No. _____

In the Supreme Court of the United States

PAMELA GELLER AND ROBERT B. SPENCER,
Petitioners,

v.

UNITED STATES PATENT AND TRADEMARK OFFICE,
Respondent.

*On Petition for Writ of Certiorari to the United States
Court of Appeals for the Federal Circuit*

PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED

Petitioners' application to trademark "STOP THE ISLAMISATION OF AMERICA" was denied as disparaging based on the United States Patent and Trademark Office's assessment of the viewpoint of Petitioners' political speech generally related to Islam and not how a substantial composite of the referenced group understood the meaning of the mark itself, thereby creating a chilling effect on core political speech.

1. May the United States Patent and Trademark Office refuse a trademark registration for a mark because the Office understands the mark to be disparaging in violation of § 2(a) of the Trademark Act based upon the Office's interpretation of the viewpoint of the trademark applicant's political speech related tangentially to the subject of the mark?

2. Did the court of appeals err by utilizing a standard of review for the "ultimate registrability" of Petitioners' mark that (a) conflicts with the standard utilized by the majority of circuits that have addressed this issue, and (b) is both illogical in theory and muddled in practice?

PARTIES TO THE PROCEEDING

The Petitioners are Pamela Geller and Robert B. Spencer.

The Respondent is the United States Patent and Trademark Office.

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JURISDICTION

The judgment of the court of appeals was entered on May 13, 2013. App. 1. This petition was filed on August 11, 2014. The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).

STATUTORY AND CONSTITUTIONAL PROVISIONS INVOLVED

Section 2(a) of the Trademark Act provides that the United States Patent and Trademark Office may refuse an application when the trademark "[c]onsists of or comprises . . . matter which may disparage . . . persons, living or dead, institutions, beliefs, or national symbols, or bring them into contempt, or disrepute." 15 U.S.C. § 1052(a).

The Free Speech Clause of the First Amendment provides, "Congress shall make no law . . . abridging the freedom of speech." U.S. Const. amend. I.

STATEMENT OF THE CASE

Petitioners filed the STOP THE ISLAMISATION OF AMERICA ("Mark") Mark Registration Application with the United States Patent and Trademark Office ("PTO") on February 21, 2010. App. 15-16. The PTO

refused to register the Mark based upon its view that the meaning of the Mark "consists or includes matter which may disparage or bring into contempt persons, institutions, beliefs or national symbols" in violation of § 2(a) of the Trademark Act, 15 U.S.C. § 1052(a). App. 16.

The decision of the PTO was timely appealed to the Trademark Trial and Appeal Board ("Board"). The Board upheld the PTO's refusal to register the Mark by interpreting the viewpoint of Petitioner's political speech indirectly related to the Mark in such a way that "Islamisation" was understood to mean all things Islamic.[1] The essence of the logic of the Board is that Islamisation means all things Islamic and "Stop" in the context of services (*i.e.*, educating the public about terrorism) related to the Mark disparages Muslims because together they suggest Islam should be "stopped" due to its connection with terrorism. App. 18-20.

The Board also found that there was evidence that "Islamisation" carries a second meaning—the meaning advanced by Petitioners through the Mark.[2] Petitioners have argued consistently that Islamisation has only one meaning in public discourse and in the context of the use of the Mark. Specifically, the Mark does not mean all things Islamic but rather a very

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[1] The Board and the parties treated "Islamisation" with the letter "s" and "Islamization" with the letter "z" as alternative spellings of the same word. App. 2.

[2] The PTO and the Board considered the word "Islamize" to be the verb form of "Islamisation." App. 18 (citing to the record located at App. 192).

dangerous politicization of Islam where Islamic law supplants secular constitutional law and civil liberties in political society and creates the ideological breeding ground for what is commonly referred to as "Islamic terrorism," or what might be more accurately termed "terrorism carried out in the name of Islam." App. 24-29 (citing to the record located in relevant part at App. 45-191). The Board concluded that even this meaning disparages advocates of political Islam, typically referred to as Islamists, because not all Islamists engage in or advocate terrorism. App. 38-43 (citing to the record located in relevant part at App. 45-191).[3]

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[3] Petitioners argued before the PTO and the Board that *the Mark itself* (aside from the free speech issue presented here by the government's denial of a trademark based upon an applicant's political views tangentially related to the Mark) is protected speech under the First Amendment, either as commercial speech or as political speech, the latter of which "rest[s] on the highest rung of the hierarchy of First Amendment values." *See NAACP v. Claiborne Hardware Co.*, 458 U.S. 886, 913 (1982); *see also id*. ("'[Speech] concerning public affairs is more than self-expression; *it is the essence of self-government*'") (citations omitted) (emphasis added). App. 44. By restricting Petitioners' speech via the Mark predicated upon some perceived, yet undocumented harm to some ambiguous group's reputation based upon the content and viewpoint of the speech, the PTO is engaging in an unlawful and unconstitutional infringement of Petitioners' free speech rights. *See, e.g., Lamb's Chapel v. Ctr. Moriches Union Free Sch. Dist.*, 508 U.S. 384, 394 (1993) ("The principle that has emerged from [Supreme Court] cases is that the First Amendment forbids the government to regulate speech in ways that favor some viewpoints or ideas at the expense of others.").

Petitioners, however, recognize that the Federal Circuit has, on several occasions, rejected the notion that an applicant for a trademark registration has a First Amendment claim when the USPTO rejects a mark based on its viewpoint. *See, e.g., In re Blvd.*

Petitioners timely appealed the Board's decision to the United States Court of Appeals for the Federal Circuit. App. 4. The court of appeals upheld the substance and logic of the Board's opinion. In so doing, the court applied the "substantial evidence" standard, rather than a *de novo* review, to test whether the Board's interpretation of the viewpoint of Petitioners' political speech published at their website, together with anonymous comments posted on Petitioners' blog, supplied a meaning of Islamisation that disparaged the referenced group. App. 5 (framing the "Discussion" section as an analysis of "substantial evidence"); App. 8-9 (applying the "substantial evidence" standard to assess Petitioners' viewpoint in "'Mosque Manifesto' essay" located at App. 192-99); App. 12-13 (applying the "substantial evidence" standard to determine that the political meaning of Islamisation is disparaging). Neither the Board nor the court of appeals cited to any actual evidence that a substantial composite of the referenced group would be disparaged by the Mark itself or even by the use of the Mark in the marketplace.

Entm't, 334 F.3d 1336, 67 U.S.P.Q.2D 1475 (Fed. Cir. 2003). As a result, Petitioners did not raise the issue before the court of appeals. However, given the commercial and legal importance of statutory trademark protection in the modern context, Petitioners believe the Federal Circuit is wrong.

REASONS FOR GRANTING THE PETITION

The Court should grant this Petition for two reasons. One, in this case of first impression[4], the Federal Circuit sought to discern whether the Mark would be understood as disparaging not by evidence of how a substantial composite of the referenced group understood the mark but by distilling and parsing the viewpoint of Petitioner's political speech regarding matters only tangentially related to the Mark *itself*. Given the national importance of the Federal Circuit's approach to trademark law and to trademarks simply, if this use of the trademark applicant's political speech retains the force of law, the Federal Circuit will have effectively placed its imprimatur on the PTO's leveraging of the applicants' commercial interest in trademark protection to chill the applicant's speech on sensitive political, social, and religious subjects that only tangentially implicate the mark's meaning.

Two, the Federal Circuit's standard of review on the question of the ultimate registrability of a mark is both confused in practice and at odds with the majority of courts of appeals that have ruled on the matter. This circuit split and the Federal Circuit's muddled approach to the standard of review has existed for more than three decades, and it allows the PTO and the Board to disallow trademark applications without actually articulating whether the ruling is based on a factual determination (*i.e.*, subject to the substantial

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[4] As noted below, this case was the Federal Circuit's first opportunity to address the provision prohibiting marks that may disparage persons, institutions, beliefs, or national symbols under § 2(a) of the Trademark Act.

evidence standard on appeal) or on a legal conclusion (*i.e.*, subject to the appellate court's *de novo* review). The results on appeal tend to carry over from the Board's ambiguity with very little coherent distinction between factual and legal determinations, resulting in a somewhat meaningless standard of review.

In sum, both the Federal Circuit's application of trademark law itself and the standard of review it applied have produced a result whereby Petitioners' trademark application was denied as disparaging not based upon *evidence* from a substantial composite of the referenced group but based upon the *viewpoint* of Petitioners' political speech. Thus, the Federal Circuit has entered a decision in conflict with decisions of other United States courts of appeals and has decided an important question of federal law that has not been, but should be, settled by this Court. *See* Sup. Ct. R. 10(a) &(c).

I. The Federal Circuit's Use of the Viewpoint of an Applicant's Political Speech to Define the Mark Violates this Court's First Amendment Precedent and Will Chill Political Speech of Trademark Applicants Touching upon Sensitive Religious, Political, and Social Issues.

The Federal Circuit recognized that the instant case was one of first impression. App. 5-6. The case marked the Federal Circuit's first foray into the thicket of § 2(a) of the Trademark Act's provision prohibiting registration if the mark "may disparage a person, institution, belief, or national symbol." 15 U.S.C. § 1052(a). Section 2 requires the PTO to register all distinguishing marks unless the mark fits into one or

more of the prohibited categories set out in the subsections of § 2. Consequently, the Federal Circuit understands that the PTO has a *prima facie* burden to meet if it rejects a mark in an *ex parte* proceeding. *See, e.g.*, *In re Mavety Media Grp.*, 33 F.3d 1367, 1371 (Fed. Cir. 1994) (reiterating the PTO's initial burden under § 2(a)); *In re Blvd. Entm't*, 334 F.3d 1336, 1340 (Fed. Cir. 2003) (explaining the PTO's initial burden to show vulgarity under § 2(a)); *In re Pacer Tech.*, 338 F.3d 1348, 1350 (Fed. Cir. 2003) (rebutting a *prima facie* showing in a lack of distinctiveness case returns the burden to PTO); *In re Becton, Dickinson & Co.*, 675 F.3d 1368, 1374 (Fed. Cir. 2012) (rebutting § 2(e)(5) *prima facie* showing with "competent evidence," which is a preponderance of evidence); *In re Gyulay*, 820 F.2d 1216, 1217 (Fed. Cir. 1987) (failing to provide any rebuttal evidence to counter § 2(e)(1) *prima facie* showing). Thus, in context, § 2(a) reads as follows:

> No trademark by which the goods of the applicant may be distinguished from the goods of others shall be refused registration on the principal register on account of its nature unless it--
>
> (a) Consists of or comprises immoral, deceptive, or scandalous matter; or matter which may disparage or falsely suggest a connection with persons, living or dead, institutions, beliefs, or national symbols, or bring them into contempt, or disrepute; or a geographical indication which, when used on or in connection with wines or spirits, identifies a place other than the origin of the goods and is first used on or in connection with wines or spirits by the applicant on or after

one year after the date on which the WTO Agreement (as defined in section 2(9) of the Uruguay Round Agreements Act [19 U.S.C. § 3501(9)]) enters into force with respect to the United States.

15 U.S.C. § 1052(a). Because this case marks the Federal Circuit's first decision on how to analyze a refusal to register based on disparagement, and because the court expressly applied a viewpoint-centric analysis to determine if the Mark had a disparaging meaning, this case stands to establish dangerous precedent for all future trademark applications and challenges touching upon politically, socially, and religiously sensitive issues.

To set the stage for its ultimate conclusion, the court adopted a two-step analysis set out by the Board in this case and in prior cases and followed by at least one district court. App. 5-6. That two-step analysis first seeks to determine the meaning of the mark and then to rule on whether that meaning disparages a "substantial composite of the referenced group." The court articulates this analysis as follows:

(1) what is the likely meaning of the matter in question, taking into account not only dictionary definitions, but also the relationship of the matter to the other elements in the mark, the nature of the goods or services, and the manner in which the mark is used in the marketplace in connection with the goods or services; and

(2) if that meaning is found to refer to identifiable persons, institutions, beliefs or national symbols, whether that meaning may be

disparaging to a substantial composite of the referenced group.

App. 6 (citing *In re Lebanese Arak Corp.*, 94 U.S.P.Q.2d 1210, 1217 (T.T.A.B. 2010); *Harjo v. Pro-Football, Inc.*, 50 U.S.P.Q.2d 1705, 1740–41 (T.T.A.B. 1999), *rev'd on other grounds*, 284 F. Supp. 2d 96 (D.D.C. 2003); *Pro-Football, Inc. v. Harjo*, 284 F. Supp. 2d 96, 124 (D.D.C. 2003)).

The Federal Circuit also recognizes that if a mark has two possible meanings at the first level of the analysis, both meanings proceed to the second level of the analysis where the Board or the reviewing court asks how a substantial composite of the referenced group perceives the mark. App. 10-11, 29; *see also In re Mavety Media Grp.*, 33 F.3d at 1371 ("In the absence of evidence as to which of these definitions the substantial composite would choose, the PTO failed to meet its burden of proving that Mavety's mark is within the scope of § 1052(a) prohibition.").

In the case at bar, while the Board and the court of appeals found that the term "Islamisation" has two meanings (one as all things Islamic and the other as political Islam's process to create a sectarian political order based upon Islamic law), both found that the "more reflective meaning" of the Mark was directed at all things Islamic. App. 6-11. As such, the second prong of the two-part disparagement analysis was rather facile: a mark calling for the "stop[ping]" of all things Islamic and tying all things Islamic to terrorism would, the Board presumed, disparage a substantial composite of Muslims. App. 11-12. The Board and the court also allowed the second meaning urged by Petitioners—the political meaning—to proceed to the

second part of the two-part analysis and similarly found the Mark disparaging by concluding that not all Islamists are terrorists or advocates of terrorism and thus the Mark would disparage these non-violent Islamists who advocate for a peaceful subversion of our constitutional republic. App. 12-13. We will treat this aspect of the Federal Circuit's ruling in Part II below, which discusses more fully the second reason the Court should grant this petition.

In the context of discerning which of the two dictionary definitions—one pointing to the religious meaning and one to the political—was "more reflective of the public's understanding of the meaning" of the Mark, the Board and the court of appeals turned to articles and anonymous blog comments published at Petitioners' website and determined that Petitioners intended the Mark to apply to all things Islamic and thus to all Muslims. App. 7-10 (citing to the articles, essays, and blog comments at App. 193-212).

To begin with, there is no question that these articles and even the anonymous blog comments are political speech entitled to special protection under the First Amendment. *See Connick v. Myers*, 461 U.S. 138, 145 (1983) ("[T]he Court has frequently reaffirmed that speech on public issues occupies the 'highest rung of the hierarchy of First Amendment values,' and is entitled to special protection.") (quoting *NAACP v. Claiborne Hardware Co.*, 458 U.S. 886, 913 (1982)); *N.Y. Times Co. v. Sullivan*, 376 U.S. 254, 269 (1964) ("The general proposition that freedom of expression upon public questions is secured by the First Amendment has long been settled by our decisions.").

Moreover, the Board's and the court's parsing of Petitioners' political speech went to the core of its protected status: what viewpoint were Petitioners imparting to the public about Islam? Was the viewpoint one opposing all Muslims all the time, or was the viewpoint more focused on opposing an ideologically driven political system which seeks to subvert our constitutional republic built upon individual liberty and equality before the law?

In other words, rather than rely upon how the public might have understood *the Mark itself*—such as through survey evidence and other objective measures or actually determining how the term Islamisation is used in public discourse by the general public—the court of appeals has put its imprimatur on a definitional examination that allows a governmental agency to examine and parse the viewpoint of the applicant's political speech generally related to the subject of the mark (or only arguably related to the mark's subject) to determine if the mark itself has a disparaging meaning. Thus, by denying the speaker trademark protection for a mark based on the viewpoint of her political speech that is only tangentially (if at all) related to the mark is ultimately punishing that speech. *R.A.V. v. St. Paul*, 505 U.S. 377, 386-92 (1992) (holding that the government may not "impose special prohibitions on those speakers who express views on disfavored subjects" or on the basis of "hostility—or favoritism—towards the underlying message expressed"); *Lamb's Chapel*, 508 U.S. 384, 394 (1993) ("[T]he First Amendment forbids the government to regulate speech in ways that favor some viewpoints or ideas at the expense of others."). The chilling effect of this viewpoint-centered analysis of a

trademark applicant's political speech is obvious. *See generally Rosenberger v. Rector & Visitors of Univ. of Va.*, 515 U.S. 819, 835-36 (1995) (recognizing the "danger . . . to speech from the chilling of individual thought and expression").

Trademark registration is important to anyone seeking to protect commercially valuable goods or services. Thus, to deny this valuable benefit based on the government's determination of the viewpoint of an applicant's political speech, as the Federal Circuit has done here, is to allow government censors to punish that speech. And wielding this power is particularly dangerous to First Amendment freedoms when done so in the context of a determination of disparagement—an inherently vague notion that does not fit within any of the historical exceptions to the First Amendment's protection of free speech. *See, e.g., United States v. Stevens*, 559 U.S. 460, 468-69 (2010) ("From 1791 to the present, however, the First Amendment has permitted restrictions upon the content of speech in a few limited areas, and has never include[d] a freedom to disregard these traditional limitations. These historic and traditional categories long familiar to the bar—including obscenity, defamation, fraud, incitement, and speech integral to criminal conduct—are well-defined and narrowly limited classes of speech, the prevention and punishment of which have never been thought to raise any Constitutional problem.") (quoting *Chaplinsky v. New Hampshire,* 315 U.S. 568, 571-72 (1942)) (citations and quotation marks omitted).

A poignant example of the court's viewpoint-centric analysis of Petitioner's political speech to arrive at the

conclusion that the Mark should be understood to mean that all things Islamic should be stopped, and without regard to how the public actually understands the term Islamisation simply or in context of the Mark itself, is the following excerpt from the court's opinion:

> The first essay [the Board] discuss[es] is titled "[Stop the Islamisation of America] Mosque Manifesto: All Mosques are Not Created Equal, A Handy Guide to Fighting the Muslim Brotherhood." [citing to App. 193]. Appellants characterize this essay as merely opposing "Islamist Muslim Brotherhood groups" that "use mosque-building as a political tool to accomplish Islamisation." Appellants' Br. at 14. This is an overly narrow interpretation of the "Mosque Manifesto" essay, which provides tips for opposing "huge monster mosque[s]" proposed in people's communities.   [citing to App. 194]. Although portions of the essay refer to political forces such as the Muslim Brotherhood, the article as a whole implicates Islam more generally. *See, e.g.*, [citing to App. 196-97] (quoting a source that "80% of American mosques were controlled by 'extremists'"); [citing to App. 193] ("As we have been reminded time after time after grisly Islamic terror plots have been exposed, there is always a mosque, and the imprimatur of a cleric, behind every operation."). Taken generally, as Appellants do, mosques in this country are respectable and respected community religious institutions. Substantial evidence supports the Board's finding that the "Mosque Manifesto" essay advocates suppression

of the Islamic faith, taught and practiced in those places of prayer.

App. 8-9. Whatever one might say of the Board's and the Federal Circuit's rendering of Petitioners' viewpoint expressed in this article—a rendering subject to at least serious challenge—the use of an interpretation of a trademark applicant's political viewpoint to determine how the public understands the Mark is dubious at best and at worst a tool to punish and chill Petitioners' political speech.

This case provides the Court with a singularly unique opportunity to inform the Federal Circuit and the Board that the First Amendment does not abandon trademark applicants at the door of the PTO. For this reason alone, we would ask the Court to grant this petition.

II. The Federal Circuit's Standard of Review, which Is at Odds with a Majority of the Circuits that Have Addressed the Issue, Is Ambiguous in Theory and Incoherently Applied in Practice, Rendering It Meaningless.

The Federal Circuit has set out its formal articulation of the standard of review of a Board decision on several occasions and repeated that articulation in the instant case almost verbatim:

> The determination that a mark may be disparaging "is a conclusion of law based upon underlying factual inquiries." *Cf. In re Mavety*, 33 F.3d 1367, 1371 (Fed. Cir. 1994) (applying that standard with respect to whether a mark is "scandalous" under § 2(a)). The Board's factual

findings are reviewed for substantial evidence, "while its ultimate conclusion as to registrability is reviewed *de novo*." *In re Fox*, 702 F.3d 633, 637 (Fed. Cir. 2012).

App. 6.

We note at the outset that the Federal Court's precedent makes clear that a determination of disparagement as a legal question (reviewed *de novo*) based upon underlying factual inquiries (tested by the substantial evidence standard) flows from the fact that the Federal Circuit had earlier concluded that the "likelihood of confusion" determination under § 2(d) is a conclusion of law and that § 2(a)'s scandalous determination should similarly be considered a question of law. *In re Mavety Media Grp*., 33 F.3d at 1371 (concluding that "[t]he determination that a mark comprises scandalous matter is a conclusion of law based upon underlying factual inquiries" and citing to *Frederick Gash, Inc. v. Mayo Clinic*, 461 F.2d 1395, 1397 (C.C.P.A. 1972) for the proposition that "[t]he inquiry under [15 U.S.C. § 1052(a)] is similar to that under . . . 15 U.S.C. § 1052(d), which is likelihood of confusion of the marks as applied to the respective goods and/or services" and also to *Weiss Assocs., Inc. v. HRL Assocs. Inc*., 902 F.2d 1546, 1547-48 (Fed. Cir. 1990) for the proposition that "[t]he likelihood of confusion is a question of law to be decided by the court").

We also note that the Federal Circuit's rule that the determination of disparagement is a question of law is not a separate rule from, but only buttressed by, the separately stated rule that the question of ultimate registrability is a question of law reviewed *de novo*.

This is self-evidently so because under § 2(a) the determination of scandalousness and disparagement, like the determination of likelihood of confusion under § 2(d), are by the operation and structure of the statute "ultimate" questions of whether the mark may be registered.

