



Written Statement of the American Civil Liberties Union

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"The State of Religious Liberty in the United States"

On behalf of the American Civil Liberties Union (ACLU), a non-partisan organization with more than a half million members, countless additional activists and supporters, and 53 affiliates nationwide dedicated to the principles of individual liberty and justice embodied in the U.S. Constitution, we thank you for giving us the opportunity to submit this statement for the record on “The State of Religious Liberty in the United States.”

The goal of the ACLU’s work on freedom of religion and belief is to guarantee that all are free to follow and practice their faith, or no faith at all, without governmental influence or interference. Through litigation, public education, and advocacy, the ACLU promotes religious freedom and works to ensure that government neither prefers religion over non-religion, nor favors any faith.

The ACLU vigorously defends the constitutional right of all Americans to exercise and express religious beliefs and individual conscience, alongside our work to prevent the government from promoting and funding religious activities. Just in the last decade, the ACLU has brought over 100 cases defending the rights of individuals to exercise their religions freely. While over half of these cases were brought on behalf of those who are Christians, our work in this area knows no preference, just as the government’s should not.¹ The ACLU also advocates for laws that heighten protections for religious exercise.²

The state of religious liberty is strong in the United States. The Constitution guarantees three religious freedoms: the freedom to believe and to practice one’s religion, the freedom from government sponsorship of religion, and the freedom from government religious tests. Each freedom is integral to ensuring religious liberty continues to flourish.

The Freedom of Belief and Practice

Religious freedom is a fundamental right guaranteed by the First Amendment to the U.S. Constitution. It encompasses not only the right to believe, or not to believe, but also the right to express and practice one’s religious beliefs. This freedom is evident throughout our society.

Religion in the Public Square

Religion plays a prominent role in American public life and is far from absent from the public square in the United States. The Constitution protects individuals, families, and religious communities who wish to manifest their religion in public. People have a right to preach their religion in public places and to go door-to-door to spread their religious messages.³ The government is generally prohibited from placing undue restrictions on religious communities’ right to build houses of worship.⁴ As a result, churches, synagogues, mosques, temples, cathedrals, and Gurdwaras are commonplace in our communities. Religious symbols may be displayed on private property for all to see.

Religious Education and Schoolchildren’s Rights to Practice Religion

Parents have the right to enroll their children in religious schools⁵ and children in public schools are free to exercise their own religious beliefs. They are free to voluntarily pray in public schools either as individuals or in groups. If a teacher opens up an assignment topic for the children’s choice (such as

¹ Examples from the last two years are listed at the end of this statement. For a longer list, see ACLU Defense of Religious Practice and Expression, <http://www.aclu.org/aclu-defense-religious-practice-and-expression>.

² Examples of legislation we have supported include the Religious Land Use and Institutionalized Persons Act (RLUIPA), 42 U.S.C. §§ 2000cc – cc-5, and the Workplace Religious Freedom Act, S. 4046 (2010).

³ *Watchtower Bible & Tract Soc’y of N.Y., Inc. v. Vill. of Stratton*, 536 U.S. 150 (2002); *Murdock v. Pa.*, 319 U. S. 105, 108 (1943); *Cantwell v. Conn.*, 310 U.S. 296 (1940); *Schneider v. State (Town of Irvington)*, 308 U. S. 147 (1939).

⁴ RLUIPA.

⁵ *Pierce v. Soc’y of Sisters*, 268 U.S. 510 (1925).

which book to read) students may choose religious themes. If a school permits noncurricular clubs, then students may form a religious group such as a Good News Club or a Secular Student Alliance Club.⁶ And they are free from having to recite the Pledge of Allegiance if doing so conflicts with their religious beliefs.⁷ Moreover, schools may offer courses about religion or about the Bible or other religious works,⁸ but may not promote particular religious beliefs.

Religious Communities and Religious Exercise

Religious bodies have considerable protections against government intrusion. Courts have held that religious employers, in cases involving positions funded with private moneys, are permitted to hire only those applicants who share the employers' religious beliefs and practices,⁹ an exemption from Title VII,¹⁰ which otherwise prohibits employment discrimination based on religion.¹¹ Religious bodies have the right to hire ministerial employees whose beliefs and conduct are consistent with those bodies' beliefs and practices. Thus, because the government may not decide who speaks for the church or what the church teaches, courts refrain from deciding certain disputes between ministers and religious bodies.¹² Nor may courts resolve disputes involving religious doctrine or practice in cases concerning church property.¹³

Religion in the Workplace

Employees also have the right under existing federal law to reasonable accommodations of their religious observance and practice by their employers, unless doing so is an undue hardship on the employer's business.¹⁴

All of these examples show that the constitutional and statutory shield for free exercise promotes religious vitality and diversity. Indeed, our country is likely the most religiously diverse and active. This shield, however, cannot be turned into a sword to cut off all regulations and to inflict harm on others.

Our nation respects and protects the right to follow and practice one's faith, but concluded long ago that the exercise of religious beliefs should not detrimentally affect the well being of others. Yet, in the name of religious freedom:

- An inn—open to the public and subject to laws prohibiting discrimination—refused to serve a lesbian couple because of the owners' personal, religious beliefs about gay men and lesbians. The state's Human Rights Law has prohibited hotels, restaurants, businesses, and other public accommodations from discriminating on the basis of sexual orientation for nearly 20 years. The inn's owners want the freedom to engage in discrimination and disobey the law.¹⁵

⁶ *Bd. of Educ. v. Mergens*, 496 U.S. 226 (1990) (upholding the Equal Access Act, 20 U.S.C. §§ 4071-74).

⁷ *W. Va. Bd. of Educ. v. Barnette*, 319 U.S. 624 (1943).

⁸ *See Sch. Dist. of Abington Twp. v. Schempp*, 374 U.S. 203, 225 (1963).

⁹ *See, e.g., Corp. of the Presiding Bishop v. Amos*, 483 U.S. 327 (1987).

¹⁰ 42 U.S.C. § 2000e-1(a).

¹¹ 42 U.S.C. §2000e-2(a).

¹² *Rayburn v. Gen. Conf. of Seventh-Day Adventists*, 772 F. 2d 1164 (4th Cir. 1985).

¹³ *Jones v. Wolf*, 443 U.S. 595, 602 (1979); *Presbyterian Church v. Hull Church*, 393 U.S. 440, 449 (1969).

¹⁴ 42 U.S.C. § 2000e(j).

¹⁵ *Baker and Linsley v. Wildflower Inn*, No. 187-7-11 Cacv (Vt. Sup. Ct. filed on July 19, 2011). There is no difference between this case and *Newman v. Piggie Park Enterprises, Inc.*, 256 F. Supp. 941, 944-45 (D. S.C. 1966), in which a restaurant owner unsuccessfully argued that his religious beliefs prevented him from complying with public accommodations laws prohibiting discrimination against African Americans.

- Catholic hospitals have been willing to put women’s lives at risk. Often, they interpret national guidelines for Catholic healthcare to require doctors to delay or deny emergency medical procedures for women. For instance, a Catholic hospital forced one doctor to risk his patient’s life by withholding the care she needed—an emergency abortion. The woman was miscarrying at 19 weeks of pregnancy, a point at which a fetus has no hope of survival. She was dying: her temperature was 106 degrees and she had a life-threatening condition that caused excessive bleeding—in fact, she was bleeding so badly that the whites of her eyes were red, filled with blood.¹⁶ Yet, her doctor was prohibited from taking immediate action.

