Concerns

FBI Sued for Warrantless GPS Surveillance of Calif. Muslim

On March 2, 2011, CAIR filed a civil rights lawsuit against the FBI on behalf of a California Muslim who found a secret GPS tracking device that was placed on his car without first obtaining a warrant.

Yasir Afifi, a Santa Clara, Calif., student discovered the device when he took his car in for an oil change. A friend of Afifi's posted pictures of the device online, asking if anyone knew what it was. FBI agents later demanded that the device be returned to the bureau.

The lawsuit states that the FBI violated Afifi's First, Fourth and Fifth Amendment rights when the bureau failed to obtain a warrant to place the GPS tracking device on his car to monitor his daily activities.

Afifi seeks an order preventing another tracking device being attached to his vehicle without a search warrant. The requested order would also bar the FBI from using tracking devices without first obtaining a search warrant.

Over broad surveillance of Muslims based solely on religion

On February 23, 2011, the Council on American-Islamic Relations of the Greater Los Angeles Area (CAIR-LA), the ACLU of Southern California (ACLU/SC), and the law firm Hadsell Stormer Keeny Richardson & Renick LLP announced the filing of a federal class action lawsuit against the FBI for infiltrating mainstream mosques in Southern California and targeting Muslim Americans for surveillance solely because of their religion.

For over 14 months between 2006 and 2007, FBI agents planted an informant in Orange County mosques who posed as a convert to Islam and through whom the FBI collected names, telephone numbers, e-mails, and other information on hundreds of California Muslims. Sheikh Yassir Fazaga, Ali Malik, and Yassir AbdelRahim - plaintiffs in the case-are three of the many individuals who came in contact with the bureau's informant.

According to the lawsuit, the FBI directed the informant, a convicted felon named Craig Monteilh, to gather as much information as possible on members of the Muslim community, and to focus on people

who were more devout in their religious practice, irrespective of whether any particular individual was believed to be involved in criminal activity.

Monteilh's role as an FBI informant was not revealed until February 2009, first in court documents, in which the FBI and local law enforcement revealed his role, and then through his own statements which have been reported widely in the press.

The lawsuit seeks injunctive relief on behalf of all people targeted by the FBI agents and their informant, requiring the FBI to turn over or destroy all information collected through the discriminatory investigation, as well as damages for emotional distress for the three named plaintiffs

Concerns over FBI and other agencies pursuing lines of questioning related to First Amendment protected activities

CAIR frequently receives reports from individual Muslims who have been approached by FBI or JTTF officers for a voluntary interview or questioning during border stops.

Some of the more troubling reported questions include:

- What mosque do you go to?
- Who is the imam (prayer leader)?
- What do you think about him?
- How many times a day do you pray?
- What's your opinion on the war in Iraq?
- Who prays fajr (the pre-dawn pray) at the mosque?

While answering such questions is voluntary, it is difficult for outside observers to accurately assess the sense of discomfort and the desire to prove that "I have nothing to hide" to law enforcement agents that an interviewee may feel.

CAIR has collected multiple instances of consequences that can result from such innocent participation in these interviews – problems with travel, immigration hold ups, and sometimes even damage to their reputation because the FBI will show up at their mosque or job asking about them. For this reason, the organization advises our constituents to cooperate with law enforcement, but also to have an attorney present when appropriate.

American Muslims abroad face denial of due process, pressure to become informants

In July, 2010, CAIR issued an advisory to American Muslims—whether citizens, permanent residents or visa holders—warning of the risk of "forced exile" when traveling overseas or attempting to return to the United States. Muslim travelers were urged to know their legal rights.

CAIR has received a number of reports of American Muslims stranded overseas when they are placed on the government's no-fly list. Those barred from returning to the United States report being denied proper legal representation, being subjected to pressure tactics to give up the constitutionally-guaranteed right to remain silent, having their passports confiscated without due process, and being pressured to become informants for the FBI. These individuals are generally not told why they were placed on the no-fly list or how to remove their names from the list. Obviously, they were not on the list prior to their travel overseas.

FBI agents have reportedly told a number of individuals that they face being stranded outside the United States longer, or forever, unless they give up their rights to legal representation or to refuse interrogations and polygraph tests.