Finally, we note that the Federal Circuit's view that these ultimate questions of registrability are issues of law to be reviewed *de novo* is at odds with a majority of the courts of appeals that have addressed this issue, and that this split among the circuits, with the most important of these circuits, the Federal Circuit, occupying a decidedly minority view, has existed for more than three decades. *See Pro-Football, Inc. v. Harjo*, 284 F. Supp. 2d at 116-17 (providing a thorough-going discussion of the circuit split). Most of the circuit courts conclude that a likelihood-of-confusion analysis (whether under § 2(d) or in an infringement case) is one of fact. *See Aktiebolaget Electrolux v. Armatron Int'l, Inc.*, 999 F.2d 1, 4 (1st Cir. 1993); *Am. Home Prods. Corp. v. Barr Labs., Inc.*, 834 F.2d 368, 370 (3d Cir. 1987) (providing rationale for rule that likelihood of confusion is a question of fact); *Pizzeria Uno Corp. v. Temple*, 747 F.2d 1522, 1526-27 (4th Cir. 1984); *Marathon Mfg. Co. v. Enerlite Prods. Corp.*, 767 F.2d 214, 217 (5th Cir. 1985); *Scandia Down Corp. v. Euroquilt, Inc.*, 772 F.2d 1423, 1428 (7th Cir. 1985) ("the question of likelihood of confusion is all fact and no law"); *Mut. of Omaha Ins. Co. v. Novak*, 836 F.2d 397, 398 (8th Cir. 1987); *Levi Strauss & Co. v. Blue Bell, Inc.*, 778 F.2d 1352, 1355 (9th Cir. 1985) ("The issue of likelihood of confusion is a mixed question which appears to be predominantly factual in nature."). The Federal Circuit is joined by the Second and Sixth

Circuits in concluding that registrability is ultimately a question of law with underlying questions of fact. *Hasbro, Inc. v. Lanard Toys, Ltd.*, 858 F.2d 70, 75-76 (2d Cir. 1988) ("In reviewing the magistrate's determinations . . . , each specific finding is subject to a clearly erroneous standard, but the ultimate determination of the likelihood of confusion is a legal issue subject to *de novo* appellate review."); *Jet, Inc. v. Sewage Aeration Sys.*, 165 F.3d 419, 422 (6th Cir. 1999) ("Likelihood of confusion is a mixed question of fact and law. After a bench trial, we review a trial court's underlying factual findings for clear error but review *de nov*o whether these facts indicate a likelihood of confusion.") (citation omitted).

The problem with the Federal Circuit's articulation of the standard of review is that it is ambiguous, logically at odds with the nature of the determination under review, and incoherently applied in practice. Thus, while we are told that the determination of disparagement is ultimately a legal question to be reviewed *de novo*, we are also told that this legal conclusion is predicated upon underlying factual determinations. App. 6. However, nowhere in the Federal Circuit's jurisprudence, or elsewhere, are we told what these underlying factual inquiries are or how they are distinguished from the ultimate question of disparagement (or for that matter any question of ultimate registrability). *See Pro-Football, Inc. v. Harjo*, 284 F. Supp. 2d at 119-36 (providing a careful analysis of what the Board claimed were its factual determinations that the Washington Redskins logo was disparaging of a substantial composite of Native Americans, and finding instead that the Board's

findings were not fact-based but predicated upon innuendo and assumption).

Indeed, if one were to consider the two-part analysis for disparagement set out and purportedly followed by the court of appeals in this case (and discussed above in Part I), one would be forced to conclude that the Federal Circuit's articulation of the standard of review is wrong simply and that the majority of the circuits are correct.

As a reminder, the two-part analysis applied in these cases requires the court to first determine the meaning of the mark and specifically whether the mark refers to "identifiable persons, institutions, beliefs or national symbols." App. 5. The second part of the Federal Circuit's two-part analysis requires the court to determine as a matter of law if the mark is disparaging to a "substantial composite of the referenced group." App. 5-6.

Notwithstanding the Federal Circuit's rule that "ultimate registrability" is a *de novo* legal review, it is rather obvious that the determination of disparagement and of registrability is a fact-based inquiry: how does any substantial composite of the referenced group understand the mark? By the very nature of the inquiry, the court must have evidence before it of the views of some substantial composite of the referenced group. This is an evidentiary inquiry not a legal one.

Moreover, we know from precedent that a substantial composite is not necessarily a majority, but neither is it co-equal with the views of a given panel of

the Federal Circuit, the Federal Circuit *en banc*, or even the Board. As the Federal Circuit itself explains:

> The PTO has the burden of proving that a trademark falls within a prohibition of § 1052. In order to prove that Mavety's mark BLACK TAIL is scandalous, the PTO must demonstrate that the mark is "shocking to the sense of truth, decency, or propriety; disgraceful; offensive; disreputable; . . . giving offense to the conscience or moral feelings; . . . [or] calling out [for] condemnation." The PTO must consider the mark in the context of the marketplace as applied to only the goods described in Mavety's application for registration. Furthermore, whether the mark BLACK TAIL, including innuendo, comprises scandalous matter is to be ascertained (1) from "the standpoint of not necessarily a majority, but a substantial composite of the general public," and (2) "in the context of contemporary attitudes."

> Therefore, even if the members of this panel personally find the mark BLACK TAIL disgustingly scandalous, the legal conclusion that a trademark comprises scandalous matter must derive from the perspective of the substantial composite. To be sure, appellate judges are a part of the composite of the general public, but they represent only a tiny fraction of the whole, which necessarily encompasses a wondrous diversity of thought. Although constantly at odds, progressive views and conservative or traditional thinking participate alike in the formation of the composite of the

general public. While we recognize the inherent difficulty in fashioning a single objective measure like a substantial composite of the general public from the myriad of subjective viewpoints, we are duty bound to apply the standard set forth by our predecessor court.

In addition, we must be mindful of ever-changing social attitudes and sensitivities. Today's scandal can be tomorrow's vogue. Proof abounds in nearly every quarter, with the news and entertainment media today vividly portraying degrees of violence and sexual activity that, while popular today, would have left the average audience of a generation ago aghast. To appreciate the extreme changes in social mores over time, one need only glance at a historical survey of Board decisions regarding refusals to register marks containing particular words deemed scandalous.

In re Mavety Media Grp., 33 F.3d at 1371.

Thus, the requirement to determine disparagement by examining a "substantial composite of the referenced group" suggests by its own terms that the inquiry is a factual or empirical one. This, of course, fits the view of a majority of the circuits but contradicts the minority holding of the Federal Circuit that the determination is ultimately a legal inquiry. Logically, and given today's fleeting trends and social attitudes buffeted here and there with the help of social media tsunamis, one might argue that a far better standard of review would neither claim disparagement to be determined ultimately as a matter of law or purely fact-based. *Id.* ("[W]e must be mindful of ever-

changing social attitudes and sensitivities. Today's scandal can be tomorrow's vogue."). Indeed, given social media's impact on the acceleration of the rate of change in social attitudes, if the inquiry were simply factual as some circuits hold, trademark registrability would be an ever-shifting and entirely transient statutory right subject to the day's survey of any given "substantial composite of the referenced group." *See, generally*, Philip N. Howard & Muzammil M. Hussain, *Democracy's Fourth Wave?: Digital Media and the Arab Spring* (Oxford Univ. Press 2013).

The more prudent and logical approach would be to blend the circuit split into a two-step analysis. Specifically, once the meaning was determined by objective factual evidence (evidence that is unrelated to the political writings and viewpoint of the applicant) during the first part of the two-part analysis, the court would proceed to the second part of the analysis to ask the question if the mark, given the range of possible meanings, is disparaging to a substantial composite of the referenced group. But unlike the current approach taken by the circuits—that is, treating the inquiry as either factual (the majority view) or ultimately legal (the Federal Circuit's view), the better approach is to treat the inquiry in two stages. The first stage of the inquiry of this disparagement analysis would ask whether the mark is objectively disparaging—or, put another way, does the mark have the objective potential of being understood as disparaging. This would be a legal question for the court to review *de novo. See, e.g., Harlow v. Fitzgerald*, 457 U.S. 800, 815-19 (1982) (explaining in the context of qualified immunity for governmental actors that the objective test is undertaken as a matter of law versus the

subjective test requiring an intensive factual inquiry); *Anderson v. Creighton*, 483 U.S. 635, 641 (1987) (following *Harlow*).

Only after determining that a mark was objectively disparaging (*i.e.*, that it had the objective potential of carrying a disparaging meaning), would the court reach the second step of the second part of the two-part analysis: does a "substantial composite of the referenced group" consider the mark to be disparaging in fact. This latter inquiry is a subjective inquiry of the referenced group which makes it an empirical or factual examination and thus one based upon evidence and uniquely within the province of the fact finder and thus subject to the more deferential substantial evidence standard used for appellate review of an agency's factual findings. *See generally Dickinson v. Zurko*, 527 U.S. 150, (1999) (providing a thorough discussion of the distinction between the substantial evidence standard and the clearly erroneous standard and rationale for that difference).

This blending of the circuit split solves two problems. First, it prevents irrational or obviously transient views of disparagement, even if held by a substantial composite of the referenced group, from preventing registration. Second, it forces the Federal Circuit to recognize that the determination of the views of a substantial composite of a specifically referenced group is not a legal analysis but a factual one better left to the fact finder. At the same time, as we saw in *Pro-Football, Inc. v. Harjo*, this clear-headed distinction between a legal, objective inquiry versus a factual, subjective examination would encourage the Federal Circuit and the Board to pay special attention

to actual empirical facts and not innuendo and assumption.

In contrast to our proposed solution, the instant case is a study in the confused and rather incoherent application of the Federal Circuit's purported *de novo* review of the legal conclusion of whether the mark is disparaging and ultimately registrable. At each stage of its analysis to determine whether the Mark was disparaging, the panel simply asked whether the Board had "substantial evidence" (the far more deferential standard applicable to a weighing of the factual evidence by the Board) rather than conducting a legal and *de novo* review, as required by the Federal Circuit's rule that disparagement is a legal analysis demanding *de novo* review.

Thus, when the panel concluded that the Board correctly determined that Petitioners' political meaning of Islamisation would disparage peaceful Islamists, the court applied the more deferential substantial evidence standard when it should have applied the stricter *de novo* review: "Substantial evidence supports the Board's finding that Appellants' mark is also disparaging in the context of the political meaning of Islamisation." App. 12. What renders this confusion by the panel incoherent is that nowhere did the Board actually provide any evidence that a substantial composite of all Muslims or a substantial composite of peaceful Islamists would be disparaged by any meaning of Islamisation. More particularly, the Board's conclusions about disparagement were based upon how it felt Muslims might react to the religious and political meanings of the word Islamisation and quite explicitly not based upon any actual empirical or fact-based

evidence. The court of appeals in turn purportedly was applying a legal analysis using *de novo* review but instead applied the substantial evidence standard to a Board decision that relied on no evidence, but rather legal conclusions about how the Board thought Muslims might react. *See In re Mavety Media Grp.*, 33 F.3d at 1371 (stating that "even if the members of this panel personally find the mark . . . disgustingly scandalous, the legal conclusion that a trademark comprises scandalous matter must derive from the perspective of the substantial composite" and noting that "appellate judges . . . represent only a tiny fraction of the whole").

Even more to the point, had the Federal Circuit applied the approach suggested here to the question of whether the Mark's political meaning could, as a matter of law, disparage non-violent advocates of Islamisation, the court would have had to determine objectively whether it is possible to "disparage" a political actor who seeks, even if non-violently, to render our constitutional republic into a sectarian Islamic state. *See Pro-Football, Inc. v. Harjo*, 284 F. Supp. 2d at 124 (accepting the Board's definition of disparagement as something that may "dishonor by comparison with what is inferior, slight, deprecate, degrade, or affect or injure by unjust comparison"). The court of appeals undertook no such objective review even though it asserted that its determination of disparagement was ultimately a matter of law and reviewed *de novo*. Petitioners suggest that a court would be hard-pressed to conclude that a mark that opposed a political movement that sought to subvert the Constitution could disparage the subverters.

Further, the court would have had to review *de novo* and rule as a matter of law on the question of whether the Mark disparages those who advocate a non-violent form of Islamisation simply because the Mark includes educational services pointing to the truth recognized in the record and by the court that violent jihad arises out of the ideological breeding ground of the Islamisation movement. App. 23 (referencing the Board's ruling, which in turn references congressional testimony at App. 25-28; 39-41). Instead, the court of appeals simply glossed over this analysis to conclude as a *factual* matter that any reference to terrorism by the services associated with the Mark would disparage non-violent advocates of Islamisation.[5]

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[5] As pointed out by Petitioners in their briefing below, the federal courts also seem to be clear about the meaning of Islamization and the Islamists' violent agenda. *See, e.g.*, *Makir-Marwil v. United States AG*, 681 F.3d 1227, 1230 (11th Cir. 2012) ("The [State Department's 2007] Country Report [on Sudan] notes that the ruling party 'originally came to power with a goal of Islamization, treated Islam as the state religion,' and 'restricted Christian activities."); *Presbyterian Church of Sudan v. Talisman Energy, Inc.*, 453 F. Supp. 2d 633, 677 (S.D.N.Y. 2006) ("Moreover, the plaintiffs acknowledge that not all Government attacks were even connected to the oil industry. According to the plaintiffs' experts, the Government's aggression in the south was also part of a long-term plan of "islamization" and "jihad."); *Boumediene v. Bush*, 553 U.S. 723, 827 (2008) ("America is at war with radical Islamists.") (Scalia, J., dissenting). Federal courts have also expressly recognized that Muslims oppose the Islamist agenda of Islamization to overthrow secular rule only to replace it with an Islamist state. *See, e.g.*, *Bouchikhi v. Holder*, 676 F.3d 173, 175 (5th Cir. 2012) ("Bouchikhi is a native and citizen of Algeria. He is a Muslim imam. He believes in democratic government, and he disapproves of the present Algerian regime because of its failure to permit democracy. As a moderate Muslim, Bouchikhi opposes

It is time for this Court to resolve the circuit split over the appellate review of ultimate registrability—including the determination of whether the mark is disparaging, scandalous, or likely to cause confusion. In each of these cases, the inquiry should require an initial legal determination *de novo* whether the mark even has the objective potential to be violative of § 2(a) or (d). Then, and only after the objective threshold is satisfied, would the court turn to the empirical evidence relied upon by the Board utilizing the more deferential substantial evidence standard to determine if a substantial composite of the referenced group

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the mistreatment of non-Muslims and the use of violence to establish an Islamist state."). Moreover, the federal courts' recognition of the violence of the Islamist agenda is not new. *See In re Ross*, 140 U.S. 453, 463 (1891) ("After the rise of Islamism, and the spread of its followers over eastern Asia and other countries bordering on the Mediterranean, the exercise of this judicial authority became a matter of great concern. The intense hostility of the people of Moslem faith to all other sects, and particularly to Christians, affected all their intercourse, and all proceedings had in their tribunals. Even the rules of evidence adopted by them placed those of different faith on unequal grounds in any controversy with them. For this cause, and by reason of the barbarous and cruel punishments inflicted in those countries, and the frequent use of torture to enforce confession from parties accused, it was a matter of deep interest to Christian governments to withdraw the trial of their subjects, when charged with the commission of a public offence, from the arbitrary and despotic action of the local officials."). Among the literally hundreds of federal court cases referencing "Islamization" or "Islamism" or "Islamist," none of those cases stand for the proposition that the meaning of any of those words used by Muslims or non-Muslims carries a meaning different from that argued by Petitioners herein or that such use is disparaging to any substantial composite of any referenced group.

subjectively understood the mark to be scandalous, disparaging, or likely to confuse. This rather straightforward blend of the three-decades old circuit split would at once resolve the split by splitting the difference and rendering the entire process far more coherent and thus predictable.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

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APPENDIX

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APPENDIX

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APPENDIX A

**United States Court of Appeals
for the Federal Circuit**

2013-1412

[Filed May 13, 2014]

IN RE PAMELA GELLER AND)
ROBERT B. SPENCER)
————————————————)

Appeal from the United States Patent and Trademark Office, Trademark Trial and Appeal Board, in Serial No. 77940879.

Decided: May 13, 2014

DAVID YERUSHALMI, American Freedom Law Center, of Washington, DC, argued for appellants.

THOMAS L. CASAGRANDE, Associate Solicitor, United States Patent and Trademark Office, of Alexandria, Virginia, argued for appellee. With him on the brief were NATHAN K. KELLEY, Solicitor, BENJAMIN T. HICKMAN, and Christina Hieber, Associate Solicitor.

Before NEWMAN, O'MALLEY, and WALLACH, *Circuit Judges*.

WALLACH, *Circuit Judge*.

Applicants Pamela Geller and Robert B. Spencer ("Appellants") appeal from the Trademark Trial and Appeal Board's ("Board") refusal to register the mark STOP THE ISLAMISATION OF AMERICA in connection with the recited services of "understanding and preventing terrorism." J.A. 27. The Board found the mark contains "matter which may disparage" a group of persons in violation of § 2(a) of the Trademark Act. Because the Board's finding is supported by substantial evidence and in accordance with law, this court affirms.

BACKGROUND

In February 2010, Appellants filed an intent-to-use application to register the mark STOP THE ISLAMISATION[1] OF AMERICA in connection with "[p]roviding information regarding understanding and preventing terrorism." J.A. 27. The Examining Attorney refused the application on January 19, 2011, on the ground that the mark may be disparaging to American Muslims pursuant to § 2(a) of the Trademark Act, 15 U.S.C. § 1052(a) (2006). Appellants filed an appeal to the Board, which affirmed the § 2(a) refusal. In reaching this conclusion, the Board considered the likely meaning of the mark, and then determined whether that meaning was likely to disparage "'a substantial composite of the referenced group.'" J.A.

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[1] The Board and the parties alternate between spelling "Islamisation" with an "s" ("Islamisation") and with a "z" ("Islamization"). All agree the spelling variation is immaterial.

2–3 (quoting *In re Lebanese Arak Corp.*, 94 U.S.P.Q.2d 1215, 1217 (T.T.A.B. 2010)).

The Board found the term "Islamisation," as used in the mark, had two likely meanings: (1) "the conversion or conformance to Islam" ("the religious meaning"), J.A. 8; and (2) "a sectarianization of a political society through efforts to 'make [it] subject to Islamic law'" ("the political meaning"), J.A. 9 (alteration in original). The religious meaning was supported by dictionary definitions and evidence of how the term was used in the marketplace, J.A. 3–8, and the Board found this meaning was "more reflective of the public's current understanding of the term." J.A. 12. The political meaning of "Islamisation," in turn, was supported by various publications by "professionals, academics and religious and legal experts." J.A. 9. Such evidence was "less widely available" and "not necessarily reflective of the general public's understanding" of Islamisation. J.A. 11. Nevertheless, the Board found it established "a second meaning" of Islamisation, "at least to academic, professional, legal and religious experts." J.A. 12.

The Board determined the mark may be disparaging to American Muslims under both meanings of "Islamisation." J.A. 23. With respect to the religious meaning, the Board found the mark was disparaging to American Muslims because "[t]he admonition in the mark to STOP sets a negative tone and signals that Islamization is undesirable and is something that must be brought to an end in America." J.A. 16. Moreover, the Board found Appellants' proposed use of the mark for "understanding and preventing terrorism" resulted in "a direct association of Islam and its followers with

terrorism."[2] J.A. 16. Because "the majority of Muslims are not terrorists and are offended by being associated as such," the Board determined the mark was disparaging under the religious meaning of Islamisation. J.A. 16.

The Board also found the mark would be disparaging under the political meaning of Islamisation. J.A. 19. It determined that even this narrower definition does not "mandate the use of violence or terrorism," so the application's suggestion that political Islamisation must be "stop[ped]" to "prevent[ ] terrorism" would be disparaging to a substantial composite of American Muslims. J.A. 18–19, 21. The Board accordingly affirmed the Examining Attorney's refusal to register the mark under § 2(a) of the Trademark Act.

Appellants filed this timely appeal. This court has jurisdiction pursuant to 28 U.S.C. § 1295(a)(4)(B) (2012).

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[2] Appellants do not contest the Board's reliance on an online dictionary definition of "terrorism" as "'the use of violence and threats to intimidate or coerce, esp. for political purposes.'" J.A. 4 (quoting J.A. 73 (*Terrorism*, Dictionary.com, http://dictionary. reference.com/browse/terrorism (as retrieved on Apr. 28, 2010))). Other more specific definitions may be found in various treaties (*see, e.g.*, International Convention for the Suppression of Terrorist Bombings art. 2, Dec. 15, 1997, 116 Stat. 721, 2149 U.N.T.S. 284, 285–86), and national statutes (*see, e.g.*, 18 U.S.C. § 2331(1), (5) (2012)), but the broad definition is certainly adequate for the purposes of this case.

DISCUSSION

On appeal, Appellants argue there is no substantial evidence to support the Board's finding that the proposed mark may be disparaging in violation of § 2(a) of the Trademark Act. They contend the Board improperly relied "on arbitrary and anecdotal evidence" in determining the mark's meaning and in finding that meaning may disparage American Muslims. Appellants' Br. 2, 13, 19.

Section 2(a) of the Trademark Act provides that the Board may refuse an application when the trademark "[c]onsists of or comprises . . . *matter which may disparage* . . . persons, living or dead, institutions, beliefs, or national symbols, or bring them into contempt, or disrepute." 15 U.S.C. § 1052(a) (emphasis added). Although neither party was able to identify a prior case in this court or its predecessor setting forth the legal analysis for a § 2(a) refusal based on disparagement, all parties agree the proper inquiry was set forth by the Board in *In re Lebanese Arak Corp.*:

> (1) what is the likely meaning of the matter in question, taking into account not only dictionary definitions, but also the relationship of the matter to the other elements in the mark, the nature of the goods or services, and the manner in which the mark is used in the marketplace in connection with the goods or services; and

> (2) if that meaning is found to refer to identifiable persons, institutions, beliefs or national symbols, whether that meaning may be

disparaging to a substantial composite of the referenced group.

In re Lebanese Arak Corp., 94 U.S.P.Q.2d at 1217; *see also Harjo v. Pro-Football, Inc.*, 50 U.S.P.Q.2d 1705, 1740–41 (T.T.A.B. 1999), *rev'd on other grounds*, 284 F. Supp. 2d 96 (D.D.C. 2003). A mark may disparage when it "'dishonor[s] by comparison with what is inferior, slight[s], deprecate[s], degrade[s], or affect[s] or injure[s] by unjust comparison.'" *Pro-Football, Inc. v. Harjo*, 284 F. Supp. 2d 96, 124 (D.D.C. 2003) (quoting *Harjo*, 50 U.S.P.Q.2d at 1737 n.98).