Catholic hospitals serve a wide range of patients, many of whom have no access to other medical care, yet USCCB is now advocating for a bill¹⁷ that would sanction this dangerous practice by making a hospital’s obligation to provide appropriate emergency care¹⁸ secondary to its decision to refuse to allow its doctors to provide abortion care.

- Religiously affiliated child placement agencies that receive state funding are asking a court to excuse them from the law that mandates placement decisions for foster and adoptive children be made solely on the basis of the safety and well-being of the children—the best interests of the child. These agencies wish to deny placements with same-sex couples because of the religious beliefs of the agencies and their affiliated religious bodies, regardless of whether a same-sex couple might be the best match for the particular child in their care. According to experts in child welfare policy, the best-interest standard requires consideration of how a placement affects the child—whether the unique skills and characteristics of the potential parents best fit the needs of the child for a safe, loving, and stable home. Instead, these religiously affiliated agencies, which have voluntarily entered into contracts with the state to place the state’s wards and screen potential foster and adoptive homes, seek a dispensation from the law that would elevate their religious views about homosexuality and marriage over the best interests of the children under their care.¹⁹
- A contractor operating a public bus line in New York that primarily serves a Hassidic Jewish community makes women sit at the back of the bus, in accordance with religious beliefs dictating separation of sexes. Signs posted on the bus say, “when boarding a crowded bus with standing passengers in the front, women should board the back door after paying the driver in the front” and “when the bus is crowded, passengers should stand in their designated areas.”²⁰
- A religious organization that received millions of dollars from the government to ensure that human trafficking victims receive essential services prohibits the provision of, or even referral for, reproductive health care. More than 14,000 individuals, predominantly women, are brought into the United States annually and exploited for their labor, including in the commercial sex industry. Many trafficking victims experience extreme violence and sexual assault at the hands of their traffickers.

¹⁶ Lori R. Freedman, et al., *When There’s a Heartbeat: Miscarriage Management in Catholic-Owned Hospitals*, 98 Am. J. of Pub. Health 1774, 1777 (2008).

¹⁷ Letter from Cardinal Daniel N. DiNardo, Chairman, Committee on Pro-Life Activities, United States Conference of Catholic Bishops, to Members of Congress (Oct. 12, 2011) (writing on the so-called Protect Life Act, H.R. 358; S. 877 (2011)).

¹⁸ The Emergency Medical Treatment and Active Labor Act (EMTALA), 42 U.S.C. §§ 1395dd(a)-(c), requires any hospital that participates in the Medicare program and that operates an emergency room to provide stabilizing treatment to any patient who presents with an emergency condition.

¹⁹ See Intervenor’s Mem. in Opp’n to Pls.’ Mot. for Summ. J. in *Catholic Charities v. Ill.*, No. 11-MR-254 (Ill. 7d Aug. 18, 2011), available at <http://www.aclu-il.org/wp-content/uploads/2011/07/Memo-in-support-of-MTD-or-SJ-FINAL.pdf>.

²⁰ Christine Haughney, *At Front of Brooklyn Bus, a Clash of Religious and Women’s Rights*, N.Y. Times, Oct. 20, 2011, at A26.

Some become pregnant as a result of rape and some contract sexually transmitted infections, including HIV. These women need access to reproductive health care referrals and services, including contraception, to lead safe lives, become self-sufficient, and protect themselves and others. Yet the organization that had been designated by the government to responsibly care for these victims refused to provide these women vital care.²¹

- During the clinical training component of a public university’s counseling program, a graduate student training to be a high school counselor refused to counsel a gay client about his relationships because of her own personal beliefs. The university dismissed her from the program because it requires all of its students to abide by the American Counseling Association’s Code of Ethics, which forbids counselors from discriminating in their practice or imposing their own values, attitudes, and beliefs on their clients. The graduate student sued the university seeking to be reinstated to the program and wants the freedom to flout the code of ethics and refuse to counsel anyone of whom she disapproves. High school counselors play a critical role for many adolescents—students should be able to trust they can come to their school counselor for help, free from discrimination or judgment.²²
- Religious organizations that voluntarily apply for government grants or contracts to provide secular social services to individuals in need seek to escape decades of policies and laws that prohibit government-funded employment discrimination. Starting in 1941, government contractors and grantees were prohibited from imposing religious tests on their employees. Now, however, these religious organizations say that the civil rights requirements that come with government funding burden their religious exercise and they must be permitted to discriminate in hiring with government funding.²³
- Religious organizations are seeking to undermine important new federal guidelines that will ensure insurance plans include coverage of contraception. Religious organizations are advocating to remove contraception from federal coverage guidelines altogether, going so far as to say that contraception isn’t even health care. Recognizing they are unlikely to achieve this, they seek a rule under which insurers, religiously affiliated employers with diverse workforces—such as hospitals, social service agencies, and universities—and even secular employers would be able to deny others contraceptive coverage. Indeed, the USCCB is also advocating for a bill that would allow any insurer or employer to refuse to cover *any* health service to which they object.²⁴

²¹ See *ACLU of Mass. v. Sebelius*, No. 1:09-cv-10038-RGS (D. Mass. filed on Jan. 12, 2009). In a competitive bidding process, the U.S. Department of Health and Human Services recently awarded grants for human trafficking victim aid to other nonprofits and the religiously affiliated organization no longer provides services under this program. See Kathleen Miller, *Catholic Group Dropped From U.S. Aid Contract Linked to Abortion*, Bloomberg, Oct. 10, 2011.

²² See *Ward v. Wilbanks*, Nos. 10-2100/2145 (6th Cir. argued on Oct. 4, 2011).

²³ See Memorandum for the General Counsel, Office of Justice Programs, from John P. Elwood, Deputy Assistant Attorney General, Office of Legal Counsel, *Re: Application of the Religious Freedom Restoration Act to the Award of a Grant Pursuant to the Juvenile Justice and Delinquency Prevention Act* (June 29, 2007). Robert Tuttle, a professor at The George Washington University Law School who specializes in religious liberty issues, asserted, “I think that the OLC opinion was perhaps the most unpersuasive OLC opinion I’ve read. And that includes the famous John Yoo opinion, by the way” Robert Tuttle, Professor, George Washington University Law School, Remarks at the Brookings Institution: Faith-Based and Neighborhood Partnerships in the Obama Era: Assessing the First Year and Looking Ahead (Feb. 18, 2010) (transcript at 141, available at http://www.brookings.edu/~~/media/Files/events/2010/0218_faith_based/20100218_faith_based.pdf).

²⁴ The Respect for Rights of Conscience Act, H.R. 1179, S. 1467, 112th Cong. (2011).

- Some public school teachers have sued their employers, claiming that a prohibition on their praying in the classroom or participating in religious ceremonies violates their religious freedom.²⁵ Another public school science teacher challenged a curricular requirement that biology teachers instruct students on the central organizing principle of modern biology, to ensure public school students receive a sound, accurate science education, because doing so would violate his religious freedom.²⁶

These claims illustrate an alarming pattern of efforts to turn the freedom to practice one's religion into the freedom to impose one's will on others, to tell them what to do, or even to cause them harm.