But even those who submitted to interrogations without an attorney or to the "lie detector" tests often remain stranded.

In one case, Gulet Mohamed alleged that he was tortured while in detention in Kuwait and faced unconstitutional coercion to answer questions by FBI agents who ignored his repeated requests for legal representation. Mohamed was allowed to return to the United States only after CAIR filed a legal complaint on his behalf.

Unindicted Co-Conspirator (UCC) Designation: Court Says Government Violated Muslim Groups' Rights

In May 2007, the Department of Justice publicly named 306 individuals and organizations as "unindicted co-conspirators" (UCC) in conjunction with the Holy Land Foundation case. The UCC list includes three of the largest American Muslim organizations – The Islamic Society of North America (the largest Muslim organization in America), The North American Islamic Trust (the largest Muslim endowment/trust in America) and the Council on American-Islamic Relations (the largest Muslim civil liberties group in America).

In November, 2010, a federal appeals court ruled that federal prosecutors violated the rights of major American Muslim organizations by including them on a list of "unindicted co-conspirators" in a terror-related case.

"According to one senior law-enforcement official (who asked not to be named talking about an ongoing case), the listing of ISNA, CAIR and other groups as 'unindicted co-conspirators' was largely a tactical move by the government." (Newsweek, 8/08/2007)

The U.S. Court of Appeals for the Fifth Circuit found that the U.S. Department of Justice violated the Fifth Amendment rights of the North American Islamic Trust (NAIT), and by implication the rights of similarly-named Muslim organizations, when it included them on the publicly-filed list in 2007.

The court also ruled that inclusion on the list was the result of "simply an untested allegation of the Government, made in anticipation of a possible evidentiary dispute that never came to pass." According to the ruling, "The allegation did not improperly enjoy the imprimatur of grand jury approval, nor was it erroneously conceded, implicitly or explicitly, as part of any plea."

In addressing the guilt by association argument raised by the government, the court said: "[A] broadly worded conclusion regarding a party's 'association' with various other entities is not grounded in any legal rule that would give that conclusion substance and boundaries. As such, the district court's statements regarding NAIT's 'association'. . .went beyond what was relevant to the any hypothetical evidentiary issue and may have obfuscated the underlying Fifth Amendment issue."

In re Smith, 656 F.2d 1101, 1107 (5th Cir. 1981) indicates that sullyng a person's name as an unindicted co-conspirator is a Fifth Amendment violation because it does not allow the unindicted co-conspirator a "forum for vindication".

Finally, the public naming of third parties that have not been officially charged with a crime is clearly against the Department of Justice's guidelines in the United States Attorney's Manual. (U.S.A.M)

- U.S.A.M. 9-11.130 specifically deals with limitations on naming persons or entities as unindicted co-conspirators.
- The guideline states that "[t]he practice of naming individuals as unindicted co-conspirators in an indictment charging a criminal conspiracy has been severely criticized in United States v. Briggs, 514 F.2d 794 (5th Cir. 1975)." U.S.A.M. 9-11.130.
- Furthermore, the guideline states that: "[o]rdinarily, there is no need to name a person as an unindicted co-conspirator in an indictment in order to fulfill any legitimate prosecutorial interest or duty. For purposes of indictment itself, it is sufficient, for example, to allege that the defendant conspired with 'another person or persons known.' The identity of the person can be supplied, upon request, in a bill of particulars. With respect to the trial, the person's identity and status as a co-conspirator can be established, for evidentiary purposes, through the introduction of proof sufficient to invoke the co-conspirator hearsay exception without subjecting the person to the burden of a formal accusation by a grand jury." U.S.A.M. 9-11.130.
- Finally, the guideline avers that "[i]n the absence of some significant justification, federal prosecutors generally should not identify unindicted co-conspirators in conspiracy indictments." U.S.A.M. 9-11.130.

Hate groups formed to oppose Muslim civil rights

A number of groups have made espousing anti-Muslim bigotry a centerpiece of their activities. Two of the most egregious are Stop the Islamization of America and Act! For America.

Stop the Islamization of America (SIOA), Pamela Geller and Robert Spencer

Geller, an "anti-Islam activist"⁸ who self-identifies as a "racist-Islamophobic-anti-Muslim-bigot,"⁹ runs the blog "Atlas Shrugs."