The determination that a mark may be disparaging "is a conclusion of law based upon underlying factual inquiries." *Cf. In re Mavety*, 33 F.3d 1367, 1371 (Fed. Cir. 1994) (applying that standard with respect to whether a mark is "scandalous" under § 2(a)). The Board's factual findings are reviewed for substantial evidence, "while its ultimate conclusion as to registrability is reviewed de novo." *In re Fox*, 702 F.3d 633, 637 (Fed. Cir. 2012).

I.

The first prong of the disparagement test determines "the likely meaning of the matter in question." *In re Lebanese Arak Corp.*, 94 U.S.P.Q.2d at 1217. The Board found the term ISLAMISATION used in Appellants' mark has two likely meanings: the religious meaning and the political meaning.[3] On

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[3] As noted above, the "religious meaning" of Islamisation is "the conversion or conformance to Islam," J.A. 8, and the "political meaning" is "a sectarianization of a political society through efforts to 'make [it] subject to Islamic law,'" J.A. 9.

appeal, Appellants argue the Board "ignore[d] the overwhelming evidence in the record that the term 'Islamisation' has *only* been used in the public domain to refer to a political and military process replacing civilian laws with Islamic religious law." Appellants' Br. 13 (emphasis added).

To the extent Appellants argue the political meaning of Islamisation is the *sole* likely meaning under prong one, they are incorrect. The Board relied on three separate types of evidence in support of the religious meaning. First, it considered dictionaries that listed the primary definition of "Islamize" as "'to convert'" or "'conform'" to Islam. J.A. 4 (quoting, *e.g.*, J.A. 58 (*Islamize*, Dictionary.com, http://dictionary. reference.com (as retrieved on Apr. 28, 2010))); J.A. 1040 (*Islamize*, YourDictionary, http://your dictionary.com/Islamize (as retrieved on Sept. 1, 2010))); *see also* J.A. 3 n.3 ("The definitions indicate that 'Islamization' is the noun form of the transitive verb 'Islamize.'"). Next, the Board considered certain essays posted on Appellants' website, www.sioaonline.com,[4] which were "featured immediately underneath the website's STOP THE ISLAMIZATION OF AMERICA banner." J.A. 6. Two of these essays opposed construction of mosques in the United States, and another essay discussed an ad campaign to provide "assistance" to Muslims considering leaving the Islamic faith. J.A. 5–6, 1043–46, 1064–67, 1075–77. Finally, the Board considered readers' comments posted on Appellants' website as "reflect[ive of] the website's message of

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[4] This website is no longer available (last checked Mar. 17, 2014).

stopping the spread of Islam in the United States." J.A. 6.

Appellants do not challenge the Board's reliance on online dictionaries, but instead assert error in the remainder of the Board's analysis of "Islamisation." They argue the Board improperly relied on "irrelevant essays and arbitrarily selected anonymous 'comments' posted to Appellants' blog." Appellants' Br. 13.

Appellants contend the essays posted on their website do not advocate suppression of the Islamic faith, but only oppose political Islamisation. The Board disagreed, as do we. The first essay they discuss is titled "[Stop the Islamisation of America] Mosque Manifesto: All Mosques are Not Created Equal, A Handy Guide to Fighting the Muslim Brotherhood." J.A. 1043. Appellants characterize this essay as merely opposing "Islamist Muslim Brotherhood groups" that "use mosque-building as a political tool to accomplish Islamisation." Appellants' Br. at 14. This is an overly narrow interpretation of the "Mosque Manifesto" essay, which provides tips for opposing "huge monster mosque[s]" proposed in people's communities. J.A. 1044. Although portions of the essay refer to political forces such as the Muslim Brotherhood, the article as a whole implicates Islam more generally. *See, e.g.*, J.A. 1045 (quoting a source that "80% of American mosques were controlled by 'extremists'"); J.A. 1043 ("As we have been reminded time after time after grisly Islamic terror plots have been exposed, there is always a mosque, and the imprimatur of a cleric, behind every operation."). Taken generally, as Appellants do, mosques in this country are respectable and respected community religious institutions. Substantial evidence

supports the Board's finding that the "Mosque Manifesto" essay advocates suppression of the Islamic faith, taught and practiced in those places of prayer.[5]

Appellants also challenge the Board's reliance on the essay, "Detroit Transit Sued for Nixing [Stop the Islamisation of America] 'Leaving Islam?' Bus ads." J.A. 1075. They contend the essay "merely recounts the debate over an advertisement . . . to provide Muslims who have offended Islamists with a refuge from retaliatory violence." Appellants' Br. 16. The record supports the Board's finding that the "Bus ads" essay is not about political beliefs, but rather about the Islamic faith. It describes an ad campaign run by Appellants and others "in response to bus ads in Florida inviting people to *convert to Islam*." J.A. 1076 (emphasis added). As characterized by Appellants, the ads offered "assistance" to people considering leaving Islam, and suggested those individuals would otherwise be subject to "retaliatory violence" by other Muslims. Appellants' Br. 16. This essay supports the Board's conclusion that Appellants used the mark in the context of stopping the spread of the Islamic faith.

Appellants further argue the Board erred in relying on "cherry-picked anonymous comments" posted on their website. Appellants' Br. 17. They contend such comments "are *not* indicative of how Appellants use the Mark in the marketplace" and "are not even remotely

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[5] Another essay on Appellants' website opposed a mosque and Islamic Center being built in New York City near the site of the former World Trade Center. J.A. 1081–82. The Board was correct that this essay also addresses the spread of the Islamic faith, not political Islamisation. *See* J.A. 6.

representative of 'consumers' of Appellants[], but rather a biased selection of people who leave comments at blogs." *Id.* The Board considered these drawbacks of anonymous public comments, and noted "the probative value of the blog comments . . . is less than that of the articles themselves due to the anonymity of the authors." J.A. 8. With that caveat, the Board properly found the comments "provide additional insight into the public's perception of and reaction to applicants' STOP THE ISLAMISATION OF AMERICA mark and services as used in the marketplace." J.A. 8. The referenced comments reflect the religious meaning of Islamisation, and evidence a desire to stop the spread of Islam in America. *See* J.A. 6–7 (quoting comments) ("Islam is evil"; "[T]here's only one thing you can do and that's say no to Islam and the [I]slamization of America"; "[T]he name you chose [Stop the Islamisation of America] does imply that you wish to stop [I]slam in this country . . . ."). The Board did not err in concluding that such comments showed the religious meaning of Islamisation.

Finally, the remaining evidence does not establish the political definition of "Islamisation" as the sole likely meaning. The online dictionary definitions in the record list the political meaning as secondary. J.A. 4 (quoting, *e.g.*, J.A. 1039 (*Islamize*, Encarta, http://encarta.msn.com/encnet/features/dictionary/ DictionaryResults.aspx?refid=1861622547 (as retrieved on Sept. 1, 2010) ("2. [M]ake subject to Islamic law: to cause people, institutions, or countries to follow Islamic law."))). As further support, Appellants submitted Congressional testimony, course materials, academic articles, and a doctoral dissertation using the term "Islamisation" in its political sense. The Board

considered these additional sources but found they were "less widely available" and "not necessarily reflective of the general public's understanding of the meaning of applicants' mark." J.A. 11–12. The Board, however, found Appellants had established the political definition as *one* likely meaning of Islamisation, and therefore considered both the religious and political meanings in the second part of the analysis.

II.

The second prong of the disparagement inquiry asks whether the likely meaning identified in prong one "is found to refer to identifiable persons, institutions, beliefs or national symbols," and if so, whether that meaning "may be disparaging to a substantial composite of the referenced group." *In re Lebanese Arak Corp.*, 94 U.S.P.Q.2d at 1217. The Board found both meanings of Islamisation refer to all American Muslims. J.A. 13 (noting that Appellants agreed). It then determined that the mark may be disparaging to American Muslims under both the religious and the political meanings of Islamisation. J.A. 23.

With respect to the religious meaning, the Board found the mark's admonition to "STOP" Islamisation in America "sets a negative tone and signals that Islamization is undesirable and is something that must be brought to an end in America." J.A. 16. Moreover, it determined that using the mark in connection with preventing terrorism "creates a direct association of Islam and its followers with terrorism." J.A. 16. The Board explained that "the majority of Muslims are not terrorists and are offended by being associated as such." J.A. 16. The Board listed multiple sources where Muslims stated they were concerned by, e.g., "anti-

Muslim sentiment that automatically associates Islam with terrorism." J.A. 16–17 (quoting J.A. 1020 (Andy Grimm, *Show of Support for Muslims: Religious Leaders Call for Tolerance Amid Tensions*, Chicago Tribune, Sept. 12, 2010, at C10)); *see also* J.A 16 (quoting J.A. 53 (Bob Makin, *Muslims Say Terrorists Have Hijacked Their Faith*, Courier News, June 2, 2008) ("We believe [Islamic terrorist] is not the right terminology to use, because it links something very positive, like Islam, with the word 'terrorist.'")).

On appeal, Appellants argue this evidence "has nothing to do with Appellants' Mark literally or in context of the meaning of the terms used in the marketplace of ideas." Appellants' Br. 21. This argument merely restates Appellants' prong-one arguments about the mark's likely meaning. As discussed above, the Board properly found that one meaning of Islamisation—the "more reflective" meaning—is to convert to Islam. J.A. 12. Appellants conceded at oral argument that their mark is disparaging under a religious meaning of Islamisation. Oral Arg. at 1:27–52, *In re Geller*, No. 2013-1412 (Mar. 4, 2014), *available at* http://www.cafc.uscourts.gov oral-argument-recordings/all/geller.html.

Substantial evidence supports the Board's finding that Appellants' mark is also disparaging in the context of the political meaning of Islamisation. J.A. 19. The Board reasoned the political meaning "refers to a political movement to replace man-made laws with the religious laws of Islam," which does not "mandate the use of violence or terrorism." J.A. 19. The Board found associating such political beliefs with "preventing terrorism," as recited in the application, "creates an

association with terrorism that would be disparaging to a substantial composite of Muslims, whether or not they embrace [political] Islamization." J.A. 21–22.

Appellants challenge the Board's determination that political Islamisation includes nonviolent activity, and instead contend that "all of the record points to the fact that Islamisation ultimately includes terrorism." Oral Arg. at 26:20–33. Appellants maintain their mark to "STOP" Islamisation therefore does not disparage "loyal, patriotic American Muslims." Appellants' Br. 25. Contrary to Appellants' contention, nothing in the record suggests that the political meaning of Islamisation requires violence or terrorism. Appellants' own evidence describes "political Islamists" as "by and large, people who are non-violent, yet . . . have an ideological agenda," and states that "Islamism manifests itself in activist agendas that span the complete spectrum from *democratic politics* to violent efforts aimed at imposing Shariah law worldwide." J.A. 20 (emphasis added) (internal quotation marks and citations omitted). To the extent Appellants established that one likely meaning of Islamisation is a political movement to spread Islamic law, they certainly did not show that violence is required to achieve that goal. The political meaning of Islamisation does not require violence or terrorism, and the Board properly found that associating peaceful political Islamisation with terrorism would be disparaging to a substantial composite of American Muslims. *See* J.A. 21–23. The Board's refusal of Appellants' mark as disparaging matter under § 2(a) is therefore affirmed.

CONCLUSION

For the foregoing reasons, and because this court finds Appellants' remaining arguments unpersuasive, the Board's refusal of Appellants' mark STOP THE ISLAMISATION OF AMERICA is affirmed.

AFFIRMED

APPENDIX B

THIS OPINION IS NOT A PRECEDENT OF THE TTAB

UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

Serial No. 77940879

[Dated February 7, 2013]

In re Pamela Gellar and)
Robert B. Spencer)
———————————————)

Hearing: June 19, 2012
Mailed: February 7, 2013

David Yerushalmi, Esq. For Pamela Geller and Robert B. Spencer.

Maria-Victoria Saurez, Trademark Examining Attorney, Law Office 102 (Karen M. Stryzyz, Managing Attorney).

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Before Cataldo, Taylor and Kuczuma, Administrative Trademark Judges.

Opinion by Kuczma, Administrative Trademark Judge:

Pamela Geller and Robert B. Spencer, ("applicants"), filed an application under § 1(b) of the

Trademark Act, 15 U.S.C. § 1051(b), seeking registration of the mark:

**Stop the Islamisation of
America**

in standard character form for "providing information regarding understanding and preventing terrorism," in International Class 45.[1]

Registration of the mark was refused under § 2(a) of the Trademark Act, 15 U.S.C. § 1052(a), on the ground that the applied-for mark consists of or includes matter which may disparage or bring into contempt or disrepute persons, institutions, beliefs or national symbols. Applicants timely filed a notice of appeal. Applicants and the examining attorney submitted briefs, and appeared at the oral hearing.[2]

A. Disparagement

Section 2(a) of the Trademark Act prohibits registration of a mark that "consists of or comprises . . . matter which may disparage . . . persons, living or dead, institutions, beliefs, or national symbols, or bring them into contempt, or disrepute." As noted in *University of Notre Dame du Lac* v. *J.C. Food Imports Co.*, 703 F.2d 1372, 1376, 217 USPQ 505, 509 (Fed. Cir. 1983), § 2(a) embodies concepts of the right to privacy and publicity, that is, the right to protect and to control the use of one's identity. In effect, this provision of

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[1] Application Serial No. 77940879, filed on February 21, 2010.

[2] The application was examined by Examining Attorney Maria-Victoria Suarez. Senior Attorney Brian Brown represented the USPTO at the oral hearing.

§ 2(a) protects against appropriation of one's identity by another and subjecting it to contempt or ridicule. *See Greyhound Corp.* v. *Both Worlds Inc.*, 6 USPQ2d 1635, 1639 (TTAB 1988).

In *In re Lebanese Arak Corp.*, the Board restated the test for disparagement where the party alleging disparagement is a member of a non-commercial group, such as a religious or racial group, as follows:

> 1) what is the likely meaning of the matter in question, taking into account not only dictionary definitions, but also the relationship of the matter to the other elements in the mark, the nature of the goods or services, and the manner in which the mark is used in the marketplace in connection with the goods or services; and

> 2) if that meaning is found to refer to identifiable persons, institutions, beliefs or national symbols, whether that meaning may be disparaging to a substantial composite of the referenced group.

In re Lebanese Arak Corp., 94 USPQ2d 1215, 1217 (TTAB 2010) (citing *In re Heeb Media LLC*, 89 USPQ2d 1071, 1074 (TTAB 2008); *In re Squaw Valley Development Co.*, 80 USPQ2d 1264, 1267 (TTAB 2006); *Harjo* v. *Pro-Football, Inc.,* ("*Harjo I*") 50 USPQ2d 1705, 1740-41 (TTAB 1999), *rev'd* on other grounds, ("*Harjo II*") 284 F.Supp.2d 96, 68 USPQ2d 1225 (D.D.C. 2003), *remanded*, 415 F.3d 44, 75 USPQ2d 1525 (D.C. Cir. 2005), *on remand*, 567 F.Supp.2d 46, 87 USPQ2d 1891 (D.D.C. 2008), *aff'd* 565 F.3d 880, 90 USPQ2d 1593 (D.C. Cir. 2009)).

1. Meaning of the Mark

Applicants and the examining attorney agree, as do we, that the test set forth in *Lebanese Arak* is the applicable test, so we turn to the first prong of the test to determine the meaning of the applied-for mark as used in connection with the services identified in the application.

The examining attorney introduced several dictionary definitions for the term "Islamize"[3] which were consistent in indicating the term "Islamization" (alternatively spelled "Islamisation" according to applicants) would be generally understood to mean "converting or conforming to Islam":[4]

> Dictionary.com Unabridged based on the Random House Dictionary:
> 1. To conform to Islam. 2. To bring into a state of harmony or conformity with the principles and teachings of Islam; give an Islamic character or identity to.
> *http://dictionary.reference.com*

> Merriam-Webster:
> to make Islamic; especially: to convert to Islam
> *http://merriam-webster.com/dictionary/islamization*

> EncartaWorldEnglish Dictionary:
> 1. Convert to Islam: to convert people or

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[3] The definitions indicate that "Islamization" is the noun form of the transitive verb "Islamize."

[4] See attachments to April 28, 2010 and January 19, 2011 Office Actions.

countries to Islam. 2. Make subject to Islamic law: to cause people, institutions, or countries to follow Islamic law.
http://encarta.msn.com/encnet/features/dictionary

Webster's New World College Dictionary:
to convert or conform to, or bring within, Islam
http://yourdictionary.com/Islamize

American Heritage Dictionary of the English Language Fourth Ed.:
1. To convert to Islam. 2. To cause to conform to Islamic law or precepts.
http://yourdictionary.com/Islamize

The examining attorney also submitted the following definition for the word "stop":[5]

1. to cease from, leave off or discontinue: *to stop running*

2. to cause to cease; put an end to: *to stop noise in the street*
http://dictionary.reference.com

and a definition for the word "terrorism":

Dictionary.com Unabridged based on the Random House Dictionary:
1. the use of violence and threats to intimidate or coerce, esp. for political purposes
http://dictionary.reference.com/browse/islamize

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[5] See attachments to April 28, 2010 Office Action.

Applying these definitions in the context of applicants' STOP THE ISLAMISATION OF AMERICA mark, the mark in its entirety would be understood to mean that action must be taken to cease, or put an end to, converting or making people in America conform to Islam. Considering the mark in connection with the nature of applicants' services namely, "providing information regarding understanding and preventing terrorism," conveys the further message that the conversion or conformance to Islam must be stopped in order to prevent the intimidating threats and violence associated with terrorism.

In addition to analyzing the definitions relative to applicants' services, it is appropriate for us to consider the manner in which applicants' mark is or will be used in the marketplace in connection with the services. *Heeb Media*, 89 USPQ2d at 1075 citing *Harjo I*, 50 USPQ2d at 1739, 1742. To do this, we have reviewed the portions of applicants' website and blog (located at *sioaonline.com*) that are in the record. The subject matter of the articles published on applicants' website and comments posted on applicants' blog are consistent with the theme that the spread of Islam in America, i.e., converting new members to the Islam religion, must be stopped. For example, an article on applicants' website entitled: *SIOA Mosque Manifesto: All Mosques are Not Created Equal, A Handy Guide to Fighting the Muslim Brotherhood* reports on communities in the United States that have taken action against the building of mosques and provides a step-by-step guide for people who find themselves "faced with a huge monster mosque proposal in their small towns." The article begins: "As we have been reminded time after time after grisly Islamic terror plots have been

exposed, there is always a mosque, and the imprimatur of a cleric, behind every operation." The articles entitled *Geller, Spencer in Big Government: The 9/11 Mosque's Peace Charade* and *SIOA Condemns Obama's Blessing of Ground Zero Mega-Mosque; Bolton, Wilders to Speak At 9/11 Rally* raise strong objections to the proposed building of a mosque and Islamic Center near the site of the former World Trade Center in New York City that was destroyed as a result of a terrorist attack in September 2001. The article entitled *Detroit Transit Sued for Nixing SIOA 'Leaving Islam?' Bus ads* reports on a lawsuit filed by applicant Geller against the Detroit-area bus authority for refusing to run ads that offer assistance to those considering leaving Islam.[6] There is no doubt that the underlying theme in the articles which are featured immediately underneath the website's STOP THE ISLAMIZATION OF AMERICA[7] banner is that the spread of Islam in America is undesirable and must be stopped.

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[6] See copies of webpages from *www.sioaonline.com* attached to January 19, 2011 Office Action.

[7] Although the word "Islamisation" as identified on the trademark drawing and in the application is spelled "Islamisation" (with the letter "s"), the banner at the top of applicants' website spells the word with the letter "z." According to applicants, the word "Islamisation" is an alternative spelling for "Islamization," Applicants' Appeal Brief p. 5.

Comments submitted to applicants' blog by readers of applicants' website also reflect the website's message of stopping the spread of Islam in the United States:[8]

• [The trademark] implies that Islam is associated with violence and threats." IMPLIES??? Hell no! IT IS ASSOCIATED WITH VIOLENCE AND THREATS—examples of that TRUTH ABOUND-ISLAM is a terror group defined by their own Korana [a]nd imams what PC and Muzzies have infiltrated the patent office? [Comment by Whata buncha bull on April 29, 2010 at 10:36 AM in response to article entitled "Sharia Trademark Enforcement."]

• Very few Americans are willing to educate themselves on what Islam teaches – it is not love and peace. They only know the propaganda the media and Islamic organization indoctrinate them with each day. This is why we are doomed to experience what every country that has allowed it to exists, has experienced – evil in its purest form.

If people only knew the truth, Islam would not be allowed to exist in the USA or any other country. Franklin Graham was right in saying, "Islam is evil." [Comment by Rick Holloway on May 12, 2010 at 10:59 AM in response to article entitled "Sharia Trademark Enforcement."]

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[8] See unnumbered attachments at pp. 54, 57-58 and 83 of January 19, 2011 Office Action. The spelling and punctuation in the readers' comments are presented as contained in the postings.

• This closeted Muslim President MUST be impeached, removed, and defeated before he continues to take the USA down the worst path it has ever encountered. Stop Islam Now, look at its history, lets not let The USA face the same Islamic issues our brothers in Europe are facing. [Comment by Erik on August 22, 2010 at 1:38 PM in response to article entitled: "SIOA Condemns Obama's Blessing of Ground Zero Mega-Mosque."]

Other comments reflect the public's association of "Islamization" with "Islam:"[9]

• . . . here's only one thing you can do and that's say no to Islam and the islamization of America. [Comment by 'nuff already on June 6, 2010 at 8:14 am]

• . . . Islamisation of America spells far more danger than what once Nazism did. Islam is like a giant python that can coil around you slowly and steadly before you even know that you have been annihilated. [Comment by Vedam on August 17, 2010 at 12:33 AM]

One reader specifically commented that applicants' mark implies that applicants wish to stop Islam:[10]

• I agree that radical islam is the number one threat to this country's, and most country's,

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[9] See unnumbered attachments at pp. 59 and 81 of January 19, 2011 Office Action.