In short, the right to exercise one's religion is not without bounds under existing law, and it shouldn't be²⁷ "To maintain an organized society that guarantees religious freedom to a great variety of faiths requires that some religious practices yield to the common good."²⁸ It has long been understood that religious exercise should not interfere with others' rights, safety, and an ordered society.²⁹ When an individual or religious body seeks special dispensation from laws that protect civil rights, health, and safety, the Constitution requires that courts examine the burdens such an exception would impose on others.³⁰ Any exception "must be measured so that it does not override other significant interests."³¹ Thus, when the shield provided for religious liberty is turned into a sword, there are significant constitutional concerns. In a "cosmopolitan nation made up of people of almost every conceivable religious preference,"³² permitting each person's religious preference to trump laws protecting health and welfare would be a scheme that knows no end. Such a sword could rend the fabric of our nation.

The Freedom from Government Sponsorship, Endorsement, and Disparagement of Religion

The First Amendment to the Constitution also requires the government to remain neutral with regard to religion—neither endorsing nor condemning any belief. It forbids the government from targeting any religion. Over 60 years ago, the Supreme Court described it in this way:

Neither a state nor the Federal Government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another. Neither can force nor influence a person to go to or to remain away from church against his will or force him to profess a belief or disbelief in any religion. No person can be punished for entertaining or professing religious beliefs or disbeliefs, for church attendance or non-attendance. No tax in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion.³³

The freedom from sponsorship is fundamental to allowing people to freely choose what to believe (or not believe) and how they practice those beliefs and ensuring that the government remains neutral towards religion.

²⁵ *Allen v. Sch. Bd. for Santa Rosa County*, (N.D. Fla. settlement filed July 1, 2011).

²⁶ *Pelozo v. Capistrano Unified Sch. Dist.*, 37 F.3d 517 (9th Cir. 1994).

²⁷ *See, e.g., Estate of Thornton v. Caldor*, 472 U.S. 703 (1985).

²⁸ *U.S. v. Lee*, 455 U.S. 252, 259 (1982).

²⁹ *See, e.g., Sherbert v. Verner*, 374 U.S. 398, 402-03 (1963); *Watson v. Jones*, 80 U.S. 679, 728 (1872); *see also* Thomas Jefferson, Query XVII in *Notes on the State of Virginia*, 159 (William Peden ed. 1955 Chapel Hill: University of North Carolina Press) ("But it does me no injury for my neighbour to say there are twenty gods, or no god. It neither picks my pocket nor breaks my leg.").

³⁰ *E.g., Estate of Thornton*, 472 U.S. at 708-10.

³¹ *Cutter v. Wilkinson*, 544 U.S. 709 (2005).

³² *Braunfeld v. Brown*, 366 U.S. 599, 606 (1961).

³³ *Everson v. Bd. of Educ.*, 330 U.S. 1, 15-16 (1947).

Parents, Not Public Schools, Should Direct Religious Education

Parents and religious communities, rather than public schools, should be allowed to direct their children's religious education. After all, "[f]amilies entrust public schools with the education of their children, but condition their trust on the understanding that the classroom will not purposely be used to advance religious views that may conflict with the private beliefs of the student and his or her family"³⁴

All too often, however, school officials promote religion: over the loudspeaker at football games,³⁵ in the locker room,³⁶ at graduation,³⁷ in science class,³⁸ at convocations featuring a Christian rapper,³⁹ or at any other given opportunity.⁴⁰

Government May Not Pay to Build Houses of Worship

The freedom from government sponsorship of religion is also what ensures that government funds are not spent to build houses of worship. The Supreme Court in 1947 explained that "[t]he imposition of taxes to . . . build and maintain churches and church property" was one of the grave harms addressed by the First Amendment.⁴¹ Subsequently, the Supreme Court specifically held that the government could not pay to construct or maintain religious buildings. The Supreme Court has never retreated from this bedrock principle.

In *Tilton v. Richardson*,⁴² the Supreme Court held that taxpayer funds may not be used to construct buildings that would ever be used for religious instruction or worship. Government-funded buildings must be wholly and permanently dedicated to secular use to avoid unconstitutionally advancing religion with taxpayer dollars. Following *Tilton*, the Supreme Court also held that government funds could not be used for repair and maintenance of religious schools: "If the State may not erect buildings in which religious activities are to take place, it may not maintain such buildings or renovate them when they fall into disrepair," because doing so would have the effect of "subsidiz[ing] and advanc[ing] the religious mission" of the religious schools.⁴³

Despite clear legal precedent to the contrary, two opinions by the Department of Justice's Office of Legal Counsel permit the government to pay to build and refurbish churches, mosques, synagogues, and temples.⁴⁴ The OLC is supposed to be in the business of upholding the law rather than guessing, based on

³⁴ *Edwards v. Aguillard*, 482 U.S. 578, 584 (1987).

³⁵ *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290 (2000). For a recent example, see Sheronda Allen, *Group Complains about Brooks' Pregame Prayers*, Times Daily, Oct. 24, 2011.

³⁶ *Borden v. Sch. Dist. of Twp. of E. Brunswick*, 523 F. 3d 153 (3d Cir. 2008).

³⁷ *Lee v. Weisman*, 505 U.S. 577 (1992); *Does v. Enfield Pub. Schs.*, 716 F. Supp. 2d 172 (D. Conn. 2010).

³⁸ *Kitzmiller v. Dover Area Sch. Dist.*, 400 F. Supp. 2d, 707 (2005).

³⁹ Susanne M. Schafer, *School Events Join Church, State*, The Sun News, Oct. 22, 2001; Daniel Bullard Bates, *A SHOC-king Disregard for the Constitution*, ACLU's Blog of Rights, Sept. 26, 2011, <http://www.aclu.org/blog/project/religion-%2526-belief>.

⁴⁰ *Does v. Sch. Bd. of Santa Rosa County*, No. 3:08-cv-361, (N.D. Fla. settlement filed July 1, 2011). The teacher handbook required school personnel to "embrace every opportunity to inculcate, by precept and example, the practice of every Christian virtue."

⁴¹ *Everson*, 330 U.S. at 11.

⁴² 403 U.S. 672, 683 (1971) (plurality opinion). All the other Justices agreed with this part of the holding, making it unanimous.

⁴³ *Comm. for Pub. Educ. & Religious Liberty v. Nyquist*, 413 U.S. 756, 777, 779-80 (1973).

⁴⁴ Authority of the Department of the Interior to Provide Historic Preservation Grants to Historic Religious Properties such as The Old North Church, Memorandum for the Solicitor, Department of the Interior, from M. Edward Whelan III, Acting Assistant Attorney General, Office of Legal Counsel (Apr. 30, 2003); Authority of FEMA to Provide Disaster Assistance to Seattle Hebrew Academy, Memorandum for the General Counsel, Federal Emergency Management Agency, from Jay S. Bybee, Assistant Attorney General, Office of Legal Counsel (Sept. 2002). These opinions, like the one cited *supra* note 23, rely on unconvincing legal reasoning.

interpretations and vote counts of unrelated cases,⁴⁵ that the Supreme Court might someday hold that *Tilton* and *Nyquist* are no longer good law. The Supreme Court, however, has never overruled these cases.