Along with Robert Spencer, she is co-founder of the group "Stop the Islamization of America." SIOA has been labeled both a "hate group and a "rabidly anti-Muslim group"¹⁰ by the Southern Poverty Law Center.

The United States Patent and Trademark Office refused to grant SIOA a trademark because: "The applied-for mark refers to Muslims in a disparaging manner because by definition it implies that conversion or conformity to Islam is something that needs to be stopped or caused to cease."

Geller has also accused President Obama of anti-Semitism and claimed the president does the bidding of "Islamic overlords."¹¹

Geller posted images on her blog purporting to depict Islam's Prophet Muhammad. Several of those images show the prophet as a pig. Another image, headlined "Piss Be Upon Him," shows one of the

⁸ Institute for Research and Education on Human Rights, "Tea Party Nationalism," Fall, 2010.

⁹ Barnard, Anne and Alan Feuer, "Outraged, and Outrageous," *The New York Times*, October 8, 2010.

¹⁰ Beirich, Heidi. "White Supremacists Find Common Cause with Pam Geller's Anti-Islam Campaign." *Southern Poverty Law Center Blog* (blog). <http://www.splcenter.org/blog/>.

¹¹ Burke, Daniel. "Pamela Geller, 'Queen of Muslim Bashers,' At Center of N.Y. 'Mosque' Debate." *The Huffington Post*. http://www.huffingtonpost.com/2010/08/20/pamela-gellerqueen-of-mus_n_689709.html.

controversial Danish cartoons of the prophet covered in urine. ("Piss Be Upon Him" is designed to mock the traditional phrase "Peace Be Upon Him" that Muslims use when mentioning any prophet of God.)

Geller is tied to the British hate group the English Defense League (EDL). The EDL is known for their "street intimidation" and "violent rhetoric," and is aligned with neo-Nazi movements and far-right racist groups.¹² Deemed by the Southern Poverty Law Center to be a "thuggish anti-Muslim street movement," the EDL has joined Geller in her crusade against the Park 51 initiative. Members of the group joined Geller at the September 11 protest of the Park 51 project.

As noted earlier in this testimony, Spencer has referred to Islam's Prophet Muhammad as a "con man. Someone who is knowing [sic] that what he is saying is false, but is fooling his followers." In the same video he asserts, "From a historical stand point, it is not even clear that Muhammad existed."¹³

In a special report, the independent national media watch group Fairness & Accuracy in Reporting (FAIR), identified Spencer as one of the "Dirty Dozen: America's Leading Islamophobes" who systematically "spread fear, bigotry, and misinformation."¹⁴

In that report, FAIR notes, "By selectively ignoring inconvenient Islamic texts and commentaries, Spencer concludes that Islam is innately extremist and violent, and quotes Spencer as saying, 'Unfortunately, however, jihad as warfare against non-believers in order to institute 'Sharia' worldwide is not propaganda or ignorance, or a heretical doctrine held by a tiny minority of extremists. Instead, it is a constant element of mainstream Islamic theology.'"

In 2006, Spencer participated in a conference honoring anti-Muslim, anti-immigrant Dutch politician Pim Fortuyn, who sought to legalize government discrimination in the Netherlands. Spencer proudly highlights his participation in this conference among his "Notable Speaking Engagements."¹⁵ Fortuyn's anti-Muslim views and the resulting backlash against Muslims living in the Netherlands are noted in the Department of State's International Religious Freedom Reports for 2002 and 2005.

Act! For America and Brigitte Gabriel

ACT! for America leader Brigitte Gabriel once told the *Australian Jewish News*: "Every practicing Muslim is a radical Muslim."¹⁶ Gabriel also claimed that "Islamofascism is a politically-correct word...it's the vehicle for Islam...Islam is the problem."

When asked whether Americans should "resist Muslims who want to seek political office in this nation," Gabriel said:

¹² Zaitchik, Alexander. "The British (Extremists) Are Coming—Or, the English Defence League Hearts Pam Geller," *Southern Poverty Law Center Blog*. <http://www.splcenter.org/blog/2010/09/16/the-british-extremists-are-coming-or-the-english-defence-league-hearts-pam-geller/>.