[10] See unnumbered attachment at p. 59 of January 19, 2011 Office Action.

security. That said, the name you chose does imply that you wish to stop islam in this country. . . . [Comment by Alexandra on May 17, 2010 at 3:48 PM]

It is noted that the foregoing is not a complete list of the comments; the evidence in the record contains several additional inflammatory and/or negative readers' comments relating to the Islamic faith and its followers that were posted to applicants' blog, and we have no indication whether all comments to the blog have been submitted as evidence. While the probative value of the blog comments submitted by readers of applicants' website is less than that of the articles themselves due to the anonymity of the authors, they provide additional insight into the public's perception of and reaction to applicants' STOP THE ISLAMISATION OF AMERICA mark and services as used in the marketplace.

The evidence comprising dictionary definitions and the manner in which the mark is used and reacted to in the marketplace, taken together with the nature of applicants' services, provide probative evidence supporting the meaning of the mark proposed by the examining attorney, i.e., to stop the conversion or conformance to Islam in America in order to avoid terrorism.

Applicants advocate that Muslims do not use the term "Islamisation" "in the broad generic way consonant with 'Islamic'." Rather, applicants argue there is a second definition of "Islamize" which conveys another meaning. That is, as set forth in the foregoing definitions, "Islamize" also means "[t]o cause to conform to Islamic law or precepts" (as defined at

Dictionary.com) and "[m]ake subject to Islamic law: to cause people, institutions, or countries to follow Islamic law" (as defined at *Encarta.com*). This definition, i.e., to cause to be in conformity with Islamic law, more closely corresponds to the meaning of "Islamisation" proffered by applicants, namely, a sectarianization of a political society through efforts to "make [it] subject to Islamic law."[11]

According to applicants, Muslims understand "Islamisation" to mean the "term of art to incorporate the political-legal movement to convert a society or politic into a political society predicated upon and governed by Islamic law (i.e., Shariah)."[12] In support of this meaning, applicants cite to uses of the term "Islamisation" by professionals, academics and religious and legal experts. We refer to the following excerpts from applicants' evidence which provide some insight into the use of the term "Islamization" and its propagation by Islamists, i.e., those that promote Islamization as political ideology (emphasis added below):

> ***Islamism*** is ultimately a long-term social engineering project. The eventual ***"Islamization"*** of the world is to be enacted via a bottom-up process. Initially, the individual is Islamized into becoming a true Muslim. The process requires the person to reject Western norms of pluralism, individual rights, and the

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[11] See Applicants' Appeal Brief p. 8 and Applicants' Reply Brief p. 4.

[12] See Applicants' Appeal Brief pp. 8-9.

secular rule of law. The process continues as the individual's family is transformed, followed by society, and then the state. Finally, the entire world is expected to live and be governed by *Islamic* principles. So it is this ideological machinery that works to promote separation, sedition, and hatred, and that is at the core of *Islamic* violent extremism. [Testimony of Zeyno Baran, Senior Fellow and Director of Center for Eurasian Policy, Hudson Institute, to U.S. Senate Committee on Homeland Security and Governmental Affairs on July 10, 2008][13]

Now what I would like to address very quickly is what I believe i[s] the way to differentiate between *Islamists* and normal ordinary Muslims . . . the four core elements that I think are common to all *Islamists* regardless of the methodology they employ–and the first one I identify is that *Islamists* believe that Islam is a political ideology rather than a religion . . . the second core element that *Islamists* will all share is the notion that the Shariah religious code, which is a personal code of conduct, must become state law. . . [Testimony of Maajid Nawaz, Director, The Quilliam Foundation, London, to U.S. Senate Committee on Homeland Security and Governmental Affairs on July 10, 2008][14]

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[13] See Exhibit 3(a) p. 15 attached to applicants' July 26, 2010 Response to Office Action.

[14] See Exhibit 3(a) p. 6 attached to applicants' July 26, 2010 Response to Office Action.

What needs to be countered is ***Islamism***, the political ideology, not Islam, the religion . . . The political ideology, however, is diametrically opposed to liberal democracy because it dictates that Islamic law, Shariah, to be the only basis for the legal and political system that governs the world's economic, social, and judicial mechanisms and that Islam must shape all aspects of life . . . Of course, not all ***Islamists*** will one day become terrorists, but all ***Islamist*** terrorists start with non-violent ***Islamism***. [Testimony of Zeyno Baran, Senior Fellow and Director, Center for Eurasian Policy, Hudson Institute, to U.S. Senate Committee on Homeland Security and Governmental Affairs on July 10, 2008][15]

Thus, today we can say that the broad ideological current of ***Islamism*** manifests itself in activist agendas that span the complete spectrum from democratic politics to violent efforts aimed at imposing Shariah law worldwide. [Testimony of Peter P. Mandaville, PhD., Associate Professor of Government and Politics, George Mason University, to U.S. Senate Committee on Homeland Security and Governmental Affairs on July 10, 2008][16]

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[15] See Exhibit 3(a) p. 14 attached to applicants' July 26, 2010 Response to Office Action.

[16] See Exhibit 3(a) p. 10 attached to applicants' July 26, 2010 Response to Office Action.

In understanding what the ideology of ***Islamism*** is, it would help to begin with the name. The suffix "ism" has been added to Islam so as to draw attention to the political nature of the subject matter. Islam is a faith; ***Islamism*** is an ideology that uses Islam the faith as a justification. Some of you may be reluctant in calling this ideology Islamism. There exists an understandable concern of not wanting to alienate Muslims. . . . [Written Testimony of Maajid Nawaz, Director of the Quilliam Foundation, London, to U.S. Senate Committee on Homeland Security and Governmental Affairs on July 10, 2008][17]

The foregoing evidence originated from written testimony and transcripts of record before the U.S. Senate Committee investigating "The Roots of Violent Islamist Extremism and Efforts to Counter It." Applicants submitted additional evidence including course materials authored by applicants' counsel and others for continuing legal education, a doctoral dissertation entitled "Islamization in Pakistan: A Political and Constitutional Study from 1947-1988" submitted to the University of Karachi (Karachi, Pakistan) in October 2004, and a list of law review articles with limited excerpts from a selection of the articles. Given the nature and intended audiences of this evidence it is less widely available and therefore, is not necessarily reflective of the general public's understanding of the meaning of applicants' mark. Indeed, applicants concede their evidence supports how

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[17] See Exhibit 3(a) p. 52 attached to applicants' July 26, 2010 Response to Office Action.

Muslims themselves actually use the term "Islamization."[18]

We agree with the examining attorney that the several online dictionary definitions are more reflective of the public's current understanding of the term "Islamisation" than applicants' evidence, particularly because the public's access and exposure to applicants' evidence is not readily apparent. Based on the evidence, we conclude that one meaning of the mark is that the spread of Islam in America is undesirable and should be stopped in order to avoid or reduce terrorism. Although applicants' evidence is less probative of the meaning of the mark to the general public or to the American Muslim population at large, it evidences a second meaning of the mark at least to academic, professional, legal and religious experts based on the more narrow definition of the term "Islamisation" espoused by applicants.

As acknowledged by applicants, both *Harjo I* and *Harjo II* make clear that a term that has multiple meanings must be understood–for purposes of the "meaning" analysis–in the context of how it is used in the public domain relevant to the mark. If more than one meaning is established, both meanings advance to the second phase of the analysis, i.e., does the group at issue consider the term as used in the context of the services disparaging?[19] With this in mind, we consider whether applicants' mark is disparaging.

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[18] See Applicants' Appeal Brief pp. 8-9.

[19] See Applicants' Reply Brief p. 3.

2. Whether Mark Disparages Substantial Composite of Referenced Group

Addressing the second prong of the test, the definitions of Islamization submitted by the examining attorney clearly identify the referenced group as those who have converted or conformed to Islam, i.e., followers of the Islamic religion, who are also known as Muslims. Applicants also acknowledge that the referenced group is American Muslims.[20] Accordingly, we find both meanings of the mark refer to Muslims in the United States.

Trademarks may disparage if they "dishonor by comparison with what is inferior, slight, deprecate, degrade, or affect or injure by unjust comparison." *Harjo II*, 68 USPQ2d at 1247; *Harjo I*, 50 USPQ2d at 1738. The question now, is whether either meaning of the mark is disparaging to a substantial composite of the referenced group, i.e., Muslims in America.

Applicants argue that if the word "Islamisation" refers to only those groups and movements which seek to compel a political order to adopt Islamic law as the law of the land, law abiding and patriotic Muslims, who are not members of such groups, would not be disparaged by the mark.[21] The difficulty with applicants' argument is twofold: it assumes a substantial composite of Muslims understands the meaning of "Islamisation" asserted by applicants and

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[20] See Applicants' Appeal Brief pp. 14-15; Reply Brief p. 7.

[21] See Applicants' Appeal Brief p. 12.

that they would not be offended by the mark STOP THE ISLAMISATION OF AMERICA.

There is no evidence showing a substantial composite of the Muslim population in the United States understands the word "Islamisation" to have the meaning asserted by applicants. Applicants concede "[T]he only Muslims who actually use the term 'Islamisation' in any public or published fashion are those adherents to Islamisation known in the literature as Islamists, Muslim professionals dealing with counterterrorism, and Muslim academics who study the phenomenon of Islamisation within varied disciplines such as law, political science, and the study of terrorism."[22] The evidence submitted by applicants to support their specific definition of the term includes a doctoral dissertation submitted to a university in Pakistan, written and oral testimony presented to the U.S. Senate Committee on Homeland Security and Governmental Affairs during a hearing on the "Roots of Violent Islamist Extremism and Efforts to Counter It," course materials for a legal seminar entitled "Shariah-Compliant Finance: Benign or Benevolent," U.S. Department of Justice Sentencing Press Release, a "theoretical" paper by a Shariah scholar entitled "The Process of Islamization" published in 1976 and later published online, and printouts from various websites for Muslim-based organizations that do not show use of the term Islamization.[23] While such evidence provides

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[22] See applicants' July 26, 2010 Response to Office Action p. 5.

[23] See applicants' Exhibits 1-12 submitted with applicants' July 26, 2010 Response to Office Action. Included as Exhibit 10 is a list of 246 articles that were represented to be the results of a search of

some insight into the use of the term "Islamization," and the process of "Islamization," they do not establish whether or how the term is perceived by the general Muslim population in the United States.

Even if a substantial composite of the U.S. Muslim population understands "Islamisation" to have the more specific meaning asserted by applicants, the mark is disparaging because the term "Islamisation" has another more general meaning relating to conversion to Islam. Moreover, a substantial composite of Muslims regardless of their personal understanding of the term "Islamization" would be disparaged by the mark if the general non-Muslim population understands the term "Islamization" to relate to converting or confirming to Islam, endowing the mark with the more likely meaning of stopping the spread of Islam in America.

The confusing overlap in terminology is likely to exacerbate the public's understanding of applicants' mark and its disparaging connotation. Muslim followers of "Islam," "Islamism" and its "Islamist" proponents, and "Islamization," are all centered on the

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the Lexis-Nexis database. Inasmuch as the list of articles contained snippets from the articles showing use of the term "Islamization" in some identifiable U.S. publications, the list evidences use of the term in U.S. publications. However, the vast majority of articles were published in law reviews and appear to relate to the history and extent of Islamization activities in countries outside of the United States, with several articles addressing the same countries or geographic regions. Of the twenty-four excerpts from these articles provided in applicants' Exhibit 11, twenty-one of the excerpts appear to discuss Islamization outside of the United States; it is not possible to tell whether the remaining articles specifically address Islamization in the United States.

Islamic religion. The foregoing terms share the root word "Islam" and are encompassed by the term "Islamic." "[F]or most Americans, dealing with Islamism is extremely difficult because it is associated with Islam . . . What needs to be countered is Islamism the political ideology, not Islam, the religion."[24] That this confusion exists is supported by the statement of one of the experts testifying before the Senate Committee on Homeland Security and Governmental Affairs that "I firmly believe that by claiming the word Islamism, and helping shape how it is used, one can direct the debate in the right way with the intention of distinguishing the ideology from the faith."[25]

The admonition in the mark to STOP sets a negative tone and signals that Islamization is undesirable and is something that must be brought to an end in America. In light of the meaning of "Islamization" as referring to conversion to Islam, i.e., spreading of Islam, use of the mark in connection with preventing terrorism creates a direct association of Islam and its followers with terrorism.

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[24] See Testimony of Zeyno Baran, Senior Fellow and Director, Center for Eurasian Policy, Hudson Institute, to Committee on Homeland Security and Governmental Affairs United States Senate on July 10, 2008 attached as Exhibit 3(a) p.14 to applicants' July 26, 2010 Response to Office Action.

[25] See Appendix to July 10, 2008 Hearing before US Senate Committee on Homeland Security and Governmental Affairs written testimony of Maajid Nawaz, Director of the Quilliam Foundation, London, attached as Exhibit 3(a) p.52 to applicants' July 26, 2010 Response to Office Action.

There is sufficient evidence that the majority of Muslims are not terrorists and are offended by being associated as such. The following articles provide some pertinent examples:

Offended Muslims Speak Up
At a time of growing tensions involving Muslims in the United States, a record number of Muslim workers are complaining of employment discrimination, from co-workers calling them "terrorist" or "Osama" to employers barring them from wearing head scarves or taking prayer breaks. . . . [T]he rising number of complaints by Muslims, which exceeds even the amount filed in the year after the 9/11 terrorist attacks, comes as tensions rise between Muslim Americans and those of other faiths. 9/24/2010 *The New York Times, Late Edition-Final.*[26]

Show of support for Muslims; Religious leaders call for tolerance amid tensions
Ammal Khateeb, a Tinley Park resident at Friday's prayer service, said she has grown tired of what she sees as anti-Muslim sentiment that automatically associates Islam with terrorism. "That is why I don't wear the (hijab) scarf. It's never been good after 9/11. I'm scared," she said. "I don't want my kids to go through this racism."

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[26] See unnumbered attachment at p.12 of January 19, 2011 Office Action.

9/12/2010 *Chicago Tribune Sunday Early Edition*.[27]

Arab culture and Muslim stereotypes
The press . . . regularly uses the terms "Islamic" or "Muslim" as adjectives for terrorists. . . . [I]t is time . . . that the Western press, politicians, and public stop thinking of Islamic as another word for terrorism. 6/21-6/27/2008 *The Arab American News*.[28]

Muslims say terrorists have hijacked their faith
. . . People make assumptions that all Muslims are terrorists, (county spokeswoman Afsheen Shamsi said). . . We believe [Islamic terrorist] is not the right terminology to use, because it links something very positive, like Islam, with the word "terrorist." 6/2/2008 *Courier News* (Bridgewater, New Jersey).[29]

Muslim victims of 9/11 deserve a mosque
By conflating the 9/11 terrorists and Islam, the opponents of the mosque are telling Muslim Americans: Do not bother; through your shared religion, you and the terrorists are the same.

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[27] See unnumbered attachments at pp. 17-18 of January 19, 2011 Office Action.

[28] See unnumbered attachments at pp. 13-15 of April 28, 2010 Office Action.

[29] See unnumbered attachments at pp. 19-20 of April 28, 2010 Office Action.

9/10/2010 *The Star-Ledger* (Newark, New Jersey) State/ROP Edition[30]

. . . one must remain cognisant [sic] of the fact that the majority of Muslims are not Islamists . . .
[Written Testimony of Maajid Nawaz, Director of the Quilliam Foundation, London, to U.S. Senate Committee on Homeland Security and Governmental Affairs United States Senate on July 10, 2008][31]

The only true allies in countering an ideology that is fundamentally opposed to America and its ideas are those Muslims who share American ideas, or at the very least do not work to undermine them. This group includes the pious and practicing, the liberal, the secular, and the cultural ones; **the quiet but still the overwhelming majority of American Muslims**. . . . [S]o in closing, I would like to underline that to effectively counter the further spread of violent manifestations of Islamism, the United States needs to seriously engage in countering the Islamist ideology. . . [Testimony of Zeyno Baran Senior Fellow and Director of Center for Eurasian Policy, Hudson Institute, to

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[30] See unnumbered attachment at p. 23 of January 19, 2011 Office Action.

[31] See Exhibit 3(a) p. 52 attached to applicants' July 26, 2010 Response to Office Action.

U.S. Senate Committee on Homeland Security
and Governmental Affairs on July 10, 2008][32]

In view of the foregoing, applicants' mark used in
connection with their services would be disparaging to
a substantial composite of Muslims in America.
Notably, the use of a similar name in England, "Stop
the Islamisation of Europe," has been objected to as
being disparaging and threatening to non-Islamist
Muslims. In that instance, in response to a
demonstration outside of a mosque under the banner
"Stop the Islamisation of Europe," British Muslims for
Secular Democracy (BMSD), a group which "do[es] not
wish to Islamicise Britain or Europe," published a
letter dated November 20, 2009, directed to the group
utilizing the name "Stop the Islamisation of Europe" in
England.[33] The letter by BMSD states that Muslims
"end up feeling threatened" by such a demonstration
and also explains that the Stop the Islamisation of
Europe campaign "is fueling the notion that somehow
organizations such as [Stop the Islamisation of Europe]
are against Muslims and the religion Islam in itself."
While the foregoing took place in Britain and therefore
would not usually be considered probative evidence of
the reactions by Muslim Americans to applicants'
mark, it nonetheless is illuminative of the impact that
the use of applicants' strikingly similar STOP THE
ISLAMISATION OF AMERICA mark would have in

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[32] See Exhibit 3(a) p. 18 attached to applicants' July 26, 2010
Response to Office Action.

[33] See unnumbered attachments at pp. 120-121 of January 19, 2011
Office Action.

the United States, which like Britain, is an English-speaking Western-based democratic society.[34]

The mark is also disparaging in the context of applicants' definition of "Islamisation." According to the definition urged by applicants and supported by their evidence, "Islamization" refers to a political movement to replace man-made laws with the religious laws of Islam.[35] Notably, the process of "Islamization" is not defined nor described by applicants' evidence to

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[34] As shown by the evidence, applicants' website contains links to Stop the Islamization of Europe and Stop the Islamization of England, as well as similarly named groups in numerous other countries. Although the copy of the letter from BMSD submitted by the examining attorney as an attachment to the January 19, 2011 Office Action does not contain the URL information or the date it was printed, the Office Action issued January 19, 2011 indicates that the letter may be found at *http://www.bmsd.org.uk/pdfs/islamification.pdf*. Inasmuch as applicants have not objected to the admissibility of this letter and have in fact used it to support their position (see Applicants' Appeal Brief pp. 12-15), we have considered the letter for whatever probative value it may have. See *In re Bayer Aktiengesellschaft*, 488 F.3d 960, 82 USPQ2d 1828, 1835 (Fed. Cir. 2007) (depending on the record, information originating on foreign websites or in foreign news publications that are accessible to the U.S. public may be relevant to discern U.S. consumer impression of a proposed mark) and *In re Remacle*, 66 USPQ2d 1222 (TTAB 2002) (Board found professionals in certain fields such as medicine, engineering, computers and telecommunications would be likely to monitor developments in their fields without regard to national boundaries, and that the internet facilitates such distribution of knowledge, so evidence from an English language web site in Great Britain held admissible).

[35] See Applicants' Reply Brief p. 7.

mandate the use of violence or terrorism (emphasis added below):

> Islamists believe that Islam is a political ideology rather than a religion.… Now, these shared elements, though common between all Islamists, ***this doesn't imply that Islamists are all of one shade. Islamists do differ in their tactics and methodologies***. I have identified three types of Islamists. They are first either political Islamists, who are those who use entry-level politics and tactics by working within the system through the ballot box to try and bring about this ideology. ***These are, by and large, people who are non-violent, yet they have an ideological agenda***. . . The second type of Islamist, again, from these four shared elements, are the revolutionary Islamists . . . and their methodology is to infiltrate the militaries, to overthrow the regimes of the Middle East thorough military coups, and those in this category do not believe in using the ballot box or working through the system. And the final category of Islamists are the militant Islamists, or the jihadists, who believe in an armed struggle against the status quo. [Testimony of Maajid Nawaz, Director, The Quilliam Foundation, London, to U.S. Senate Committee on Homeland Security and Governmental Affairs United States Senate on July 10, 2008][36]

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[36] See Exhibit 3(a) pp. 6-8 attached to applicants' July 26, 2010 Response to Office Action.

Not all Islamists employ terrorism as a tactic . . . [Written Testimony of Maajid Nawaz, Director of the Quilliam Foundation, London, to U.S. Senate Committee on Homeland Security and Governmental Affairs United States Senate on July 10, 2008][37]

Thus, today we can say that ***the broad ideological current of Islamism manifests itself in activist agendas that span the complete spectrum from democratic politics to violent efforts aimed at imposing Shariah law worldwide***. . . . [W]e were asked to address the question of how a more in-depth understanding of the ideology of violent Islamism can improve America's national security. We need to recognize that ***violent Islamism is part of a wider ecology of Muslim and Islamist thought and practice***. [Testimony of Peter P. Mandaville, Ph.D., Associate Professor of Government and Politics, George Mason University to U.S. Senate Committee on Homeland Security and Governmental Affairs on July 10, 2008][38]

The starting point has to be distinguishing between Muslims and Islamists, and between Islam (the religion) and Islamism (the political ideology). Islam, the religion, deals with piety,

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[37] See Exhibit 3(a) pp. 52, 54 attached to applicants' July 26, 2010 Response to Office Action.

[38] See Exhibit 3(a) pp. 10, 12 attached to applicants' July 26, 2010 Response to Office Action.

ethics, and beliefs, and can be compatible with secular liberal democracy and basic civil liberties. Islamists, however, believe Islam is the *only* (emphasis original) basis for the legal and political system that governs the world's economic, social, and judicial mechanisms. Islamic law, or *sharia*, must shape all aspects of human society, from politics and education to history, science, the arts, and more. It is diametrically opposed to liberal democracy. . . . ***This is not to say that all Islamists will one day become terrorists; the vast majority will never engage in violence and in fact are likely to abhor terrorist acts***. [Comments of Zeyno Baran Senior Fellow and Director of Center for Eurasian Policy, Hudson Institute, to U.S. Senate Committee on Homeland Security and Governmental Affairs on July 10, 2008][39]

A further flaw in applicants' argument that their mark is not disparaging is that it fails to take into account the nature of the services identified in their application. Applicants' use of the STOP THE ISLAMISATION OF AMERICA mark in connection with services to provide information regarding understanding and preventing terrorism creates an association with terrorism that would be disparaging to a substantial composite of Muslims whether or not they embrace Islamization. It is certainly clear that an association with terrorism is disparaging to Muslims who are not adherents of violent or terrorist activities.