When the government spends taxpayer funds, it is imperative that Congress and the Executive Branch ensure that the money serves government programs and purposes. Money spent on houses of worship, obviously, cannot meet that requirement. Moreover, for many faiths and denominations, all design aspects of their houses of worship are sacred and intended to embody and express religious beliefs. For these groups, houses of worship often are not just venues for their religious activity but expressions of religious belief. Government funds used to construct a house of worship would, therefore, also be used to support that faith's inculcation of religious belief.

These harmful OLC opinions should be withdrawn and the Department of Justice and other agencies should make clear that they will follow relevant, directly controlling Supreme Court precedent.

Government Is Prohibited from Targeting Religion

Government targeting of a particular religion and religious practices is unconstitutional.⁴⁶ Yet, targeting of religion has proliferated since September 11, 2001.

For instance, the government employs a theory that purports to identify markers for when a person is on the path toward becoming a terrorist. The problem is those indicators are all protected First Amendment activities that are part of Muslims' religious practice, such as praying or growing a beard.⁴⁷ The flawed theory is just one small part of widely used law enforcement and military training materials that condemn Islam and perpetuate falsehoods about the religion and its adherents.⁴⁸

Biased and erroneous training materials and intelligence products do a disservice to all Americans. They mislead law enforcement officers with flawed facts and analysis, and unfairly cast suspicion on all American Muslims, and Americans of Arab and South Asian origin, leading to civil rights violations and misdirected investigations. They also contribute to inappropriate law enforcement questioning and surveillance of the American Muslim community, the infiltration of mosques by informants acting as agents provocateur, and growing racial and religious animus against Arab, South Asian and Muslim Americans within the government and the broader community.

Another disturbing source of anti-Muslim bigotry can be found in state legislatures across the country. Several states have passed or attempted to pass laws designed to prevent courts from applying, enforcing, or even considering foreign, international, or religious law or legal doctrine. These bills and proposed constitutional amendments may be written neutrally, but proponents' aim is to prohibit so-called "Sharia law," because, they claim, it is somehow taking over our courts. These claims are, simply put, wrong.

⁴⁵ One line of unrelated cases, on which the OLC strongly relies, deals with the "pervasively sectarian" doctrine. With regard to this specific doctrine, however, the Supreme Court has explicitly cautioned that courts should not "conclude our more recent cases have, by implication, overruled an earlier precedent." *Agostini v. Felton*, 521 U.S. 203, 237 (1997). The Court reaffirmed that "[i]f a precedent of this Court has direct application in a case, yet appears to rest on reasons rejected in some other line of decisions, the Court of Appeals should follow the case which directly controls, leaving to this Court the prerogative of overruling its own decisions." *Id.* (alteration in the original, citation omitted). With regard to building or refurbishing houses of worship, *Tilton* and *Nyquist* directly control.

⁴⁶ *Church of Lukumi Babalu Aye v. City of Hialeah*, 508 U.S. 520 (1993).

⁴⁷ See Fed'l Bureau of Investigation, Intelligence Assessment, *The Radicalization Process: From Conversion to Jihad* (May 10, 2006) (excerpt attached).

⁴⁸ Excerpts from training materials are attached.

The legislation is being pushed by hatemongers and exacerbates the anti-Muslim rhetoric that is increasingly and tragically common in our country.⁴⁹

Not only do laws that single out Sharia violate the First Amendment by treating one belief system as suspect, they come with significant, potential unintended consequences. They could obstruct international adoptions, put U.S. commercial interests at a disadvantage in the world market, bring valid marriages into question, and even undermine the religious freedom of anyone relying on voluntary participation in faith-based dispute resolution forums, such as *beit din* and Christian Conciliation.⁵⁰

The Constitution's requirement that the government remain neutral towards religion and refrain from sponsorship or targeting religion is essential to ensuring people are free to follow and practice the dictates of their beliefs. Unfortunately, the government often falls short of this constitutional requirement, resulting in harm religious communities and religious exercise.

Freedom from Government Religions Tests

The final constitutional guarantee of religious freedom is found in Article VI: "no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States." A product of struggles for religious liberty in the colonial era, the "no religious test" clause protects religious belief and practice by consigning them to the private domain, ending any mandates by the government.

We were recently reminded of the importance of Article VI. Mitt Romney, commenting on remarks made by the Rev. Robert Jeffress at the Values Voters Summit, said:

What I actually found was most troubling . . . was [that] he said, in choosing our nominee, we should inspect his religion. And someone who is a good moral person is not someone who we should select; instead, we should choose someone who subscribes to our religious belief.

Th[e] . . . idea that we should choose people based upon their religion for public office is what I find to be most troubling, because the founders of this country went to great length to make sure—and even put it in the Constitution—that we would not choose people who represent us in government based upon their religion, that this would be a nation that recognized and respected other faiths, where there's a plurality of faiths, where there was tolerance for other people and faiths. That's [a] bedrock principle. . . . But the concept that we select people based on the church or the synagogue they go to, I think, is a very dangerous and—and enormous departure from the principles of our . . . Constitution.⁵¹

Other candidates don't seem to have as robust an understanding of what Article VI means. For instance, at the same debate, Newt Gingrich said, "And how can I trust you with power if you don't pray? Who

⁴⁹ See generally, Wajahat, Ali Et Al., *Fear, Inc: The Roots of the Islamaphobia Network in America* (Center for American Progress Aug. 2011).

⁵⁰ Am. Bar Ass'n, Resolution 113A and Report (adopted Aug. 8, 2011); Martha F. Davis & Johanna Kalb, Am. Constitution Soc'y Issue Brief, *Oklahoma State Question 755 and An Analysis of Anti-International Law Initiatives* (Jan. 2011).

⁵¹ Mitt Romney, Response to question at the Western Republican Leadership Conference (WRLC)/CNN Republican presidential debate (Oct. 18, 2011), available at <http://www.nytimes.com/2011/10/18/us/politics/western-republican-leadership-conference-wrlc-cnn-debate-at-the-venetian-resort-hotel-casino.html>.

you pray to, how you pray, how you come close to God is between you and God.”⁵² By his remarks it seems he thinks an atheist or humanist would be unqualified to hold public office.

And earlier this campaign season, Herman Cain said he would not appoint a Muslim to his cabinet or to the federal court, because the Muslim faith “does not belong in our government.” In a subsequent explanation he backed off such a hard line, saying he would take “extra precautions” with Muslims. He finally backed off further and said a Muslim could serve in his administration like anyone else.⁵³

Comments by Gingrich and Cain show how common it is that our politicians play politics with religion. In doing so, they undermine our bedrock constitutional values.

Americans have long recognized that religious liberty is built on the foundation of the freedom of religious belief and practice, the freedom from government endorsement, disparagement, or targeting of religion, and the freedom from governmental religious tests. Without any one part of this foundation, religious liberty will fall. But together, they form a solid foundation that guarantees the religious diversity, vitality, and liberty that make our nation strong.