¹³ "Robert Spencer-26/04/2010-Part interview, part 9- "Prophet Mohammed: a *Mohammad: A Con Man?*" Living Scoop video, 2:17, posted by "NYC_ITV," April 26, 2010, [http://www.livingscoop.com/watch.php?v=NDQ4,%20Video%20accessed%207/27/2010.\(4/26/2010\)](http://www.livingscoop.com/watch.php?v=NDQ4,%20Video%20accessed%207/27/2010.(4/26/2010)) available at <http://www.livingscoop.com/watch.php?v=NDQ4>, Video accessed 7/27/2010. First reference is at 1:14. Second reference is a 0:29.

¹⁴ Fairness and Accuracy in Reporting. "*Smearcasting: How Islamophobes Spread Fear, Bigotry and Misinformation*," October 2008.

¹⁵ Jihad Watch. "About Robert Spencer," <<http://www.jihadwatch.org/about-robert-spencer.html>>.

¹⁵ Spencer, Robert. "About Robert Spencer," Jihad Watch, <http://www.jihadwatch.org/about-robert-spencer.html>.

¹⁶ Hoyt, Clark "A Radical Islamophobe?" *New York Times*,

<http://publiceditor.blogs.nytimes.com/2008/08/21/a-radical-islamophobe/?scp=4&sq=%22brigitte%20gabriel%22&st=cse>

"Absolutely. If a Muslim who has—who is—a practicing Muslim who believes the word of the Koran to be the word of Allah, who abides by Islam, who goes to mosque and prays every Friday, who prays five times a day—this practicing Muslim, who believes in the teachings of the Koran, cannot be a loyal citizen to the United States of America."¹⁷

Along with her stated desire to have Muslims barred from public office, Gabriel has also claimed that Arabs "have no soul"¹⁸ and that Muslims worship "something they call 'Allah,' which is very different from the God we believe [in]."

Gabriel also stated: "America and the West are doomed to failure in this war unless they stand up and identify the real enemy: Islam."¹⁹

Recommendations

The Federal Government Should Take Steps that Encourage or Compel States to Reform Their Oversight of Counter Terrorism Training

As noted by the author's of "How We Train Our Cops to fear Islam," state accreditation should be made mandatory for counterterrorism training courses—it often isn't—and the accreditation process itself must also be toughened. There should be subject-matter experts who evaluate courses, and they should sit in on classroom sessions anonymously. If such a system of state-based oversight worked properly, then bad trainers would have their state accreditation revoked, and they would no longer be allowed to teach in the state. If states agreed to share lists of bad trainers, then the trainer would effectively be banned nationwide."

Elected Officials Should Ensure that the Department of Justice will Swiftly Challenge any state law, such as SQ 755, that infringes on the Free Exercise of Religion

Lawmakers should investigate legitimate concerns about law enforcement tactics and avoid granting law enforcement broad powers without appropriate checks and balances

For instance, a DoJ IG report released in January 2010 found "widespread use of exigent letters and other informal requests for telephone records that did not comply with legal requirements of FBI policies governing acquisition of these records."²⁰

The same report finds that, "FBI personnel routinely uploaded telephone toll billing records obtained in response to exigent letters into a [redacted] database where the records were available for review and analysis by [redacted] employees throughout the government who were authorized to access the database.

¹⁷ Rodda, Chris. "Obsession "Stars" Have Lectured at U.S. Military Colleges; U.S. Navy Uses Film." The Huffington Post. http://www.huffingtonpost.com/chris-rodde/iobsessioni-stars-have-le_b_126693.html.

¹⁸ Gabriel, Brigitte. Speech at Christians United for Isreal (CUFI), March 11, 2008. <http://www.youtube.com/watch?v=aaocTdW0tJ4>

¹⁹ Gabriel, Brigitte. "Because They Hate," *Front Page Magazine*, <http://archive.frontpagemag.com/readArticle.aspx?ARTID=5480>.

²⁰ *A Review of the Federal Bureau of Investigation's Use of Exigent Letters and Other Informal Requests for Telephone Records*. Department of Justice, Office of the Inspector General. January 2010.