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[39] See Exhibit 2 pp. 1-2 and Exhibit 3 p. 68 to applicants' July 26, 2010 Response to Office Action.

The anti-Muslim social climate in the U.S. reflected in the articles excerpted below amplifies the disparaging impact of applicants' mark:

Americans remain conflicted about the Muslim faith . . .

[an] ABC/Washington Post poll found 49 percent with an unfavorable view of Islam . . .[40]

A Time magazine poll . . . found that 43 percent of Americans hold unfavorable views of Muslims . . . Although the overall level of anti-Muslim sentiment hasn't shifted much . . . the change in tone has been striking . . . The reasons are myriad: rising fears of homegrown terrorism after the Fort Hood shootings and the attempted Times Square bombing. . . . Residents worry that 'the Muslims coming in here will keep growing in numbers and override our system of law and impose sharia law . . .'[41]

Still other Muslims, citing what they say is increasing anti-Muslim sentiment in America, have come to view such efforts as useless.[42]

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[40] See article entitled: "Anti-Muslim tensions roil the melting pot" published in *The Dallas Morning News* on September 11, 2010, attached to January 19, 2011 Office Action.

[41] See article entitled: "Nowhere near Ground Zero, but no more welcome" published in *The Washington Post Suburban Edition* on August 23, 2010, attached to January 19, 2011 Office Action.

[42] See article entitled: "Muslims work to retake 'jihad' from extremists" published in the *Times-Picayune* (New Orleans) on May 24, 2008, attached to April 28, 2010 Office Action.

. . . what many observers see as a growing anti-Islam fervor . . .[43]

. . . a recent uptick in anti-Muslim acts nationally . . .[44]

The Bay Area, known for its multicultural diversity and acceptance, is not immune to the anti-Muslim sentiment that has infected the country. . . . Life is mostly normal for Burrell, who feels both devoutly Muslim and quintessentially Californian. But anti-Muslim sentiment, whether it's in the news or on the sidewalk, can take a toll on her and her Muslim friends, she said.[45]

In view of the foregoing, we find that under either meaning of applicants' mark, when the mark is used in connection with the services identified in the application, namely providing information for understanding and preventing terrorism, the mark is disparaging to Muslims in the United States and is therefore not registrable.

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[43] See article entitled: "Mosque furor, Quran burning: Anti-Islamic fervor mobilizes US Muslims" published in *The Christian Science Monitor* on September 10, 2010 attached to January 19, 2011 Office Action.

[44] See article entitled: "Center an anti-Islamic target" published in the *Los Angeles Times Home Edition* on January 3, 2010, attached to January 19, 2011 Office Action.

[45] See article entitled: "For an American Muslim, stares, misunderstandings come with the territory" published in the *San Jose Mercury News* on September 14, 2010, attached to January 19, 2011 Office Action.

3. First Amendment

Applicants' argument that the USPTO's refusal to register their mark violates their free speech rights under the First Amendment to the U.S. Constitution is unavailing. Regardless of whether applicants' mark is protected free speech, our decision does not impact their rights under the First Amendment. The refusal to register applicants' mark does not impede their right to use the mark. As such, it imposes no restraint or limit on their ability to communicate ideas or express points of view, and does not suppress any tangible form of expression. *See In re Boulevard Entertainment Inc.*, 334 F.3d 1336, 1343, 67 USPQ2d 1475, 1480 (Fed. Cir. 2003); *In re Mavety Media Group Ltd.*, 33 F. 3d 1367, 1374, 31 USPQ2d 1923, 1928-29 (Fed. Cir. 1994); and *In re McGinley*, 660 F.2d 481, 484, 211 USPQ 668, 672 (CCPA 1981). Therefore, applicants' rights are not abridged by the refusal to register their mark.

Decision: The refusal to register applicants' mark under Section 2(a) of the Trademark Act is affirmed.

APPENDIX C

S. Hrg. 110–942

**THE ROOTS OF VIOLENT ISLAMIST EXTREMISM
AND EFFORTS TO COUNTER IT**

HEARING
BEFORE THE
COMMITTEE ON
HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

ONE HUNDRED TENTH CONGRESS
SECOND SESSION

JULY 10, 2008

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*[Table of Contents Omitted for
Purposes of this Appendix.]*

THE ROOTS OF VIOLENT ISLAMIST EXTREMISM AND EFFORTS TO COUNTER IT

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THURSDAY, JULY 10, 2008

U.S. SENATE,
COMMITTEE ON HOMELAND SECURITY
AND GOVERNMENTAL AFFAIRS,
Washington, DC.

The Committee met, pursuant to notice, at 9:32 a.m., in room SD–342, Dirksen Senate Office Building, Hon. Joseph I. Lieberman, Chairman of the Committee, presiding. Present: Senators Lieberman, Collins, Voinovich, and Coburn.

OPENING STATEMENT OF
CHAIRMAN LIEBERMAN

Chairman LIEBERMAN. Good morning and we will convene the hearing. Welcome to the seventh in a series of hearings this Committee has held and is holding to examine the unique threat posed by what we have called "homegrown" violent Islamist extremism and to determine what steps we can and should take to identify, isolate, and ultimately eliminate this threat and the ideology that supports it.

On May 8, the Committee released a bipartisan staff report titled, "Violent Islamist Extremism, the

Internet, and the Homegrown Terrorist Threat." That report concluded that the use of the Internet by Islamist terrorist organizations has increased the threat of homegrown terrorism in the United States because individuals can essentially self-radicalize over the Internet.

Since then, about a month ago, a college student in Florida plead guilty to a charge of material support for terrorism. According to the plea agreement, the student admitted to producing a video that he uploaded to YouTube which demonstrated and explained in Arabic how a remote-controlled toy car could be dissembled and the components converted into a detonator for an explosive device. The student admitted in the court papers that in producing the video, he intended to help those who wanted to attack American servicemen and servicewomen.

So we are here today to learn more about the ideology behind terrorism, the ideology that inspires people, including young people like the student in Florida, to take such hateful, violent, and anti-American actions.

The 9/11 Commission Report, I think, outlined quite eloquently and succinctly the dual challenges that we face. It is said, and I quote, "Our enemy is two-fold." They mentioned specifically "al-Qaeda, a stateless network of terrorists that struck us on September 11, 2001," and second, "a radical ideological movement in the Islamic world inspired in part by al-Qaeda," but I would add not only inspired by al-Qaeda, but that al-Qaeda is in effect a result of that radical ideological movement.

Our first witness on the first panel is Maajid Nawaz. He will offer the Committee insights into that ideology and the role it played in driving him to become a member at age 16 and eventually a leader of the Islamist extremist organization Hizb ut-Tahrir, or the Liberation Party, in the United Kingdom. Although Hizb ut-Tahrir, which is called for short HT, claims that it is non-violent, the exposure of its members to a very extreme form of Islamist ideology seems often to have laid the foundation for the planning and execution of terrorist attacks. Mr. Nawaz recruited others, including his own family, to join HT and was sent to Pakistan and Denmark to set up additional cells. He was later arrested in Egypt in 2002 for being a member of the organization, and in fact was in prison for 4 years.

Upon release, Mr. Nawaz returned to England, where he eventually denounced the organization and the ideology that was at its foundation. Today, Mr. Nawaz is one of two directors of the Quilliam Foundation in the United Kingdom, a counterextremism think tank committed to discrediting the Islamist ideology that inspires Islamist terrorism around the world.

Mr. Nawaz, it is my understanding that this is your first visit to the United States and I wanted to extend a personal welcome to you, but also a thank you to you for making the effort to travel this distance to testify before our Committee. I believe your testimony is very important to our purpose.

The other three witnesses are equally distinguished and I know will be equally helpful to the Committee. They have extensive experience studying Islamist

movements around the world—Dr. Peter Mandaville, Zeyno Baran, and Dr. Fathali Moghaddam. We look forward to your testimony and your collective insight into this ideology and the organizations that espouse it. As the three of you know, we are particularly interested in how the ideology facilitates the radicalization process, the end point of which is, of course, the planning and execution of terrorist attacks, which it is our aim to stop.

Our second panel today will have one witness. That is the Director of the National Counterterrorism Center, Michael Leiter. This is the Committee that initiated the legislation that created the National Counterterrorism Center, so we are always proud in a somewhat paternalistic and maternalistic way to welcome Mr. Leiter, its Director, to testify.

I close with another quote from the 9/11 Commission Report as follows: "Our strategy," the Commission said, "must match our means to two ends, dismantling the al-Qaeda network and prevailing in the longer term over the ideology that gives rise to Islamist terrorism." I agree. The testimony of our witnesses today, I am confident, can help us measurably in our efforts to better understand the roots of Islamist ideology, to distinguish it, of course, from Islam, with the overall purpose of better directing our international, national, and local efforts to counter the spread of this ideology and to stop the terrorism it aims to inspire.

Senator Collins.

**OPENING STATEMENT OF
SENATOR COLLINS**

Senator COLLINS. Thank you, Mr. Chairman. Mr. Chairman, I, too, saw Michael Leiter outside in the anteroom and he said that he was looking forward to testifying before the father and the mother of the National Counterterrorism Center, so obviously he is thinking along those same lines that you are. On a more serious note, he did say that he thought the Center was operating very well and was bringing a great deal to our counterterrorism operations.

I am very pleased to be participating in this important hearing this morning. Islam is a major world religion with more than one billion adherents worldwide. Like most other religions, Islam has myriad variations that are adopted or rejected by people from all walks of life who view these different alternatives through the lens of their own experiences.

Obviously, but I believe it bears repeating today, the vast majority of Muslims lead peaceful lives following the tenets of faith, prayer, fasting, charity, and pilgrimage that characterize mainstream Islam. There are also some Muslims who subscribe to an extreme variation of Islamic ideology that is antithetical to our Western culture and our constitutional democracy. Yet they, too, may pose no threat to our way of life nor to the free exercise of other faiths.

But there also exists a subset of violent Islamist extremists who seek to impose their world view, including the creation of a global totalitarian state, through all means, including violence. These terrorists turn to violence to achieve their ideological goals,

seducing recruits and supporters with religiously laced rhetoric that legitimizes and in some cases exalts violence.

To better understand the roots of violent Islamist extremism, this Committee is exploring the radical religious ideology that can be used to incite or justify acts of terror. Specifically, we seek the answers to the following questions:

Is a certain ideology a necessary, albeit not sufficient, factor in leading an individual to embrace violence? How do some extremists use the ideology to legitimize terrorist acts and incite others to commit them? What other factors contribute to turning an individual from the non-violent advocacy of an ideology to violent extremism? How can we deter the use of violence in the support of any ideology?

Learning more about Islamist extremist ideology is important, but it is only part of our inquiry. To understand why an individual becomes violent, we must also consider other triggers, including the social, political, and psychological factors that may combine with ideological fervor to lead recruits down the path to terrorism.

This is a complex area of inquiry. It is not susceptible to easy analysis nor quick fixes. I do not believe that we can say that ideology is the root cause of terrorism any more than we can say that racism or perceptions of injustice or oppression are sufficient in and of themselves to explain violent extremism. Indeed, experts have debunked myths that all terrorists are psychotic, poor, uneducated, or otherwise fall within an easily identifiable profile. To actually

gain a better understanding of all the factors that might contribute to terrorism, we must also work with the leaders in the American Muslim community to address these root causes and to delegitimize violence as the means of promoting a system of beliefs.

As the Committee explores these issues, we must be clear that our efforts are designed to prevent terrorism, not to suppress the peaceful expression of ideas, even those beliefs which are repugnant to us. For example, I am alarmed when extremist ideology is used to justify the oppression of women or those of other religious faiths. As a public official, however, my personal abhorrence cannot color my judgment as to the fair treatment of those who may espouse that ideology as long as it is not accompanied by violence.

Let me emphasize the point. I condemn any group or individual of any ideology that supports, condones, finances, or otherwise uses terrorism to advance their goals. But let me say in equally uncertain terms, I also condemn any action by any government that would punish individuals merely for the exercise of their unalienable rights to worship and speak as they choose.

More than 230 years ago, as this country declared its independence from tyranny, it also declared through the protections of the First Amendment of our Bill of Rights that on these shores, the clash of ideas would be waged with words, not with guns and bombs. To that end, our duty as policy makers is to protect the political institutions that give individuals the right to express their views and exercise their rights without resorting to violence. For in a world where terrorists kill innocent men, women, and children to forcefully impose

their beliefs on others, the true battle is between those who are violent and those who are not.

The Constitution protects an individual's right to hold any belief he or she may choose. This constitutional principle also underlies some of the unique features of the American way of life that thus far have helped to prevent violent extremism from taking root in this country. Those values, such as the openness of our society, tolerance for different viewpoints, and the assimilation of peoples of different faiths and ethnicities, are incompatible with extremist ideas like the suppression of other religions.

This is the ongoing struggle, and today, we are continuing our efforts to better understand the triggers of violent extremism and the threat that they pose to our way of life.

Thank you, Mr. Chairman.

Chairman LIEBERMAN. Thanks, Senator Collins. Thank you very much, and thank you, Senator Coburn, for being here.

Senator COBURN. Mr. Chairman, I am not going to be able to stay, but I would like unanimous consent to enter something into the record, if I may.[46]

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[46] "Report on the Roots of Violent Islamist Extremism and Efforts to Counter It: The Muslim Brotherhood," by Steven Emerson, Executive Director, Investigative Project on Terrorism, submitted for the Record by Senator Coburn appears in the Appendix on page 102.

Chairman LIEBERMAN. Without objection, it is so ordered, and we will welcome you as long as your schedule allows you to stay.

Mr. Nawaz, we are going to go to you first. Thank you again for taking the time and making the effort to come from the United Kingdom.

Mr. NAWAZ. Thank you.

Chairman LIEBERMAN. We welcome your testimony now.

TESTIMONY OF MAAJID NAWAZ,[1] DIRECTOR, THE QUILLIAM FOUNDATION, LONDON

Mr. NAWAZ. Thank you, Chairman Lieberman and Ranking Member Collins. I really don't think I can add anything more to what you have just said, so really, perhaps I should just go on now because what you just said is a very eloquent expression of what I believe. So thank you for that and thank you for having me here. I wish to congratulate the American people on the recent July Fourth celebrations. It is a shame I couldn't be here for those.

But moving to the discussion of the day, I did join Hizb ut-Tahrir when I was 16 years old. I moved to London to recruit for Hizb ut-Tahrir. I joined Newham College, where I was elected as President of the Students' Union, and regrettably and sadly, due to the radicalization that occurred on that campus, myself and Ed Husain were both on the campus of Newham College at the same time—he is the author of the

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[1] The prepared statement of Mr. Nawaz appears in the Appendix on page 49.

widely acclaimed book, "The Islamist." Sadly, that radicalization eventually led to a situation where another student was murdered on campus by somebody who was a supporter of our activities, and really, that should have acted as a warning for me in those early days because what played out in Newham College ended up being the microcosm of what would play itself out much later on with the attacks on September 11, 2001, in the United States of America, and that is that people who were inspired by our ideology, Hizb ut-Tahrir's ideology, but merely differed with us in tactics, decided to use that very same ideology to bring about violence and chaos in this world.

Ed Husain, when he saw the murder at Newham College, decided to leave Hizb ut-Tahrir. I very foolishly decided to stay, thinking that perhaps we could carry on with our intellectual mission rather than focusing on encouraging anyone who is violent to support us. But I didn't realize that the problem was not in necessarily the associations we made with people who were naturally inclined to violence, but the problem was in the very ideas themselves.

I went on to, as you have mentioned, export Hizb ut-Tahrir to Pakistan from London and also to Denmark from London. I also know by personal experience that Hizb ut-Tahrir was exported from London to many other countries, including Indonesia and Malaysia. Europe generally acts as a diplomatic hub, a funding source, and a media platform for Islamist radicals, whether they be of the terrorist type or whether they be of the revolutionary or radical type.

I ended up, as you mentioned, in Egypt where I was convicted to 5 years in prison for being a member of

Hizb ut-Tahrir, after taking a route via their torture dungeons in the headquarters of the state security, where people were electrocuted before my eyes for being associated with us. I was thankfully adopted by Amnesty International as a Prisoner of Conscience, and that was the first step for my heart to open up for the first time in 10 years after having joined Hizb ut-Tahrir. I began to think in a way different to how I had been speaking and thinking about non-Muslims because Amnesty International extended the hand to me, despite the fact that I had been propagating that Amnesty International and other such human rights organizations were, in fact, the enemy to Islam and Muslims.

And as you have mentioned, I left prison in 2006, returned to the U.K., and after having joined the Leadership Committee of Hizb ut-Tahrir, finally decided that I could no longer carry on with the hypocrisy that I felt inside me because I no longer believed in the Islamist ideology, and so I resigned.

Now, what I would like to very quickly address is what I believe in the way to differentiate between Islamists and normal ordinary Muslims, and through my experience, the work we are doing in the Quilliam Foundation and also my academic studies, I went on to study for a Master's degree in political theory with modules in terrorism, conflict, and violence, in multiculturalism, and in religion and politics at the London School of Economics. I believe that we are able to identify four core elements that Islamists will share regardless of the tactics that they employ to bring about that ideology.

I wish to discuss briefly about those four core elements, and then the different strands of Islamists who adhere to those four core principles and how they differ in their tactics, and then if there is time—I am very conscious I have to adhere to the 10 minutes—just to mention something about the role that grievances play in radicalization vis-a-vis ideology itself.

So first of all, the four core elements that I think are common to all Islamists regardless of the methodology they employ—and the first one I identify is that Islamists believe that Islam is a political ideology rather than a religion. Now, traditionally, Muslims would believe that their faith is a religion, but Islamists insist, beginning from the 1920s with Hassan al-Banna, that Islam is, in fact, a political ideology. Now, the roots of that perhaps can come out later, but just very quickly, that is traced through the influence of communism in the Arab world, especially through the Arab socialism known as Baathism. A lot of the founding members of Islamists were inspired by Baathists, Arab socialists, including the founder of Hizb ut-Tahrir who used to be a Baathist.

So the first point there, the implication of Islam being a political ideology rather than a religion, is that means there must be a perennial conflict between Islam and capitalism just like there was perceived to be a conflict, as well, between communism and capitalism, and that is one of the implications.

Another implication is that because it is an ideology, it encompasses everything; there must be an Islamic solution to everything. There must be an Islamic economic system. There must be an Islamic car, as has recently been invented in Malaysia. Everything must

be Islamized because it is an ideology that encompasses everything.

The second core element that Islamists will all share is the notion that the Shariah religious code, which is a personal code of conduct, must become state law, and this is again a modern innovation alien to traditional Islam. Throughout the history of Muslims, the Shariah was never once adopted as a permanent state codified law. In fact, the whole notion of codified law is modern. But the Islamists will insist that the Shariah religious code must be state law, and if it is not, then the implication is that state is un-Islamic.

The third principle is that Islamists will identify with a global community known as the Ummah, and they will consider the Ummah, or the Muslim global community, as a political identity rather than a religious identity. Again, drawing parallels from communism, this is easily understood when remembering the whole notion of the international proletariat, this global community where workers owe no other allegiance except to fellow workers, regardless of borders and ethnicity and nationality.

Islamists have developed, again inspired by communism, the same notion of a global political community that owes no allegiance except to itself, and that is the political notion of Ummah rather than the prophetic understanding of ummah, which is as a religious community, and the Prophet himself in Medina, when he signed the Document of Medina, the famous document, used the word ummah, or nation, to refer to the Jews, the Christians, and the Muslims all living together in one city. Yet today, Islamists will use it just for Muslims as a global community.

Fourth, and the final shared element for Islamists, is that this ideology with this law and that global political community needs to be represented by a bloc, like the Soviet bloc. It needs to be represented by an expansionist state, and that is the Caliphate, and this state will be expansionist because it represents that global community, and where that state's authority has not extended to look after the affairs of that global community, then it must reach them to liberate them from being enslaved either by the capitalists or the communists. Just like the USSR developed this bloc and the whole Eastern Bloc was expansionist and it had the whole notion of exporting the revolution, the Islamists, again inspired by the same ideals, have developed the same paradigm for Islamism.

So this global expansionist Caliphate is the final shared element that all Islamists believe in, and they have made these four principles fundamental to the creed of Islam. So if a Muslim was to say that I do not believe the Shariah code should become state law, they would consider him a heretic or an apostate. Or if somebody was to say, I do not believe that Islam is a political ideology, they will consider there is something deviant in his creed. They have changed the religion to make the ideology itself the religion.

Now, these shared elements, though common between all Islamists, this doesn't imply that Islamists are all of one shade. Islamists do differ in their tactics and methodologies. I have identified three types of Islamists. They are first either political Islamists, who are those who use entry-level politics and tactics by working within the system through the ballot box to try and bring about this ideology. These are, by and large,

people who are non-violent, yet they have an ideological agenda. They are in some way a fifth column. Their agenda is to infiltrate the system and Islamize the system that they are working in.

The second type of Islamist, again, from these four shared elements, are the revolutionary Islamists, such as Hizb ut-Tahrir, the group that I was with, and their methodology is to infiltrate the militaries, to overthrow the regimes of the Middle East through military coups, and those in this category do not believe in using the ballot box or working through the system.

And the final category of Islamists are the militant Islamists, or the jihadists, who believe in an armed struggle against the status quo.

Now, the order of these three is deliberate because they developed in this way. In the 1920s, the political Islamists came about, and through the reaction to them, especially in the Middle East, they eventually became more harsh, more severe, and formed into the revolutionary Islamists, or Hizb ut-Tahrir, and from there, again, through reaction, Hizb ut-Tahrir inspired the jihadist elements, and I know this personally because the assassins of Sadat who I served time with in prison, those who weren't executed in the 1981 case, told me that their teacher was a man by the name of Salim al-Rahhal, a member of Hizb ut-Tahrir.