As Justice O’Connor observed:

At a time when we see around the world the violent consequences of the assumption of religious authority by government, Americans may count themselves fortunate: Our regard for constitutional boundaries has protected us from similar travails, while allowing private religious exercise to flourish. . . . Those who would renegotiate the boundaries between church and state must therefore answer a difficult question: Why would we trade a system that has served us so well for one that has served others so poorly?⁵⁴

⁵² Newt Gingrich, Response to question at the Western Republican Leadership Conference (WRLC)/CNN Republican presidential debate (Oct. 18, 2011), *available at* <http://www.nytimes.com/2011/10/18/us/politics/western-republican-leadership-conference-wrlc-cnn-debate-at-the-venetian-resort-hotel-casino.html>.

⁵³ See William Saletan, *Colored Judgment: Why Does Herman Cain Think About Muslims the Way Racists Think About Blacks?*, Slate, June 16, 2011, *available at* http://www.slate.com/articles/news_and_politics/frame_game/2011/06/colored_judgment.single.html; Chris Good, *The Many Walkbacks of Herman Cain*, The Atlantic, Oct. 24, 2011, *available at* <http://www.theatlantic.com/politics/archive/2011/10/the-many-walkbacks-of-herman-cain/247185/>.

⁵⁴ *McCreary County v. ACLU of Ky.*, 545 U.S. 844, 882 (2005) (O’Connor, J. concurring).

Cases Brought by the ACLU to Defend Religious Exercise (2010-2011)

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- The ACLU of Nebraska opposed a policy at Fremont Public School that would prevent students from wearing Catholic rosaries to school. <http://www.aclunebraska.org/index.php/religious-liberty/127-that-gang-of-nuns-looks-pretty-dangerous>
- The ACLU of Virginia defended the free religious expression of a group of Christian athletes in Floyd County High School who had copies of the Ten Commandments removed from their personal lockers. <http://www2.wsls.com/news/2011/feb/25/aclu-virginia-defends-floyd-co-hig...>
- The ACLU and the ACLU of Southern California filed a lawsuit on behalf of a Sikh inmate who has faced multiple disciplinary sanctions for refusing to trim his beard on religious grounds. Keeping unshorn hair is one of the central tenets of the Sikh faith. <http://www.aclu.org/prisoners-rights-religion-belief/aclu-files-lawsuit-...>
- The ACLU of Connecticut filed a lawsuit on behalf of a Naval officer who sought recognition as a conscientious objector because of his Christian convictions against war. After a period of intense religious study, reflection, and prayer, he had come to realize that his religious beliefs were in conflict with his military service. The officer's request was subsequently granted and he received an honorable discharge. <http://www.acluct.org/legal/religiousliberty/navalofficerwinscodischarg.htm>; http://www.nytimes.com/2011/02/23/nyregion/23objector.html?_r=1&scp=2&sq...
- The ACLU of Southern California filed a lawsuit against the FBI alleging that an agent had infiltrated a California mosque and violated the constitutional rights of hundreds of Muslims by targeting them for surveillance because of their religion. <http://www.aclu-sc.org/releases/view/103067>; <http://www.washingtonpost.com/wp-dyn/content/article/2011/02/22/AR201102...>

2010

- The ACLU of Colorado supported the rights of students in Colorado Springs School District 11 to wear crosses, rosaries, and other religious symbols. A middle school had announced a policy forbidding students from wearing certain Christian symbols unless they were worn underneath their clothing. <http://aclu-co.org/news/aclu-supports-students-right-of-religious-freedom>
- The ACLU and the ACLU of Kentucky appealed the denial of a zoning permit for a Muslim prayer space in Mayfield. After ACLU involvement, the permit was granted. <http://www.aclu.org/religion-belief/muslim-prayer-space-granted-permit-kentucky>
- The ACLU of San Diego and Imperial Counties wrote a letter in support of a church in El Centro, California, that was prohibited from relocating to a building in the downtown district. http://www.aclusandiego.org/news_item.php?article_id=001086
- The ACLU sued the Pierce County Jail in Tacoma, Washington, for religious discrimination against two Muslims who were forbidden from participating in group prayer, denied dietary accommodations, and refused religious clothing. <http://blog.thenewstribune.com/crime/2010/09/22/two-men-sue-pierce-count...>
- The ACLU and the ACLU of Georgia sued the City of Douglasville on behalf of a devout Muslim woman who was restrained, arrested, and jailed for several hours after refusing to remove her religious head covering. This case was recently settled out of court and the city has adopted a head covering screening policy. <http://www.aclu.org/religion-belief-womens-rights/aclu-files-lawsuit-beh...>
- The ACLU of Florida filed a lawsuit on behalf of a local homeless ministry, the First Vagabonds Church of God, challenging an Orlando ordinance that prohibits service of food to groups in the same public park more than twice per year. The U.S. Court of Appeals for the Eleventh Circuit eventually enjoined the city from enforcing the ordinance, allowing the church to resume providing food to the homeless. http://www.aclufl.org/news_events/?action=viewRelease&emailAlertID=3668; <http://www.orlandosentinel.com/news/local/breakingnews/os-homeless-feedi...>

- The ACLU and the ACLU of Texas filed a brief in the U.S. Supreme Court in support of a Texas state prisoner seeking damages after prison officials denied him the opportunity to participate in Christian worship services. <http://www.aclu.org/prisoners-rights-religion-belief/christian-prisoner-...>
- The ACLU of Alaska advised the Alaska Department of Education to respect the religious freedom of Russian Old Believer families by arranging alternate testing dates for the High School Graduation Qualifying Exam, which conflicts with Holy Week for Russian Old Believer students. Students may now take the test on different testing dates. <http://www.akclu.org/NewsEvents/High-School-Qualifying-Exam-Testing-10-0...>
- The ACLU and the ACLU of Maryland filed an amicus brief in the U.S. Court of Appeals for the Fourth Circuit on behalf of Steven Kanai, a conscientious objector who self-identified as a Christian but also found meaning in the non-violent and compassionate teachings of Buddhism. <http://www.blhny.com/docs/Kanai%20AmicusBrief%20for%20ACLU%20ACLU%20MD.pdf>
- The ACLU of Maryland came to the defense of a practicing Muslim woman who was denied a foster care license simply because she does not allow pork products in her home. The woman was fully qualified and made clear that she allows foster children to worship as they please. <http://www.aclu.org/blog/religion-belief/pork-or-parents>
- The ACLU, its national chapter in Puerto Rico, and its affiliates in New Hampshire, Maine, Massachusetts, and Rhode Island filed a friend-of-the-court brief opposing restrictive laws that effectively ban Jehovah's Witnesses from freely expressing their faith on the streets of Puerto Rico. The brief supports a challenge by the Witnesses to Puerto Rico statutes authorizing local neighborhoods to deny citizens access to public residential streets. <http://www.aclu.org/religion-belief/aclu-brief-affirms-right-jehovahs-wi...>
- The ACLU of Arizona successfully challenged a Maricopa County policy restricting religious head coverings worn by detainees and inmates in county custody. The ACLU of Arizona brought the case on behalf of a Muslim woman who was denied the right to wear a head scarf while detained by the Maricopa County Sheriff's Office. MCSO now allows Muslim women to wear head scarves during the intake and booking process after a brief initial search. http://www.acluaz.org/press_releases/2_4_10.html

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Federal Bureau of Investigation
Intelligence
ASSESSMENT

(U//FOUO) The Radicalization Process: From Conversion to Jihad

10 May 2006

v

Prepared by

**FBI Counterterrorism
Division**

(U//FOUO) Indicators

(U//FOUO) During the pre-radicalization stage, an individual may not display overt signs of radicalization because conversion does not always lead to radicalization. The following is a preliminary list of indicators the FBI has developed in order to identify an individual going through the radicalization process:

(U//FOUO) Identification

- (U//FOUO) Increased isolation from former life
- (U//FOUO) Association with new social identity
 - (U//FOUO) Wearing traditional Muslim attire
 - (U//FOUO) Growing facial hair
 - (U//FOUO) Frequent attendance at a mosque or a prayer group
- (U//FOUO) Travel to a Muslim country

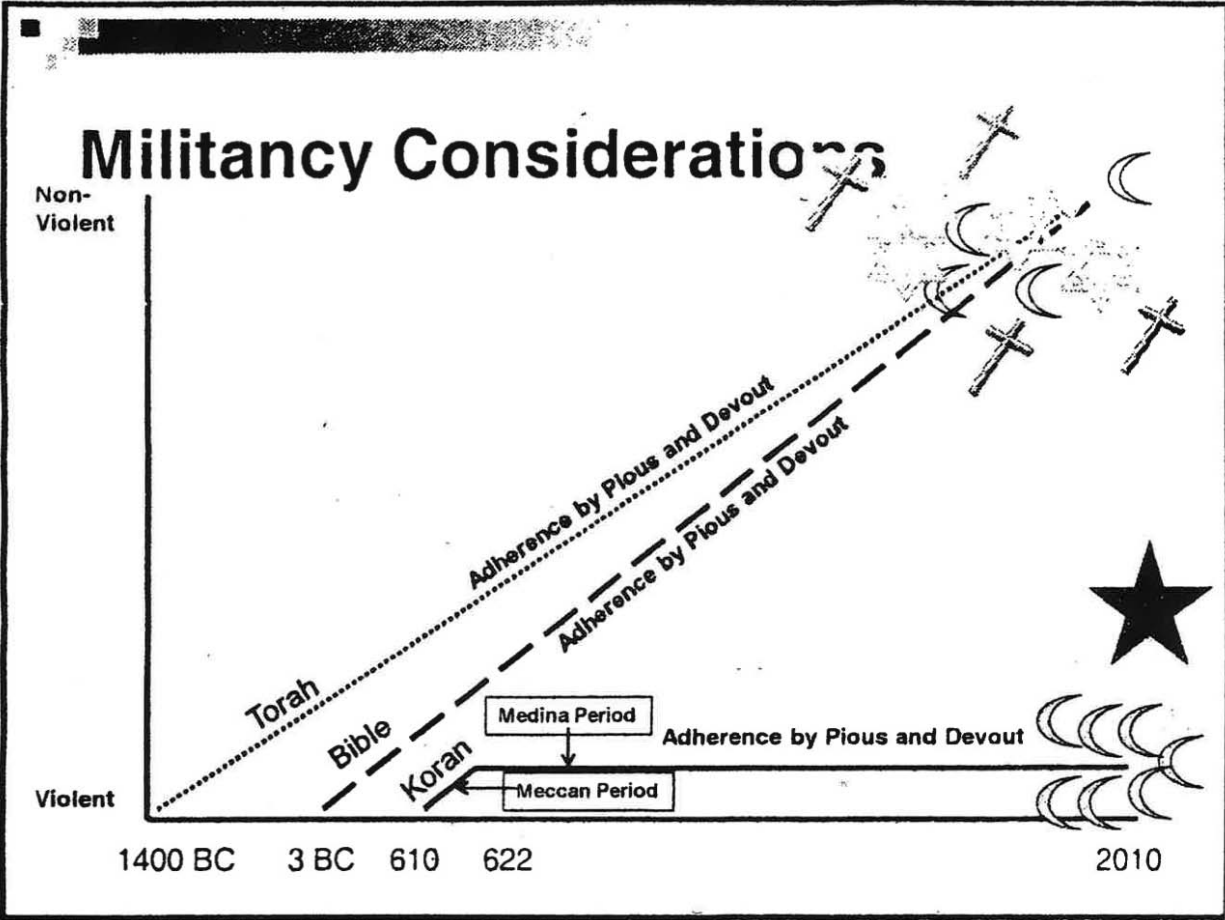
(U//FOUO) Indoctrination

- (U//FOUO) Increased activity in a pro-Muslim social group or political cause
- (U//FOUO) Attendance at a training camp or participation in paramilitary training
- (U//FOUO) Conducting surveillance activities
- (U//FOUO) Proselytizing

(U//FOUO) Action

- (U//FOUO) Travel without obvious source of funds
- (U//FOUO) Suspicious purchases of bomb making paraphernalia or weapons
- (U//FOUO) Large transfer of funds, from or to overseas
- (U//FOUO) Formation of operational cells

FBI Training Material
Military Considerations Power Point Presentation
By William Gawthorp
Excerpts



Slide 10

FBI Training Material
Doctrinal Basis for Jihad Power Point Presentation
By William Gawthorp
Excerpts

Doctrinal Basis for Jihad

- Major Islamic Schools of Law and Zakat.
 - Shafi'i
 - one eighth of the total proceeds of zakat can go to the fighter.
 - Zakat may be paid to fighters who do not receive pay from the government because their sacrifice is greater "than salaried soldiers and deserve to be given what helps them undertake this duty, even if they are rich."
 - Nonfighters may be paid with zakat funds if they defend or guard the fighters or "prevent unbelievers from attacking them."

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Doctrinal Basis for Jihad

- Major Islamic Schools of Law and Zakat.
 - Shafi'i
 - "Fighters can be given their expenses and clothing for the period from the time they leave to fight until the time they come back, even if they stay at border points for a long period. ..."
 - A fighter may also be given money to buy a horse, weapons, and other tools of war (and) what he buys becomes his permanently."

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Doctrinal Basis for Jihad

World View

- The Islamic world view divides the world into the House of War and the House of Islam
 - dar al-harb
 - dar al-Islam
- A state of war, not peace, perpetually exists between Islam and unbelievers.

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Doctrinal Basis for Jihad

World View

- The purpose of waging war is "one of two things: it is either for (the non Muslims) conversion to Islam or the payment of the *jizya*."
- Jihad becomes the tool for advancing the ideology toward its defined goals.

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Doctrinal Basis for Jihad

Jihad

- Jihad is "'(a)n effort or a striving.' A religious war with those who are unbelievers in the mission of Muhammad."
- "It is an incumbent religious duty, established in the Qur'an and in the Traditions as a divine institution, and enjoined specially for the purpose of advancing Islam and of repelling evil from Muslims."
- Also, "*Jihad* means to war against non-Muslims and is etymologically derived from the word *mujahada*, signifying warfare to establish the religion."

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Doctrinal Basis for Jihad

Jihad

- Jihad's perpetual character.
 - "The duty of the jihad exists as long as the universal domination of Islam has not been attained."

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Doctrinal Basis for Jihad

Jihad: The Major Islamic Schools of Law

- **Shafii School: *Reliance of the Traveller***

- Those who do not actively participate in jihad are not equal to those who do, on the authority of Sura 4 (An-Nisa):95.
- Jihad is personally obligatory when non-Muslims invade or invade near a Muslim country; all those present on the battle lined; when the enemy has surrounded the Muslims.