I have to end there, so forgive me for——

Chairman LIEBERMAN. Do you want to take a minute more and just finish what you wanted to say?

Mr. NAWAZ. Sure. Thank you for that. So Salim al-Rahhal was a member of Hizb ut-Tahrir who

taught—he was the instructor for the group that ended up assassinating Egyptian President Anwar Sadat. He was deported from Egypt and the group known as Talim al-Jihad was then formed by those very same people, but minus their instructor, they decided to then use a different tactic and that was of assassinations.

I know this, as I said, because they spoke to me personally about these experiences, and Islamists developed through the torture in the Arab world from becoming political to revolutionary to jihadists. Ayman al-Zawahiri, who served time in the same prison that I was in, Mazra Tora prison, and Sayyid Qutb, who served time, again, in the same prison I was held, both had exposure to Hizb ut-Tahrir's ideas. Hizb ut-Tahrir is graffitied on the walls of those prisons.

Ayman al-Zawahiri used to adhere to the same military method of recruiting from the army officers to instigate a military coup, which is why he never joined al-Gama'a al-Islamiyyah in Egypt, who would go about through the direct action methodology of violence. These ideas came from Hizb ut-Tahrir. Ayman al-Zawahiri speaks about the notion of how we must: One, destroy Israel; two, overthrow every single Middle Eastern regime; and three, establish the Caliphate. In 1953, these exact same three principles were put out there by Sheikh Taqiuddin al-Nabhani, who was the founder of Hizb ut-Tahrir. And when you hear Ayman al-Zawahiri's theory, it is exactly Hizb ut-Tahrir's theory as articulated in 1953.

Finishing off, I just wanted to mention very briefly about how this ideology of Islamism, as has been identified, mixes with grievances to lead to radicalization. There is a common misperception on the

left in the U.K. whereby they only speak about grievances as a cause for radicalization. Now, I had my own grievances growing up in Essex. Many of my friends were attacked, violently assaulted by racists. My friends have been stabbed before my eyes, my white English friends, simply for associating with me. I have been falsely arrested on a number of occasions and released with an apology, and I have never been convicted of a criminal offense in any country in the world. I had my own grievances. What makes somebody, who has localized grievances, turn into somebody who identifies with a global struggle in a country that has nothing to do with him?

And again, I want to give the analogy of communism. If you take a Marxist, when a Marxist analyzes the Northern Ireland conflict, what we refer to in the U.K. as The Troubles, or when a Marxist analyzes the Israel-Palestine conflict, he will analyze that conflict through a meta narrative, through a theory that he has adopted. So a Marxist cannot but see these conflicts in the theory of class conflicts, as class struggle. So a Marxist will speak about the Israel-Palestine conflict as a struggle between classes, the bourgeois versus the proletariat, and the same with the Northern Ireland struggle because the way in which the grievances are interpreted is through the framework or the prism that the ideology provides, and Islamists have the same thing.

So in my case, with the racism I experienced in the U.K., or the nationalist conflict that was playing out in Bosnia, how from seeing these as localized conflicts that required local solutions into perceiving them as a global struggle, and that is because the ideology came

and reinterpreted those grievances for me and provided a new framework. And that framework for Islamists, unlike in the case of Marxists where it is workers versus bourgeoisie, for the Islamists, it is what is known as the perennial struggle of the truth versus the falsehood, Muslims versus non-Muslims.

My country's intervention in Iraq is seen by Islamists as being solely inspired by non-Muslims who are attacking the Iraqis because they are Muslims. It is reinterpreting those grievances through that framework, and you can see how that framework will, in fact, end up in the radicalized person, the radicalized Muslim, in discovering grievances even if they weren't there because the framework itself defines those grievances for him.

And what is key for us to understand is the way in which the grievances interact with the ideology to lead to a whole new set of grievances, which for an Islamist can be summarized in one sentence, and that is that God's law does not exist on this earth.

I thank you. I have gone much over my time, so please, thank you very much for taking the time.

Chairman LIEBERMAN. Thank you, Mr. Nawaz. It was worth the extra time. Your testimony is very helpful, very clear, and I think very powerful.

We now go to Dr. Peter Mandaville, a professor at George Mason University. Dr. Mandaville is the author of "Global Political Islam" and has done empirical research on how Islamist groups recruit in the United Kingdom and elsewhere. Thank you for being here and we welcome your testimony now.

TESTIMONY OF PETER P. MANDAVILLE, PH.D.,[1]ASSOCIATE PROFESSOR OF GOVERNMENT AND POLITICS, GEORGE MASON UNIVERSITY

Mr. MANDAVILLE. Mr. Chairman, Ranking Member Collins, and distinguished Members of the Committee, in violent Islamist extremism, the United States faces a complex, little understood, and rapidly evolving threat. I am grateful for the opportunity to address this important issue this morning and to provide some background information that I hope will help us to locate violent Islamism within the much broader and diverse universe of contemporary Islamist political thought and activism.

I would also like to address the phenomenon of Islamism in the West, more specifically in the United Kingdom, and the question of what the United States might be able to learn from the U.K.'s experience of dealing with Islamism in recent years.

So as to leave maximum time for the panel to take your questions, I will limit my remarks this morning to a brief summary of several points contained within the longer written statement I have submitted, although Senator Collins effectively delivered my testimony in her opening remarks, so I may be able to shorten that a bit.

Just as Islam cannot be said to be a monolith, the same goes for Islamism as an ideological project. While it is possible to identify certain key figures and groups

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[1] The prepared statement of Mr. Mandaville appears in the Appendix on page 57.

as being central to the genealogy of modern Islamism, those who have subsequently drawn on their ideas or organized themselves in their mold have often done so in widely varying ways, interpreting and adapting their views to disparate and sometimes even mutually exclusive agendas. Thus, today we can say that the broad ideological current of Islamism manifests itself in activist agendas that span the complete spectrum from democratic politics to violent efforts aimed at imposing Shariah law worldwide.

There is a tendency today among many analysts of Islamism to define this ideology by very narrow reference to the most militant phase of the Egyptian Muslim Brotherhood's history. While activists and agitators holding to those extremist views can still be found today in the Muslim majority world, and also in Europe and in the United States, it would be inaccurate to characterize Islamism exclusively through them.

Furthermore, it is important, I believe, to distinguish between the Muslim Brotherhood as a distinct organization and the Muslim Brotherhood as a broad current of thought. The two are not coterminous and the latter is far more diverse and varied in its ideational and activist manifestations.

In seeking to identify root causes of extremist violence in the name of Islam, I think we also need to question today the extent to which the answer is to be found primarily in ideology. Millions of Muslims have read "Milestones," the famous work of militant Muslim Brotherhood ideologue Sayyid Qutb, or have at some point come under the influence of Islamist ideology.

Only an infinitesimally small number of them, however, have gone on to commit acts of violence.

While ideas are undoubtedly important, as Mr. Nawaz has mentioned, they will only drive certain individuals to action if articulated in terms that resonate with and seem to provide solutions that address perceived life circumstances and needs. In this regard, I believe the sociological and particularly the psychological contextualization of Islamist ideology holds the key to understanding the conditions under which it potentially poses a violent threat, a topic I believe Dr. Moghaddam will address in some detail.

Based on my own study and direct observation of socialization processes in radical, although not directly violent, Islamist groups in the United Kingdom such as Hizb ut-Tahrir and al-Muhajiroun, I have identified the following factors as playing a particularly significant role in leading an individual to reconfigure his world view and aspirations in terms of the goals of the movement. Needless to say, the presence and relative importance of these factors can vary considerably from individual to individual. I hope also that raising these points will go some of the way towards answering the question that Mr. Nawaz ended on, that is, how it is that local grievances come to be articulated in terms of wider global projects.

First, let me point briefly to some important generational differences around religion within Britain's Muslim communities. Younger Muslims often see their parents' sense of religiosity as out of touch and overly tainted by the cultures of the countries from which they emigrated. In contrast to this "village Islam," as they call it, the younger generation looks for

a universal approach to religion, untainted by sectarian bias and cultural baggage, and moreover, one that can address the specific problems they face living in the West.

This search for a universal Islam, however, can cut two ways. On the one hand, it can lead them to emphasize those aspects of Islam that resonate with universal values, such as tolerance, openness, pluralism, etc., or they can be led to equate the search for universal Islam with a focus on global Muslim causes, civilizational struggles, and fantasies of a renewed Shariah-based Caliphate.

Most worrying about the violent strains of Islamist ideology in my eyes is the fact that it travels so well. It is portable precisely because it is so decontextualized and unencumbered by local practicalities. It is very easy under the right circumstances for almost any Muslim anywhere to see himself reflected in its story.

Second, radical groups depend and prey upon those whose knowledge of religion is relatively weak. To this end, they will frequently target new converts to Islam or those who were born Muslim but whose sense of religiosity was only awakened later in life. Thus, someone steeped in traditional Islamic learning is actually better equipped with the resources needed to recognize the fraudulent and often decontextualized ideas that radical groups try to circulate as supposedly authentic Islamic knowledge. To this end, we might consider to what extent a scaling up of the right kind of religious education, rather than a wholesale deemphasizing of Islamic education in favor of secular subjects, might be an effective tool in countering violent Islamism.

Third, Islamist radicalism often succeeds in providing a sense of identity, purpose, and a framework through which to participate in confrontational politics. It is often particularly appealing to those of hybrid or mixed identity who are well educated and newly attuned to global political issues, that is, easily influenced young people trying to find a way for themselves in the world. As we already know, recruitment into radical movements, particularly in the West, does not correlate with socio-economic disenfranchisement or low levels of educational attainment. Quite the opposite.

Those drawn to these ideologies often have a sense of Muslims as an oppressed group, drawing on, in the case of the U.K., a very tangible and real sense of social discrimination, even where they do not have first-hand experience of this discrimination themselves. In other words, there is a displaced political consciousness that convinces itself that it must fight on behalf of those who cannot fight for themselves.

Finally, moving now beyond the more structured environment of known Islamist groups such as Hizb ut-Tahrir and into the less-charted waters of what Marc Sageman recently called "leaderless jihad," it is in my mind increasingly debatable whether we are dealing with a full and systematic political ideology as our chief nemesis in the realm of ideas or whether an increasing number of young Muslims drawn to violent extremism are doing something more akin to role playing themselves within a grand narrative of inter-civilizational struggle, or aspiring to some kind of superhero status, taking their pointers from larger-than-life figures in video games, movies, and

popular culture as much as from religious scholars and systematic political ideologies. Such a trend, I believe, would represent a particularly dangerous development because it would point to the possibility of an individual moving very quickly to a point where he is willing to use violence without having to be systematically staged through various levels of ideological radicalization.

Let me conclude this morning by making three broad points. First, we were asked to address the question of how a more in-depth understanding of the ideology of violent Islamism can improve America's national security. We need to recognize that violent Islamism is part of a wider ecology of Muslim and Islamist thought and practice. By developing a better understanding of that ecology, we will have a greater capacity to discern who else within that ecosystem has the capacity to work against the growth of the extremist current. I believe that our efforts thus far to address this question have failed to think effectively and creatively about the question of potential Muslim partners and allies.

Moreover, and although it may seem counterintuitive to say so, I would suggest that some of the most valuable contributions to combatting terrorism in the name of Islam have and can come from those who have passed through or who operate on the fringes of Islamist groups and movements. This is, however, very complex territory, riddled with many, and sometimes dangerous, shades of gray.

Second, I would like to highlight what I have consistently emphasized to be the growing importance and concern that I have around groups such as Hizb

ut-Tahrir in the post-September 11, 2001, and July 7, 2005 environments. HT in the U.K. has responded very effectively to the polarizing political environment around Islam and Muslims. In recent years, the group has also undergone something of a cosmetic makeover so as to render it palatable to a constituency beyond the angry university cohorts that were its mainstay in the 1990s.

While it publicly recants violence and while the number of active HT members may not be swelling, I think it is fair to say that the ranks of the group's passive supporters have increased considerably in recent years. And while HT may not be the direct conveyor belt into terrorism that some have implied, there is no doubt that the world view it espouses is particularly divisive and can render its followers ripe for cultivation by the enablers of militant agendas. Given the particular expertise and experience of two of our other panelists this morning, I am sure we will be hearing more about this group.

Finally, we should consider the question of what the United States might be able to learn from the U.K. experience with radical Islam. In this regard, I think it would be particularly useful to look at some of the pros and cons of various policy responses of the U.S. Government and law enforcement agencies and also the efforts of various Muslim organizations in the U.K., also to mixed result. In the interest of time, I will not be able to provide a full inventorying of what has and hasn't worked in the U.K. in terms of policy and around Muslim organizations, but would be more than happy to answer questions on this issue.

In my written statement, I addressed the crucial differences between Muslim communities in the U.K. and the United States in terms of levels of socio-economic attainment and social integration. On the surface, it would seem that many of the factors that allow violent Islamist ideologies to find a receptive audience in Europe are simply not present in the United States, and yet the number of abortive plots and arrests made in this country over the past few years suggest that the potential for homegrown terrorism exists here, as well.

While thus far these seem to be largely isolated incidents with little evidence of a more systematic trend at work, it is likely that we will continue to see efforts by limited numbers of American Muslims inhabiting the dense mediascapes of YouTube, online social networking, and jihadi websites to try to bring their violent fantasies to fruition. While the theory of leaderless jihad means that this kind of activity will be increasingly difficult for any government or law enforcement agency to detect, it is not all about self-starter, do-it-yourself terrorism. Enablers of militancy and divisive Islamist activists still play a role in priming the environment, and where the individuals, entities, and spaces to which they operate can be discerned, action can be taken.

Thank you for your attention and again for the opportunity to address the Committee this morning.

Chairman LIEBERMAN. Thank you very much, Dr. Mandaville. Excellent statement, and I promise you we will in the question and answer period ask you to talk some about what your studies of the activities of the government in the U.K. have shown and what they tell

us about what might work here and what might not. Thank you.

Our next witness is Ms. Zeyno Baran, the Director of the Center on Eurasian Policy and a Senior Fellow at the Hudson Institute, where she researches strategies aimed at stemming the spread of radical Islamist ideologies, particularly in Europe. Ms. Baran has done a great deal of research also on the Muslim Brotherhood movement around the world, including here in the United States, and in February published an article entitled, "The Muslim Brotherhood's US Network," which I would enter into the record of this hearing in full.[1]

Thank you for being here and we welcome your testimony now.

TESTIMONY OF ZEYNO BARAN,[2] SENIOR FELLOW AND DIRECTOR, CENTER FOR EURASIAN POLICY, HUDSON INSTITUTE

Ms. BARAN. Thank you, Mr. Chairman, Ranking Member Collins, and Senator Voinovich. Thank you for the opportunity to appear before you today. I would like to submit my written statement, please, and summarize.

I will very briefly discuss what is at the root of violent Islamist extremism, which I believe is Islamist ideology. Mr. Nawaz has explained it in great detail, so

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[1] The article appears in the Appendix on page 119.

[2] The prepared statement of Ms. Baran appears in the Appendix on page 68.

I am grateful to him and I will skip certain parts of my presentation. Second, I will talk about the institutionalization of Islamism in America, which is, I think, a very serious problem, a growing problem. And finally, I will highlight some areas in which I think the U.S. Government has adopted self-defeating policies and then suggest some alternatives.

I understand for most Americans, dealing with Islamism is extremely difficult because it is associated with Islam. Very few people dare to question beliefs or actions of Muslims because nobody wants to be called a bigot or an Islamophobe. That is why we need to be very clear. What needs to be countered is Islamism, the political ideology, not Islam, the religion.

The religion itself is compatible with secular liberal democracy and basic civil liberties. The political ideology, however, is diametrically opposed to liberal democracy because it dictates that Islamic law, Shariah, to be the only basis for the legal and political system that governs the world's economic, social, and judicial mechanisms and that Islam must shape all aspects of life. Although various Islamist groups differ over tactics, they all agree on the end game: A world dictated by political Islam. While many do not openly call for violence, they provide an ideological springboard for future violence.

The first modern Islamist movement, as we know, is the Muslim Brotherhood, and numerous splinter groups came out of it, often more radical, and they have in turn given rise to yet more splinter groups. So consequently, there is now an exponential growth of fairly radical Islamist organizations active all over the world, including in cyberspace. Of course, not all

Islamists will one day become terrorists, but all Islamist terrorists start with non-violent Islamism.

For example, Khaled Sheikh Mohammed, the mastermind of September 11, 2001, was first drawn to violent jihad after attending Brotherhood youth camps. In fact, the Muslim Brotherhood's motto says it all: Allah is our objective. The Prophet is our leader. The Koran is our law. Jihad is our way. Dying in the way of Allah is our highest hope.

Islamism is ultimately a long-term social engineering project. The eventual Islamization of the world is to be enacted via a bottom-up process. Initially, the individual is Islamized into becoming a true Muslim. The process requires the person to reject Western norms of pluralism, individual rights, and the secular rule of law. The process continues as the individual's family is transformed, followed by the society, and then the state. Finally, the entire world is expected to live and be governed by Islamist principles. So it is this ideology machinery that works to promote separation, sedition, and hatred, and that is at the core of Islamist violent extremism.

I think it is important to underline that violent Islamists believe they are engaged in what is called a defensive jihad, which has broad acceptance among many Muslims. The logic is that under "just war theory," armed jihad can be waged when Muslims and Islam is under attack. And since the West is waging war against Islam, if not militarily then culturally, Muslims have an obligation to participate in a defensive jihad.

Now, let me very briefly discuss two Brotherhood splinter groups to show how these groups progressively become more radical. Hizb ut-Tahrir (HT), was founded by a Brotherhood member who over time wanted to use a more radical methodology and started his own organization. HT's key focus has been the creation of a worldwide Islamic community, Ummah, and the reestablishment of the Caliphate. For many decades, these ideas were considered extreme. More recently, they have been adapted as mainstream by most Islamists.

HT members claim to want freedom and justice; but the freedom they want is, I believe, freedom from democracy, and the justice they want can only be found under Islamist rule. Under such rule, Muslims who do not abide by Shariah law will be, in their terms, considered as apostates and liable to punishment according to Islamic law. Or to put it more directly, they will be executed.

The freedom and justice HT seeks by overthrowing democracy can often only be attained through violence. However, HT is not likely to take up terrorism itself. Terrorist acts are simply not part of its mission. HT exists to serve as an ideological and political training ground for Islamists. That is why I have called them a conveyor belt to terrorism. In order to best accomplish this goal, HT will remain non-violent, acting within the legal system of the countries in which it operates. Actually the same can be said about many of the Islamist organizations, including the Brotherhood. These groups do not need to become terrorists because winning the hearts and minds is much more effective in achieving the ultimate goal. But, of course, they do

not rule out the use of force if they cannot establish their Caliphate via non-violent means.

HT has led to the formation of even more radical and militant groups than itself, such as al-Muhajiroun. The founder, again, was at first with the Muslim Brotherhood, then became an Hizb ut-Tahrir member, and when he had a falling out with the leadership of HT over tactics, he formed an even more radical organization. Note that the difference in all these splits was not about ideas or ultimate goal. It was about how best to achieve them.

Al-Muhajiroun has direct links to Osama bin Laden, to Hamas and Hezbollah, and blatantly advocates for terrorist acts. Over the years, it has sent hundreds of British men to Afghanistan and Pakistan for jihadi training. Some of those came back and attacked their homeland on July 7, 2005.

Now, as we know, people don't just wake up one day and randomly decide to commit a violent act. There is almost always a process of radicalization and a network of like-minded people who become enablers. In the West, Muslims undergoing an identity crisis are the most vulnerable. There are also those who are perfectly well adjusted and integrated and simply want to learn more about their religion. If these well-meaning citizens end up getting their information from Islamists, they, too, can become radicalized over time, and that is precisely why we need to be concerned that the most prominent Muslim organizations in America were either created by or are associated with the Muslim Brotherhood and are, therefore, very heavily influenced by Islamist ideology. In fact, over the course of four decades, Islamists have taken over

the leadership in almost all Islam-related areas in America, and today, as a recent New York Police Department (NYPD) report also stated, there is a serious homegrown threat in the United States.

How did this happen? Muslim Brotherhood members from the Middle East and South Asia began coming to the United States in the 1960s as students, and then they received money and other support from the Gulf, mostly from the Saudis, to undertake a whole range of activities to change the perception of Islamism and Wahhabism in America from extremist to mainstream. And I think they have been fairly successful.

Following the bottom-up approach that I mentioned, focusing on education, the first organizations were created in America were the Muslim Student Associations in universities. After they graduated, the North American Islamic Trust (NAIT) was created in order to expand these radical ideas, and extend the influence of Islamism beyond college campuses. In the 1980s, several other prominent Islamist organizations were created, including the Islamic Society of North America (ISNA), the Islamic Association for Palestine (IAP), and after Hamas was created in 1987 in Gaza, the IAP became its leading representative in North America.

There are a whole set of other organizations that can be added to this list. I will just mention the Council on American Islamic Relations (CAIR), which I believe was created by the Brotherhood to influence the U.S. Government, Congress, Non-government organizations (NGOs), along with academic and media groups. Despite being founded by leading Islamists, CAIR has

successfully portrayed itself as a mainstream Muslim organization over the past 15 years and has been treated as such by many government officials, including Presidents Clinton and Bush.

What is critically important in all these organizations is their support for one another. The same leaders appear in multiple organizations, tend to have familiar relations, and move within the same closed, trusted circles. Outwardly, they all appear to be different entities, but they are actually part of a carefully planned Islamization effort.

It is also very important to note that despite their outwardly moderate positions, NAIT, ISNA, and CAIR were all named as unindicted co-conspirators in a Federal case against the Holy Land Foundation for Relief and Development, which was charged with providing millions of dollars to Hamas. This trial provided us with a shocking set of documents. One document outlining the general strategic goal for the group in America explains that Muslims in America should consider their mission as a "civilization jihadist" responsibility, which they describe as a kind of grand jihad in "eliminating and destroying the Western civilization from within and sabotaging its miserable house by their hands and the hands of the believers so that it is eliminated and God's religion is made victorious over all other religions." Clearly, in this case, jihad is not intended to be an inner personal struggle as it is often claimed by Islamists when they must explain when they are caught in calling for jihad.

Therefore it is not surprising that large sections of the institutionalized Islamic leadership in America do not support U.S. counterterrorism policy. Far from it.

They denounce virtually every terrorism indictment or investigation as a religiously motivated attack on Islam instead of considering whether the individual in question actually broke any laws. They instinctively blame legal accusations on McCarthyism or anti-Muslim conspiracies.

So coming back to the title of this hearing, how can the U.S. counter this extremism and who can be the partners in this effort? First and foremost, U.S. Government entities and all those individuals tasked with so-called Muslim outreach need to know who they are dealing with before bestowing legitimacy on them as moderate Muslims. There have already been rather embarrassing cases of top government officials, including Presidents, posing with their moderate Muslim friends, only to find later that the person was providing funding to enemies of the United States.

Many of the American Islamic organizations are established to further a political agenda. They are not civil rights groups. They are not faith groups. They are political entities with a very clear political agenda. Without this understanding, I believe all kinds of mistakes will continue to be made. For example, for months now, FBI agents have been trained by CAIR to be sensitive to Muslims. This is completely self-defeating.

Second, it is an Islamist myth that U.S. support and engagement for truly moderate Muslims would discredit these Muslims in the eyes of the community. This, I believe, is a trick to keep the United States away from non-Islamists while the Islamists continue to enjoy all kinds of access and influence. Islamists thrive on U.S. support and engagement, which

effectively legitimizes their self-appointed status as representatives of the Muslim community. This engagement also legitimizes their self-appointed ability to judge the Muslimness of others.

Third, the mantra that only non-violent Islamists can pull radicalized Muslims away from terrorism is completely illogical. The reason that these people were radicalized is Islamist ideology. If the Brotherhood and related groups could keep these people under control, they would have done so already. These people either left Brotherhood organizations or do not want to be affiliated with them precisely because they have moved on to more radical platforms. So, as long as Islamism is actively spread, its ideas will continue to wreak havoc.

The only true allies in countering an ideology that is fundamentally opposed to America and its ideas are those Muslims who share American ideas, or at the very least do not work to undermine them. This group includes the pious and the practicing, the liberal, the secular, and the cultural ones; the quiet but still the overwhelming majority of American Muslims. The Muslims that need active support are non-Islamist Muslims who understand the inherent incompatibility between Islamism's desired imposition of Shariah law upon society at large and Western society's pluralism and equality. Non-Islamist Muslims are on the American side on the war of ideas. They can be practicing or not. That is irrelevant. After all, the issues the terrorists raise to gain support are often unrelated to Islam as a religion.

I can go on and on, but I am already over my time, so in closing, I would like to underline that to effectively counter the further spread of violent

manifestations of Islamism, the United States needs to seriously engage in countering the Islamist ideology and I believe a good start would be to reveal the deception of the Islamists, especially in America, and start working with true allies. Thank you very much.

Chairman LIEBERMAN. Thank you very much, Ms. Baran. That was, as somebody else would say, straight talk. I appreciate your testimony. I appreciate your courage, frankly, and we look forward to asking you questions, particularly about the line of your testimony regarding how the government finds organizations of what you have described as non-Islamist Muslim Americans.

The final witness on this quite remarkable panel is Dr. Ali Moghaddam, a professor at Georgetown University and Director of the Conflict Resolution Program, also a Senior Fellow at the Center for Policy Education and Research on Terrorism. Dr. Moghaddam, thank you for being here and please proceed with your testimony.

TESTIMONY OF FATHALI M. MOGHADDAM, PH.D.,[1] PROFESSOR, DEPARTMENT OF PSYCHOLOGY, AND DIRECTOR, CONFLICT RESOLUTION PROGRAM, DEPARTMENT OF GOVERNMENT, GEORGETOWN UNIVERSITY

Mr. MOGHADDAM. Chairman Lieberman, Ranking Member Collins, and Senator Voinovich, thank you for the invitation. Because ideology is a major focus here, let me begin by clarifying my own biases. Like

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[1] The prepared statement of Mr. Moghaddam appears in the Appendix on page 83.

hundreds of millions of other Muslims, I am hopeful that Islamic societies around the world, including in the Middle East, will move toward more openness in political, economic, and cultural terms. The open democratic Islamic society will be more peaceful, more productive, more affluent, more just for both women and men, and better for the global economy. To a significant degree, the higher oil prices are a result of the dictatorships, monopolies, corruption, and lack of open competition and inefficiency.

But to achieve a more open Islamic society, we need to overcome violent Islamist extremism. That is one of the obstacles. In order to evaluate this particular obstacle, I find it instructive to review the letter of invitation I received for this panel, which states the purpose of the Senate hearing to be to explore the ideologies as the root source for the radicalization of potential followers of al-Qaeda and other Islamist terrorist organizations around the world.

I believe it is useful to critically assess the assumption that an ideology is the root source for the radicalization of potential followers of al-Qaeda and other Islamist terrorist organizations around the world. An ideology does not exist in a vacuum, nor does it arise in a vacuum, nor is it static, as religion is not static. Christianity 1,000 years ago was very different from Christianity today and we hope Islam will change in the direction that is more constructive, away from Islamist ideology, obviously.

In the Georgetown University libraries, there are hundreds of books that write about very fanatical ideologies, including fundamentalist Christian ideologies that could be used to launch terrorist

attacks. Why is it that Georgetown students do not become terrorists? Well, clearly, because the availability of violent Islamist ideology serves as a necessary but not a sufficient cause for terrorist action.

We must ask, then, what are the factors that combine with a particular ideology to lead to violent Islamist extremism? How does an ideology supportive of violent Islamist extremism come to influence individuals to support and commit terrorist acts? I have addressed this question by adopting a big picture approach, exploring radicalization and terrorism in the context of both cultural evolution and globalization.

In order to clarify my viewpoint, I find it useful to use a staircase metaphor. Think of a building with a staircase at its center. There are many floors and people are on these different floors. There are approximately 1.2 billion Muslims on the ground floor. On each of the floors that lead up to a terrorist act, there are different psychological processes. I have gone into the details in my written statement. For here, what I will do is just summarize.

The millions of Muslims on the ground floor, they are, of course, potentially influenced by violent Islamist ideology, but there are many other factors. Some of the factors that I have explored are perceived injustice, relative deprivation, identity and inadequate identity in the Islamic world. I have argued that Islamic communities around the world are experiencing an identity crisis. Before us as Muslims, there seem to be two viable options at the moment. One option is to copy the West. The other option is to become a Salafist or to return to pure Islam.

Now, why is there not a third alternative option? That is a very important question, particularly in Middle East. Why is there not a secular constructive alternative option? Well, the simple answer is that the regimes of that region in particular do not allow for a separate option. If you are in Egypt and you happen to be a secular politician, particularly during election time, you had better hide because you will either end up dead or in prison or you must escape abroad. So the potential for a third constructive identity, particularly in the near and Middle East, which is at the heart of the matter, is not there at the moment. I am going to come back to this later.

So in the staircase of terrorism, the few people who do go and commit terrorist acts, they are influenced by many factors other than or in addition to the violent Islamist ideology.

Let me now turn to specifically the idea of homegrown terrorism. I discuss this particularly in relation to what I call the distance traveled hypothesis. The distance traveled hypothesis simply states that the distance that an immigrant has to travel to reach an adopted land is very much related to the material resources needed. If you are coming from North Africa or the Middle East to the United States, you need a great deal more resources than to reach Turkey or France or England.

If you look at the Muslim population in the United States, generally, this population is well educated relative to the indigenous population. It is relatively well off. The perception of openness in the United States is very important. Muslims in the United States in major centers such as Detroit and Los Angeles are

doing relatively well. They perceive the system to be open in general and that is a very important factor.

Another important factor related to the relative well-being of Muslims in the United States is that Muslims here are at a greater distance from the centers of radical Islamist ideology, such as Pakistan. This is a very different situation from Muslims in Germany, France, or England. And the historic advantage of the United States in assimilating immigrants—this is another factor to keep in mind. I am an immigrant to the United States and I have been an immigrant—I lived in England for a long time. I lived in Canada for 6 years. Relative to those countries, the United States is far better at incorporating and integrating immigrants. And part of the magic here is the American dream, the ideology that anyone can make it.

Let me turn now to the final part of my testimony, and that concerns a huge challenge confronting the United States, particularly in the global context. This challenge has arisen because of globalization.

Back in 1944, the great Swedish economist Gunnar Myrdal published a work that we all know, "An American Dilemma." Myrdal pointed out that there was a contradiction between American ideology in terms of self-help, individual responsibility, equality of opportunity, freedom, etc., on the one hand, and racial discrimination on the other. Myrdal pointed out that this was a huge dilemma that would have to be resolved, and it was resolved. Eventually through legislation, through cultural reform, we have achieved equality in terms of opportunities in the United States.

There is now a new global American dilemma. This dilemma is confronting us because, on the one hand, we have had in the last three decades at least a rhetoric of support for democracy, support for freedom, support for equality, etc., a rhetoric that says that democracy is not unique to the West or a monopoly of the West but should spread everywhere. On the one hand, we have this rhetoric. On the other hand, successive U.S. administrations have continued to support dictatorships in many countries in the Middle East. This dilemma has to be resolved because globalization would not allow it to continue, and I believe that it doesn't matter whether it is a Democrat or a Republican or an Independent in the White House——

Chairman LIEBERMAN. Thank you. [Laughter.]

Mr. MOGHADDAM. What we need is a resolution of this conflict, of this dilemma, because the dilemma is reverberating around the world.

If you go to the streets of Muslim countries in the Middle East, in North Africa, if you go to the Muslim communities in France, the South Asians in England, the Turks in Germany, you will find that in the communities there, they discuss this dilemma, and it needs to be resolved. Thank you.

Chairman LIEBERMAN. Thanks, Doctor. Very thoughtful testimony. You have been an excellent panel and I thank you all.

We will start with a 7-minute round of questions by the Members. There may be a vote going off around 11, so hopefully we will each get in a round before we have to go over.

Mr. Nawaz, again, thank you for being here. I have many questions so I am going to ask you and the others if you can keep your answers as brief as possible and still respond. I wanted to ask you, just in terms of your own experience, take a brief moment and tell us about how you were radicalized at college. In other words, what was the process? You mentioned in your testimony you had adequate grounds for grievance in your personal experience, but how did the radicalization process by HT occur?

Mr. NAWAZ. I can summarize that in two points, and that is a crisis of identity and a crisis of faith. Being born and raised in the U.K., growing up in Essex in the early 1990s, there were a lot of racist troubles in my home county and there were an organized group of racist thugs who would target us with violence. And so the questions arose in my mind as to exactly who I was. Was I British? Was I English? Was I Pakistani, which is the country of my grandfather? Was I Muslim?

So these combined with the problems in the mosques—the imams of the mosques in those days were, and still are to a large extent today, imported from the Indian subcontinent. The standards of their education were poor relative to standards in the Indian subcontinent, let alone to the standards in the U.K. The tradition over there is that somebody who fails in his education is sent to become a mosque imam, and that is if he fails in his education in Pakistan. And yet this man comes to the U.K. who can't speak English and he is expected to lead a congregation in a mosque with the vast majority of the people that pray in the mosque being second- or third-generation British citizens who only speak English.

So these two elements combined in me to create a crisis of both identity and faith, and Bosnia, as I mentioned earlier, was playing out in Europe, and up until that point, I had identified these problems purely as racial and Bosnia for the first time brought to the fore that there were white European Muslims, blond-haired, blue-eyed, who were being slaughtered despite the fact that they were Europeans.

And it was at the vulnerable stage, being a teenager, being 15, 16 years old, that I happened across a medical student who didn't have any of the obstacles in communication that the mosque imams had. He was a medical student, again, educated in the U.K., who could relate to my problems and had joined Hizb ut-Tahrir in London when he went to study. And he came across very articulately and provided the answers to the crises I had in my identity and faith and demonstrated that, in fact, my identity wasn't British and it wasn't Pakistani but these are, in fact, identities given to me by colonialists. My identity was something pre-colonial, and that was belonging to the global Caliphate. So he provided an ideology that gave me black-and-white answers to the very real grievances that I faced.

Hizb ut-Tahrir's (HT) process of indoctrination is quite intense. A member is expected to sit for two solid hours minimum every week in what they refer to as a study cell, and discuss and engage in debate in this ideology, and that is a mandatory requirement for members of HT. And then when he becomes a member of the party, he is also expected to teach for a further two hours for his own cell, and that is the minimum

and it will obviously be more than that if he is committed.

So this indoctrination phase involves recalibrating those grievances, which are initially localized grievances, and turning them into something which is identified with a global struggle, and I think that we can't miss either of these. We have to consider the role that real grievances play in providing recruits who are not yet ideologues in joining the ranks of Islamist organizations and then the role that the ideology plays in reframing those grievances and turning them into some notion of a global or perennial conflict.

Chairman LIEBERMAN. I appreciate that answer very much.

Ms. Baran made a statement. Obviously, we are talking here about distinguishing between the religion of Islam and the political ideology of Islamism. She said something I thought quite direct and provocative and important, which is, and I paraphrase, that all Islamist terrorists start with non-violent Islamism. Would you agree with that?

Mr. NAWAZ. One hundred percent.

Chairman LIEBERMAN. Let me now go to your definition of Islamism, the four characteristics you cited. Consistent with what we just said, these are not necessarily all of them violent, but they may be the precursor to violence. I was particularly struck, and I have been through this but I want you to talk about it, that you said that those who adopt the Islamist ideology are committed to making Shariah state law. So do we understand from that that the members of Islamist groups in the U.K., or in the United States,

who themselves are not violent nonetheless are committed to making Shariah law the law of the U.K. or the United States as opposed to the existing law?

Mr. NAWAZ. Again, this is an ideational discussion, so in terms of practicalities and tactics, the groups will differ. Hizb ut-Tahrir does not target the Western world to establish the Shariah as state law. Rather, they don't even target the whole Muslim world. What they have decided to do practicality-wise is identify key countries, Turkey being one of them, Egypt being another, Syria being another. Iraq used to be one of them until the intervention there. Pakistan definitely is one of them, which is why I was sent there when they acquired a nuclear bomb.

They target key countries. If you notice with all these countries, they have military strength, and they target those countries with the purpose of gaining power first in those countries, which they call the starting point. The intention after that is to expand and then encompass the surrounding lands and eventually the whole world.

Now, that is HT. The Brotherhood's organization, the Brotherhood has a similar understanding——

Chairman LIEBERMAN. The Muslim Brotherhood?

Mr. NAWAZ. The Muslim Brotherhood. They will target the Muslim world first and with a view to establishing side by side a federation of Islamic countries, which will then all eventually become one and then expand from there.

The purpose of these organizations in the West, I again summarize into three points, and that is to

recruit, and those recruits can then be sent back to Muslim-majority countries, as I was, to recruit in those Muslim-majority countries and they have the standing in society as being educated in the West, as speaking English, as being relatively more wealthy, and so they command that immediate respect.

The second aim is to raise funds. Now, the Pound Sterling goes a very long way in Pakistan, I can assure you. It goes quite far here in the United States, as well. So it is to raise funds.

Chairman LIEBERMAN. Farther than we would like. [Laughter.]

Mr. NAWAZ. That is to my advantage. And the third is act as a political and diplomatic hub. London especially is the center for the international Arab media. Now, even before I left HT, I appeared on the media regularly, and in fact, BBC's "Hard Talk" interviewed me and I was able to use that as a platform to project what was even at the time a relatively moderate version of HT's ideology to my own internal confusions. However, HT and other Islamist organizations, particularly the Muslim Brotherhood, have been very successful in using the Western countries as a media and diplomatic hub.

So those three general strands are what they are looking to achieve. But the establishment of the Shariah law as state law is focused on, for practical purposes, the Muslim-majority countries with a view to expanding after that.

Chairman LIEBERMAN. Very helpful. I am really out of time, but I want to give you, Ms. Baran, just a moment to get into this discussion, if you want to add

anything to Mr. Nawaz's characteristics of Islamism as opposed to Islam, and if you want to say anything about what you take to be the goals of the Islamist movement within the United States.

Ms. BARAN. I agree with Mr. Nawaz. One thing I would like to add is that I am originally from Turkey, one of the countries where the groups would like to establish Shariah law. When I was growing up there, a very different understanding of Islam was mainstream. And when I first came to this country, I was quite surprised that I saw so much Islamism at university campuses, and I do believe, because I was also very actively involved as a student activist during the Bosnian war, if it wasn't for my background in a different type of an Islamic upbringing, I probably would have joined one of the radical organizations —probably Hizb ut-Tahrir.

In the West, including in the United States, the focus is to enable having the Shariah law for Muslim communities—so having Shariah for American Muslims, having Shariah in certain parts of Britain for British Muslims. We see more and more of these discussions coming up. In Canada several years ago, it came very close.

I think as these groups increase their activity, we will probably hear more demands for Shariah for American Muslims. They will say it will be compatible with the American legal system and probably there will be analogies made with Jewish traditions and others. But, of course, the big difference is what Mr. Nawaz said; that normally, you don't try to impose your belief on the whole society and community. The West, including the United States, is now the best place for

Islamists because of the openness, and of the tolerance of many different ways of living. This is where the Islamist communities get organized, funded, provide the structure, but the focus still is to change the Muslim-majority countries.

Chairman LIEBERMAN. Thank you very much. Senator Collins.

Senator COLLINS. Thank you. Ms. Baran, you gave us a very different picture this morning of the efforts of FBI agents to reach out to the Muslim community in our country. In previous hearings, witnesses have generally pointed to the FBI effort as being the model of outreach to the Muslim community. By contrast, in your testimony today, you stated, for months now, FBI agents have been trained by CAIR to be sensitive to Muslims, which you say is completely self-defeating. Could you expand on why you think the FBI's effort is not an appropriate and worthwhile one?

Ms. BARAN. Sure. Thank you. As I mentioned, CAIR was created by Muslim Brotherhood organizations. It has ideological and other connections to groups like Hamas. It does not represent the Muslim community as a faith community; it is mostly focused on political issues. Often, we hear CAIR raising, for example, civil rights issues. But if you look at the cases, it is almost exclusively of those Muslims who are following a particular Islamist way of thinking. Issues about Muslims that are not Islamist or don't follow a particular way of thinking are hardly ever raised.

So I can give many other examples, but ultimately, it is about what CAIR will define as sensitive, being properly respectful and sensitive to Muslims. If,

indeed, the Islamist thinking is the way as Mr. Nawaz outlined, then the agents are going to be misinformed and they will be overly sensitive and they will not be able to ask certain questions or go in certain directions. They are going to be told whatever they want to ask or do will be offensive to Muslims: It is in Islam. Don't touch this. Don't go there. So I believe they are not going to be properly prepared for the work they need to be doing. There are other ways to reach Muslim communities. It is not just through CAIR, I believe.

Senator COLLINS. Whom should the FBI be dealing with?

Ms. BARAN. Well, if the issue is to reach to communities——

Senator COLLINS. Right.

Ms. BARAN [continuing]. Then other community organizations. There are women's groups. There are all kinds of groups that are not organized based on an Islamic political issue. There are other forums; a whole set of non-Islamist-based organizations.

Now, going back to Chairman Lieberman's question, where do you find those non-Islamist Muslims, or Muslim organizations? Well, as I said, some of these organizations that are there now and are easy to work with, they have been created over a period of decades with billions of dollars coming from the Gulf. So there is this established network and structure and money already there.

The alternative never has gotten support. This foundation that Mr. Nawaz is involved in was only created in January of this year, after there were

homegrown terrorist attacks in Britain and after British citizens had to say, what is going on, and after people like him left these radical organizations. We don't have that in America at this point.

Again, if you look at the NYPD report, there are many cases of homegrown extremism. We have been lucky that some of those terror attempts simply have not been successful. But I think at some point, hopefully soon, there will be people coming out and denouncing the ideology, but then the question is: Will they get money, will they get support? There is no money outside government support. The British government started to understand this and now supports organizations that are trying to help Britain. They have to somehow counter the money coming from the Gulf with other money.

Senator COLLINS. Thank you. Let me ask the two professors what you think of the FBI's outreach efforts, whether you share the concerns that we have just heard. I will start with you, Dr. Mandaville.

Mr. MANDAVILLE. Thank you, Senator Collins. I am not familiar with the specifics of the CAIR training program for the FBI and so the answer to the question, I think, would depend very much on what is going on in those sessions. If they are primarily aimed at providing basic information about Islam, Muslims, the basic beliefs, issues of cultural sensitivity, that is one matter.

I don't share the view that CAIR as an organization is best understood primarily as a front for the Muslim Brotherhood, whose core agenda is about the realization of that ideological project. I do believe that there are individuals associated with that movement

who hold those views, but I think we would be wrong to simply characterize the organization in its entirety in relation to that organization.

Senator COLLINS. Professor Moghaddam.

Mr. MOGHADDAM. I agree with Dr. Mandaville. I would also add that we are really looking at short-term issues here. I mean, in the longer term, the key to changing the situation, I believe, is to change the situation of Muslim women, and the way to do that is to make sure they have greater opportunities for equal participation in economic, political, cultural life outside the home, and when you do that, you transform the family, you transform the socialization of the next generation.

The FBI agents that I know, some of whom have been my students, former students, I don't think they would have problems cross-examining Muslims in any way.

Senator COLLINS. Thank you. Mr. Nawaz, I have very little time left, but let me just read an excerpt from a report that I found very intriguing. In December 2007, the Dutch intelligence agency issued a report warning that the Muslim Brotherhood has a strategy of covertly infiltrating social, political, and educational institutions, and the report went on to state, "rather than confronting the state power with direct violence, this strategy seeks to gradually undermine the state by infiltrating and eventually taking over civil service, the judiciary schools, local administrative units." Do you think that is an accurate reflection of what the Muslim Brotherhood's strategy is today in Western countries?