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Doctrinal Basis for Jihad

Jihad: The Major Islamic Schools of Law

- **Shafii School: *Reliance of the Traveller***

- “It is offensive to conduct a military expedition against hostile non-Muslims without the caliph’s permission (A: though if there is no caliph, no permission is required.)”

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Doctrinal Basis for Jihad

Jihad:

- ***The Obligatory Character of Jihad.***

- Jihad is obligatory on every able bodied male who has reached puberty and is sane with the exception of those in debt, unless his creditor agrees, or someone with one Muslim parent unless that parent gives their permission for their child to participate in jihad.

Jihad has collective and personal obligations

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Doctrinal Basis for Jihad

Jihad:

- ***The Collective Obligation:***

- When Muslims are in their own country, or if Muslims are in a non-Muslim country, jihad is a collective obligation if there are a sufficient number of people to conduct operations.
- In a collective obligation environment, if there is a possibility of performing jihad, and none of the people participate, the omission becomes a sin.

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Doctrinal Basis for Jihad

Jihad:

- ***The Personal Obligation:***

- Jihad becomes personally obligatory when non-Muslims invade, or invade near, Muslim Lands.

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Doctrinal Basis for Jihad

Jihad:

- ***Females in Jihad.***

- Females can participate in jihad and have an obligation to fight if the enemy has invaded Muslim lands or if she is uncertain that she will not be subjected to an indecent act if she is captured.
- In these instances, surrender is not permissible and fighting is obligatory.

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Doctrinal Basis for Jihad

Jihad to Martyrdom

- Advantages of Becoming a Martyr.
 - forgiveness of all sins
 - protection from the torment of the grave
 - marriage to 72 hours
 - guaranteed entry into Paradise
 - leading a luxurious life in paradise
 - securing the admission of seventy (70) relatives into paradise
 - gaining financial security for your family.



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Doctrinal Basis for Jihad

Jihad to Martyrdom

- The Positive Pleasures from Dying in Jihad as a Martyr.
 - The superiority of martyrdom so appealing that one would like to come back to life and be killed again
 - an abundance of reward in paradise for the martyr
 - the dignity one receives from his Deity upon martyrdom
 - welcoming of the martyr with the smile of the Deity.



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Doctrinal Basis for Jihad

Jihad to Martyrdom

- The Minimization of Pain Associated with Martyrdom.
 - The doctrinal texts inform the responsive believer that they will experience no agonies of distress at death.
 - One does not feel the pain of "the killing" except that of a pinch. "



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Doctrinal Basis for Jihad

Summary

- The themes of jihad and martyrdom flow directly from the core doctrinal sources.
- The themes are amplified rather than moderated by the four schools of Sunni law.
- Absent a moderating interpretation of the world view, funding practices, and incitement to jihad, these themes will continue to attract new generations of responsive, autonomous, self actualizing believers.



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Doctrinal Basis for Jihad

W. Gawthrop

The views expressed in this presentation are those of the author and do not necessarily reflect the views of any Agency of the United States Government



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FBI Training Material

Strategic Themes and Drivers in Islamic Law Power Point
Presentation


By Wm Gawthorp

Excerpts

Strategic Themes and Drivers in Islamic Law


Sources of Islamic Law

- The Koran, Sunna (Sira and Haddiths)
 - Host the values characterizing and animating
 - Pillars of faith
 - Jihad
 - World View
 - Just War Principles



Strategic Themes and Drivers in Islamic Law

- The Koran
- Sunna (The Example of Mohammad)
 - Sira
 - Haddiths
- Pillars of faith
- Association vs Disassociation
- Jihad
- World View
- Just War Principles




Strategic Themes and Drivers in Islamic Law

Major Goals of the Koran

- Teaching about Allah, His Oneness and Attributes
- Showing the Creation, the path and the way of Life that is Pleasing to Allah
- Creating the complete and balanced Islamic Individual
- Bring about an Islamic society
- Guiding Muslims in the ongoing struggle against the enemies of Islam


Source: Jamāl al-Dīn M. Zarabozo, *How to Approach and Understand the Qurān*, Al-Basheer Company for Publications and Translations, Boulder, CO, 1999, p. 118-119



Strategic Themes and Drivers in Islamic Law

Mohammad's Koran


- 111 verses devoted to jihad
- Three Chapters
 - War Treasure
 - Battle Array
 - War Steeds
- Nearly all of the verses devoted to jihad occur in the Medina portion of the Koran



Strategic Themes and Drivers in Islamic Law

Mohammad's Koran


- 2:191 Kill them where ever you find them, and drive them out of whatever place from which they have driven you, which is worse than murder.
- 9:123 Believers, fight the unbelievers who are near you and let them find you to be tough and hard.
- 8:12 Then your Lord spoke to His Angels and said, "I will be with you. Give strength to the believers. I will send terror into the unbelievers' hearts, cut off their heads and even the tips of their fingers."



Strategic Themes and Drivers in Islamic Law

Mohammad's Koran

- 9:29 Make war on those who have received the Scriptures (Jews and Christians) but do not believe in Allah or in the Last Day. They do not forbid what Allah and His Messenger has forbidden. The Christians and Jews do not follow the religion of truth until they submit and pay the poll tax (jizya) and they are humiliated.
- 2:193 Fight them until you are no longer persecuted and the religion of Allah reigns absolute, but if they give up, then only fight the evil doers.



Strategic Themes and Drivers in Islamic Law

- The Koran
- Sunna (The Example of Mohammad)
 - Sira
 - Haddiths
- Pillars of faith
- Association vs Disassociation
- Jihad
- World View
- Just War Principles

Strategic Themes and Drivers in Islamic Law

Jihad

- Increasingly regarded as a Sixth Pillar of Faith
- Mohammad
 - commanded Jihad (Sura 8:39)
 - proclaimed a divine mandate
 - personally led 27 attacks
 - sent his armies out 47 more times against Non-Islamic communities
 - averaged about seven operations per year.

Strategic Themes and Drivers in Islamic Law

Jihad

- Mandated by the Koran and the Haddiths
- Elaborated on by Islamic Law
 - *Reliance of the Traveller: A Classic Manual of Islamic Sacred Law*, p. 599-605
 - *The Distinguished Jurists Primer* (Vol 1 and 2) p. 454-487
 - *Riyad-us-Saliheen*, p. 976-1016

Strategic Themes and Drivers in Islamic Law

Jihad

- Types
 - *Al-Jihad bi-al-Lisan - Jihad of the Tongue*
 - *al-Jihad bi-al-Qalam - Jihad of the Pen*, preaching and calling for *jihad*
 - *Jihad al-Nafs - Jihad of the Soul* - the personal struggle to avoid sin and adhere to Allah's commandment
 - *Al-Jihad bi-al-Nafs* - Self-sacrificing *Jihad* in the path of Allah
 - *Al-Jihad bi-al-Mal* - Financial *Jihad*: fundraising for needy Muslims and supporting the *jihad* fighters - the *muahideen*

Strategic Themes and Drivers in Islamic Law

<i>Distinguished Jurists Primer</i>	<i>Riyad-us-Saliheen</i>	<i>Reliance of the Traveller</i>
- Suras	- Suras	- Suras
- 2:190	- 2-216	- 2-216
- 2-216	- 4:95, 96	- 4:89, 95
- 4:95	- 9:36	- 9:29
- 8:1, 39, 41, 61, 66, 67	- 9:41	- 9:36
- 9:5, 29, 91, 122	- 9:111	- 9:41
- 17:15	- 61:10-13	- 911
- 40:25		- 61:10-13
- 47:4		
- 48:17		
- 59:6, 10		

Strategic Themes and Drivers in Islamic Law

Sura 002.216

- YUSUF ALI: Fighting is prescribed for you, and ye dislike it. But it is possible that ye dislike a thing which is good for you, and that ye love a thing which is bad for you. But Allah knoweth, and ye know not.
- PICKTHAL: Warfare is ordained for you, though it is hateful unto you; but it may happen that ye hate a thing which is good for you, and it may happen that ye love a thing which is bad for you. Allah knoweth, ye know not.
- SHAKIR: Fighting is enjoined on you, and it is an object of dislike to you; and it may be that you dislike a thing while it is good for you, and it may be that you love a thing while it is evil for you, and Allah knows, while you do not know.

Strategic Themes and Drivers in Islamic Law

Islam's Just War Traditions

- "War is not a necessary evil, but a fundamental obligation or neglected duty"
- "Far from war posing a threat to religious observance, 'religion without war is a crippled religion' (Ayatollah Khomeini), and jihad or holy war is the essence of Islam, as the fundamentalists understands it."

Source: A. J. Coates, *The Ethics of War*, Manchester University Press, New York (1997), 46.

Strategic Themes and Drivers in Islamic Law

Comparison of Just War Traditions

- Judaic – Passive Defensive
- Catholic - Passive Defensive
- Realist – Passive Defensive
- Islamic – Offensive Aggressive

Strategic Themes and Drivers in Islamic Law

- "Change will not be attempted or pursued at the expense of tradition embedded in the Quran, the Sunna and the Sharia."

Emil A. Makhleh, "Regime Stability and Change in the Gulf: The Case of Saudi Arabia" in *The Politics of Change in the Middle East*, edited by Robert B. Satloff (Washington Institute for Near East Policy: Westview Press, Boulder: 1993) p. 140

Strategic Themes and Drivers in Islamic Law

• Summary

- The key themes and drivers animating Islam are:
 - Islamic Law
 - Koran
 - Sunna (Sira and Haddiths)
 - Pillars of Faith
 - Jihad
 - World View (Two Houses)
 - Just War Traditions

Strategic Themes and Drivers in Islamic Law

• Summary

- Within these themes and drivers are unalterable mandates for action for which we have no strategy to counter.

Strategic Themes and Drivers in Islamic Law

• Implications

- There may not be a "radical" threat as much as it is simply a normal assertion of the orthodox ideology.
- The strategic themes animating these Islamic values are not fringe; they are main stream.
- The individual applying these values and practices may likely be pious and devout adherents: i.e. a true believer as opposed to "radical."

Antiterrorism Advisory Counsel-PA
DoD HAZMAT Conference Presentation
21st Century Terrorism:History, Perspective, Development
By John Marsh, Intelligence Specialist
Excerpts

Grassroots Jihadist Movement

- People Worldwide
 - inspired by the al Qaeda core and the franchise groups
 - but who may have little or no actual connection to these groups.

"Jihadism in 2010: The Trends Continue," by Scott Stewart, 6 January 2010:¹⁰³

2009 US Attacks

- AQ Prime
- AQ Franchise
 - Umar Abdul Mutalla, NIGERIA/YEMEN
 - Somali al-Shabaab Recruits, SOMALIA
- Grass-roots
 - Nidal Hasan, Ft. Hood, TX
 - Daniel BOYD, et al, Quantico VA
 - Najibullah ZAZI, Denver, NYC
 - MUHAMED (Carlos BLEDSOE), AR
 - Hosam Maher SMADI, Dallas TX
 - Michael C. FINTON, Springfield IL

How Did This Guy Become That?

- New York City → 9/11
- Detroit → Detroit Airport Attack
- Fort Hood → Fort Hood Shooting

Road Map

5. "Thoughts"

What's Important and why?

1. We have important values to Appreciate & Protect..

- Rights – Declaration of Independence
 - .. All men are created equal,
 - that they are endowed by their Creator with certain inalienable rights..
 - "Life, liberty, pursuit of happiness"
- Freedoms – Constitution
 - Speech
 - Religion
 - Press
 - Assembly
 - Petition the Government

Ideological Foundation

Operational Basis

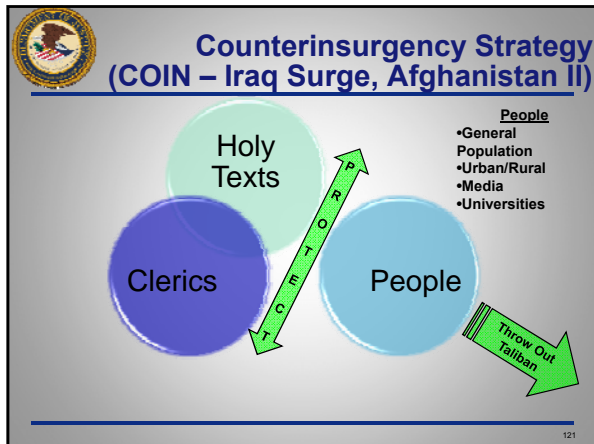
Our Values are Threatened

Holy Land Foundation Trial Documents:
Muslim Brotherhood – In America (80's)

The Ikhwan [MB] must understand that their work in America is to eliminate the liberal social, political and religious foundations by replacing them with Islam

Replacement of American Judeo-Christian and Western liberal social, political and religious foundations by Islam

Strategic: "Civilizational Jihad"



Civilizational Jihad: USA

- Holy Land Foundation & Other Organizations/Front Groups
- Libel 'Warfare' (Jewel)
- Politically Correct Speech (DHS 'Approved' Terms Report)
- UN Resolution on Hate Speech (OIC Sponsored)
- UN Charter – Human Rights (ex Shariah Law)

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Bernard Lewis

author of *Crisis in Islam*, Princeton University, professor emeritus of ME history, World authority on Islam

"Self censorship and political correctness will destroy our ability to discuss issues critical to our survival"

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ERIC HOLDER

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Recommended Reading

- **Authors/Books**
 - Bernard Lewis: *Crisis in Islam*
 - Patrick Soohkdeo: *Global Jihad, Faith, Power & Territory*
 - Robert Spencer: *Stealth Jihad*
 - Mark Steyn: *America Alone*
 - Bat Ye'or: *EurAsia, Dhimmitude*
- **Web/ Newspapers/Columnists:**
 - Global Intelligence: STRATFOR (Strategic Forecasting) <http://www.stratfor.com/tour/> free intelligence reports, daily podcasts
 - WSJ Opinion Journal, <http://www.opinionjournal.com>
 - Islam: www.BarnabasFund.org (magazine inserts)
 - World Magazine: www.WorldMag.com
 - Herb Meyer: *Four Major World Transformations*

Best Reads

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