Mr. NAWAZ. I think definitely it is an accurate description of the strategy the Muslim Brotherhood have been employing since the 1920s in Muslim-majority countries. In Western countries, they are beginning to move along this same track, and the reason why they are beginning to shift in the direction that you have just outlined is because we are now in the third generation of Muslims who are being born and raised in Western countries, such as myself, people who call themselves British Muslims, people who consider that our expression of faith is indigenously British by definition.

Now, you have at the same time Islamists who are in their third generation who express Islamism as a Western expression. They consider it something which is indigenous. So what they have decided to do, there has been a shift that the original tactics of the Brotherhood to gain power, political power in Muslim-majority countries, these guys do not belong to any of those countries. They don't have nationality or citizenship of any of those countries. Their nationality, even their identity, is becoming Western. And so they are thinking, well, we are here to stay. What do we do if we are here to stay? This has become our home.

So a shift is occurring and we saw this in the U.K., that the institutionalization of Islamism is occurring, and what you have just described is within many factions of Islamist-inspired organizations who are not directly Muslim Brotherhood, it is the tactic that they are beginning to use.

I was the other day speaking to somebody who was a detective in our police services and happened to be Muslim. I know I have to keep this brief. And I was

speaking to him about the July 7, 2005 bombings that occurred in London. This man, as I said, was serving in the police, a detective, and now he is serving as an immigration inspector at Heathrow Airport. And this man said to me, well, of course, you know it wasn't the Muslims that committed July 7, 2005. It was the U.K. government and there is a conspiracy and these people are the ones who blew the trains up so they could further their aims and demonize the Muslim community. I said to him, my God, you really believe that? He said, of course. These people are against Muslims. And this is a policeman who is now working on the immigration patrol at Heathrow Airport.

His ideas come from somewhere. There is something we have in the U.K. called the Muslim Safety Forum, an organization that purports to advise the police. This forum has been largely influenced by Islamist ideals and these are the sorts of ideas that are coming out into law enforcement officers who happen to be Muslim. There is a concern we have.

So to summarize, I would say, yes, I am very concerned that the tactic is shifting and moving towards infiltrating with a view, because they now consider these countries their homes, with a view to at least forming what I call Muslim-centric policies, if not to take over—that is still very much focus in the Muslim-majority countries—but to form Muslim-centric policies that only look after the affairs of the Muslim bloc as a bloc, as a fifth column.

Senator COLLINS. Thank you.

Mr. NAWAZ. Thank you.

Chairman LIEBERMAN. Thanks very much, Senator Collins.

Senator Voinovich, a vote has just gone off and I want to propose this, that you take over and ask your questions. I think maybe Senator Collins and I will go over and vote, and if we don't get back by the time you finish your questions, please recess the hearing and I will begin again as soon as I come back.

Senator VOINOVICH. OK.

Chairman LIEBERMAN. Thanks very much. Senator Voinovich.

OPENING STATEMENT OF SENATOR VOINOVICH

Senator VOINOVICH [presiding]. Thank you. I want to thank both of you for holding this hearing.

One of the concerns that I have as a Senator, and a citizen of the United States, is that we have such little knowledge about the Muslim religion and the Koran. I am not here to hustle a book, but Dr. Moghaddam, I am promoting your colleague's, John Esposito's book called "What Everyone Needs to Know About Islam." It is a fundamental book that I think lays out what the Muslim religion is about. Do you think this is a pretty good book? It answers lots of questions about Islam and what the Koran says and so forth.

Mr. MOGHADDAM. Yes. It is excellent.

Senator VOINOVICH. OK. The other is a gentleman I have met with, Imam Faisal Abdul Rauf, and he has an effort going throughout the United States now to try and prove that there is nothing inconsistent in the

Koran with our Declaration of Independence and our principles here, that you can be a good Muslim and you can be a good United States citizen. They are not inconsistent with each other.

And last of all, the book "Mecca and Main Street," by Geneive Abdo, whom I have met with. It is a very interesting book because of the fact that she, for 3 years, traveled around the United States and interviewed various Muslim people and commented on what she found, and what she said, and I would be interested in your reaction to this, is that "the younger generation of Muslims in particular is charting a different way of life. They are following new imams and placing their Muslim identity before their American one. And unlike their parents, they do not define themselves by their ethnic background as Pakistani, Palestinian, or Yemeni. Instead, they see themselves as belonging to a universal faith. Through their new organizations and websites, they exchange ideas about how to create a more Islamic lifestyle.

"Are there strident voices critical of U.S. foreign policies? Without doubt. But these voices, at least for now, have not made the leap as some European Muslims have toward violent radicalism." That was kind of the summary of what she found while going to various communities.

And the other point I want to make is this, and it is one that you have made, Dr. Moghaddam. It is the issue of women's rights. And I don't know if any of you have read "Infidel." I am finishing that book, as well as the "Nine Desires of Muslim Women." All over the world, Muslim women are being cramped and I believe that the more we can open up opportunities for Muslim

women to get out into society, the more impact we will have on moving in the direction that we would like, to see a more open secular society than we see today.

Dr. Mandaville, you said that while there is not yet evidence of a systemic or widespread threat of homegrown terrorism in the United States, it is worth considering the kind of circumstances that might allow such a situation to emerge. The real issue is what can we do to create an environment in the United States where it doesn't happen. By the way, the people that I talk with in CAIR in Ohio, I like them. I think they are good. I don't know what has influenced them, but I think they are pretty responsible citizens, and at least from my observation have been OK. But if these are organizations that we are not supposed to talk to or they are being influenced, who do we talk to?

Does anyone want to comment on that? Dr. Mandaville.

Mr. MANDAVILLE. Thank you very much for the question, Senator Voinovich. To the point of what it would take, what circumstances would actually bring about a more pervasive or systemic problem with radicalization, this is where I think the differences between the United States, the Muslim community in this country, and Europe are very important. Muslim immigrants came to this country for the most part with high levels of education, often professional jobs in hand, and indeed, the data we have suggests that the average Muslim household income in the United States is actually at or slightly above the national average for the United States as a whole, compared with Europe, where we actually see the average Muslim family in the lowest 20 percentile of household income.

The structures for addressing grievances when Muslims here have them, I think are better available than in the United Kingdom, which again on the surface of it, as I have said in my testimony, suggests that this kind of homegrown radicalization is likely to be less of a problem here, although we obviously have seen instances of it.

My concern in part is that one thing that would lead to this becoming a more pervasive problem is an increased sense of victimization on the part of the American-Muslim community, if it increasingly feels as if it is being singled out. This is very much a dynamic that has happened in the United Kingdom and one can explain it and put the blame——

Senator VOINOVICH. And by the way, I think people should understand, it is the fastest growing religion in the United States today.

Mr. MANDAVILLE. Absolutely. Yes. In the case of the United Kingdom, a number of the Muslim organizations themselves have not been particularly helpful in this regard. Mr. Nawaz mentioned the Muslim Safety Forum, and I believe that the dynamic coming out of that group has been very much as he has characterized it. There are certain self-appointed spokesmen for the Muslim community in Europe and the United Kingdom that have a tendency towards self-victimization. At the same time, however, some of the funding and some of the outreach coming from law enforcement and government agencies in that country has been exclusively devoted to issues of radicalization and terrorism. Some, particularly the younger generation within the community being primed in this very polarized environment by some of the ideas

coming out of groups such as Hizb ut-Tahrir, increasingly have a sense of themselves as a community being defined in relation to terrorism, being told that its sole contribution to society is to counter radicalization.

Now, this is a concern that the community has. However, the Muslim community has any number of other concerns, and so my fear is of a growing dissonance, a gap between the concerns and issues that the community sees and the priorities of those in the government and local authorities who are reaching out to them.

Senator VOINOVICH. I am going to have to recess this hearing because I have to go vote, and I am sure that Senator Lieberman and Senator Collins will be back. Ms. Baran, you did not have an opportunity to respond to my questions. Do you have real quick responses?

Ms. BARAN. I just want to be clear. I am sure an overwhelming majority of people in CAIR or other organizations I have named are good citizens, decent people, wonderful human beings. That is not the issue. I am talking about the institutions and the leadership. So I am sure the people you met are really good, wonderful people. And also being nice does not mean they don't have a different ideology. We need to be clear about that.

Senator VOINOVICH. OK. Well, that ideology hasn't bubbled up as far as my relationships with them.

I will be back. This hearing is recessed until Senator Lieberman comes back.

[Recess.]

Chairman LIEBERMAN [presiding]. Let us reconvene the hearing. Thank you for your patience. I know Senator Collins will return. We will go now to another 7-minute round of questions.

Dr. Mandaville, I want to bring you into the discussion particularly in regard to what your research tells us about the policies of the government of the United Kingdom in relationship to various Muslim groups or Islamist groups in the U.K. What lessons do we learn from that?

Mr. MANDAVILLE. There are two points in particular, Senator Lieberman, that I would like to make in this regard. First, in the aftermath of September 11, 2001, and in the wake of the July 7, 2005, bombings in London, the chief interlocutor for the U.K. government in terms of outreach to the Muslim community was an organization called the Muslim Council of Britain (MCB), founded in the late 1990s. This is an umbrella organization representing some 500 Muslim organizations, national, regional, local in nature, spanning the gamut from madrassas operating in the Pakistani model essentially up in rural Yorkshire in Northern England, to quite relatively cosmopolitan, progressive, professional Muslim organizations in the southern cities of England. So there is a wide range of views within this entity, meaning that its claims to be able to say anything representative on behalf of something called the British Muslim community were always dubious.

And part of the problem here, I think, and this was a lesson that the U.K. government learned after some

years, was the fact that most Muslims in the U.K., and I would argue in the United States, as well, do not understand or pursue their religiosity or their religious identity primarily through groups and organizations.

Chairman LIEBERMAN. Right.

Mr. MANDAVILLE. Futhermore, with the case of the Muslim Council of Britain, the leadership ranks of this organization tended to feature, in my view, a fairly disproportionate number of individuals with strong linkages to some of the Islamist movements, such as the Muslim Brotherhood and the Jama'at-i Islami, and they have managed to maintain something of a stranglehold over that organization. This is unfortunate because I believe that there are within the second and third generation of Muslims in the United Kingdom those who are ready to set off on a different course and I think could have a major impact.

Now, what happened is that the Muslim Council of Britain, for any number of reasons that I won't go into, found itself in a number of controversies and the U.K. government began to see that it was not necessarily the most effective point of interlocution with the community. So a couple of years later, the MCB was, I think it is fair to say, deprioritized as that point of contact and any number of organizations were brought into the picture, and I think that move was important simply because they began to realize that there really was no such thing as an organization that represents the Muslim community in the U.K.

Chairman LIEBERMAN. So in reaching to other organizations, did the U.K. government attempt to reach out to—you posited a problem here——

Mr. MANDAVILLE. Yes.

Chairman LIEBERMAN [continuing]. Which is that most Muslims, I suppose like most other people of other religions, don't belong to organizations. So if minority views or extremist views, Islamist views are disproportionately represented, let me put it that way——

Mr. MANDAVILLE. Yes.

Chairman LIEBERMAN [continuing]. In the organizations, how do the authorities, how does the government reach out to try to create constructive linkages with the Muslim community? So were any of these other organizations—for instance, I wonder if there are not uniquely religious organizations that don't have a political agenda within the Islamic community.

Mr. MANDAVILLE. Yes, absolutely. The shift that we saw 2 years ago went along two different lines, and I think there is utility in looking at that, and also, I think, looking at what the German government has been doing in recent years with its new Islamic Conference. The German government had the benefit of the hindsight of the British experience, I think, and when the Minister of Interior in Germany set up the Islamic Conference, they made sure to include within its membership a number of Muslim members at large who are not actually affiliated with any organizations per se, but who had a following, who were notable voices and figures representing particular constituents and local groups.

What the British government has done is to widen its outreach to include groups that will represent either

more sectarian views or groups such as the Sufi Muslim Council, which is not at all political in orientation. Now, part of the problem that they have encountered, I think, is the question of the extent to which some of the groups they have reached out to or some of the groups that have come to them wanting to be reached out to actually represent sizeable constituencies within the community or have any legitimacy.

A more profitable line that I think that they went down is to abandon the idea of trying to find representative groups altogether and focus instead on problems, to get back to this idea that Mr. Nawaz mentioned that we are talking about local grievances that get turned into global problems.

Chairman LIEBERMAN. Right.

Mr. MANDAVILLE. So let us start not by addressing or trying to find particular organizations to work with but by identifying problems and work this issue via local problems rather than particular groups and associations.

Chairman LIEBERMAN. But problems uniquely within the Muslim community?

Mr. MANDAVILLE. Yes, and in some cases these are problems that are unique to a community that is often living a highly ghettoized, insular existence in the peri-urban areas of post-industrial Northern cities in England where levels of employment are very low——

Chairman LIEBERMAN. In other words, the problems may not be uniquely Muslim. Obviously, there are non-Muslims who are experiencing high unemployment.

But the governmental reaction may be directed at the problems and perhaps focused on the Muslim community.

Mr. MANDAVILLE. Absolutely right, and what my research would suggest is that a profitable line of inquiry, or a profitable line of policy in this regard would actually be to encourage Muslims and non-Muslims who share those same kinds of problems to form coalitions focused not on their religious identity, but the fact that they face a similar kind of issue regarding access to education, access to social mobility, so that the focus becomes the shared issue that we face and not the religion.

Chairman LIEBERMAN. Thanks, Dr. Mandaville.

Ms. Baran, let me ask you to comment on this idea that Dr. Mandaville has just suggested as one path to find the non-Islamist leadership or membership within the Muslim community. I mean, you have said to us today that most Muslim Americans are not Islamist, and yet if I am hearing you correctly, you are also saying that a lot of the established Muslim organizations are, if not dominated, disproportionately influenced by Islamist groups. I have a quote from your testimony. You have a section, and which will be part of the record of the Committee, and it is quite strong and provocative, but I think very important to listen to.

"The most prominent Muslim organizations in America were either created by or associated with the Muslim Brotherhood, and the Wahhabis, and they have therefore been heavily influenced by Islamist ideology over the course of four decades. Islamists have taken over the leadership in almost all Islam-related areas in

America. This is scary"—these are your words—"yet almost no one in the U.S. Government deals with it."

So I take it that in speaking about—for instance, as Senator Collins said, we had testimony here saying that—including from Muslim organizations and the FBI that they, surprisingly, do the best outreach to the Muslim-American community. So I take your testimony not to dispute that in terms of the volume or quantity of the outreach, but to say that in that outreach, they may actually be influenced disproportionately by Islamist ideology and Islamist groups.

Ms. BARAN. Yes. Thank you. I think what we just heard from Professor Mandaville in the British case is a very good example, and there are a lot of parallels in terms of what those in the British system end up learning, even though at the beginning they did not want to move away from established partnerships. Moving away from these partnerships brings political cost.

For me, the question is what is the purpose of outreach? You can always have nice conversations with a whole set of people. What is the purpose? Is the purpose, as some people in the law enforcement have told me, to co-opt them? If that is the case, then I think the people who are doing the outreach are being co-opted because they are going into an area where they are not well educated or informed and they are open to learning. They are not critical and they are not criticizing because as I said, they think what is told to them is Islam and they are not qualified to judge or ask questions about a particular religion.

If the goal of outreach is to talk to the Muslim community, fine, but what is the point? The point is that we want these citizens to be happy, loyal, and, of course, also for homeland security concerns, not radicalized, not engaged in terrorist acts. Then the issue is not to reach out to them based on their Islamic identity or based on their religiosity, but based on the problems.

Chairman LIEBERMAN. Yes.

Ms. BARAN. What are some of the problems? Unfortunately, because Islamism thrives on victimization certain issues are exaggerated so that Muslims come together in this "us versus them" mentality. They are basically saying, we Muslims need to be an ummah because Islam is under attack. So you have now all kinds of stories circulating about Muslims being mistreated, this and that. Some of them are true and those need to be addressed; those are basic civil rights, and equal treatment issues. And there is also some bigotry and there are some activities against Muslims and those need to be dealt as law enforcement issues.

Chairman LIEBERMAN. Right.

Ms. BARAN. And in general, we are lucky that in America, of course, Muslims do not have the same kind of problems that we often find in Europe. So the purpose of outreach, the counterpart you choose, what you want to get out of those interactions needs to be much more clearly defined. I think after September 11, 2001, there was this urge that we have to talk to Muslims and we have to make sure that they don't hate us. But I think now that with enough time, we

understand that alone does not really answer the questions and doesn't resolve anything. I think if we look at the rate of radicalization among American youth and look at all the activities of outreach, we don't see necessarily an impact.

So there is one set of outreach that needs to be done to understand the community issues and resolve them, but there are also issues that deal with the ideology and what is being supplied. I mean, ultimately, if you think about supply and the result, then we have to address both elements.

Chairman LIEBERMAN. Thank you very much. I would like to come back to that briefly in a moment. My time is up, though. Senator Collins.

Senator COLLINS. Thank you, Mr. Chairman.

Just one final question for Mr. Nawaz. Both the Chairman and I are very interested in better understanding the radicalization process and you described witnessing terrible acts of prejudice and violence and unfair law enforcement actions when you were a teenager. What would have been an effective counter message for you to have heard as a teenager?

Mr. NAWAZ. On that point, I think that an effective counter message would have been for localized grievances to have an outlet to be channeled through localized, or local-based solutions and channels, especially when it came to the crisis of faith that I talked about. There needed to be a strong, firmly grounded, traditional theological leader there to be able to deal with some of these questions, who is articulate in English, fluent and able to communicate with the second and third generations. That was, and to a large

extent still is, missing in the U.K. We do not have the imams that are trained and raised from within the U.K. They are still going abroad to take their training. In fact, a recent suggestion was made by our government and was very conveniently and correctly forgotten very quickly, and that was the suggestion that we should take imams and send them to Pakistan for training.

I don't think the solution is that. I think the solution is that there needs to be an indigenous British Islam, or more generally Western Islam, that arises. There are some very encouraging movements in that direction. One of our advisors for the Quilliam Foundation is a wonderful man by the name of Usama Hasan who in his youth went to Afghanistan to train with the so-called jihad there, but has abandoned all of that and now takes very courageous theological stances.

To give you one example of his stance—this man is qualified theologically. He is an imam of a mosque and is also a university lecturer, and he says that Muslim women do not have to cover their heads from a theological perspective. One of our advisors. We need to have more people like this.

I think in the U.K., I am very encouraged by signs of the discussions coming from people like Imam Hasan, Usama Hasan, that I see, very non-Islamist messages. Though they are pious or religious in their personal practice, they are very clear not to encourage, and in fact, they critique the Islamist message. So there needs to be an indigenous growth from within the West of Western Islam, and that is something that the

Quilliam Foundation has put as one of its objectives to encourage.

If that had been there for me in my crisis of faith, I don't think I would have turned to a political ideological alternative. I was not able to relate to the village religion of the mosque imams who did not speak my language.

In terms of the crisis of identity, and this is something where if you caught my facial expressions, I was very keen to interject. All I did is I settled for writing "excellent" on Dr. Mandaville's book here. And that is that the whole discussion—I agree entirely with what he said, and there is something I would like to add and that is the psychological state of somebody approaching this discussion in the first place, is that when we talk about the Muslim community, that is a paradigm which we have adopted from Islamists and the British government has recently shifted in this and now they are talking about Muslim communities, and that is more accurate, because in the U.K., we have very recent immigrants who aren't settled as the immigrants who originally came from the Indian subcontinent are, but rather we have had Somalis that have immigrated to the U.K. due to the war and the conflict that is there. There are others, North Africans that have immigrated due to the conflicts in Algeria, and others have immigrated from many different regions.

The expression of Islam from each one of these communities is very different. And in some cases, they are at conflict with each other. The default form of religious expression for the majority of Muslims in the U.K. is the Sufi Barelvi tradition coming from the

Indian subcontinent, which is historically apolitical and, in fact, is anti-political.

Now, if we can grasp that there is more than one Muslim community but rather there are Muslim communities, we will not adopt the paradigm of the Islamists in dealing with this problem as a Muslim problem but rather looking at it as localized problems and trying to deal with the problems themselves rather than adopt the paradigm that it is one community that requires one solution and one representative.

The U.K. government made a mistake with the MCB. I pray that your government here does not make that same mistake. And now they have learned from that. The British Government has set up a department called the Department for Communities and Local Government (DCLG), that has a 3-year budget of 70 million Sterling, which again is a lot of dollars. Now, that 70 million Sterling is allocated specifically for dealing with this problem. I recently met with the minister responsible for that department, Hazel Blears, and I am very encouraged by her understanding on these issues.

Now, that department is there solely to take this money and to distribute it on a localized basis through local councils, not through a centralized national body, and I think that is the encouraging way forward. If these measures were there in the early 1990s, we would not have had the situation that we had through the mid- to late 1990s of Islamists pretty much becoming institutionalized.

Senator COLLINS. Thank you.

Chairman LIEBERMAN. Thanks, Senator Collins.

Unfortunately, we are going to have to move on in a moment. I did want to say, Mr. Nawaz, I am so glad you came here, but I really object to your rubbing in the dropping value of the dollar so often. [Laughter.]

All in good spirit.

Let me just see if I can ask this question because a part of what motivates this hearing is that the insight, which I quoted from the 9/11 Commission Report, that this so-called war with terrorism is really an ideological war at its essence, so that while we are fighting it in a military sense, we also have to try to figure out how to counteract the ideology.

This is not easy because it requires non-Muslim governments in countries like the United States and the U.K. to find an effective, thoughtful, and honest way to reach into the Muslim community, and I think this is part of what the outreach is supposed to be about, but it may not be working. You are absolutely right in the experience that you both reflected from the U.K. Your testimony, Ms. Baran, should really be a warning to the U.S. Government about what they are doing and whether it is really achieving the goals.

But some of the goals are pure law enforcement, there is no question about it, trying to develop links to the community, to the mainstream, law-abiding Muslim-American community so that if they hear of the growth of violent Islamist activities, that they will let law enforcement know. Some of it, I think, is also aimed—and this is not easy—at encouraging leadership to emerge from the majority, mainstream Muslim-American community. In other words, the picture that I am getting today is that there is a silent

majority within the Muslim-American community and it is an American community. It is a mainstream community.

In addition, I think you have given us a good idea here, which is that we have to be not just reaching out to organizations, maybe we have to do that with open eyes, but also really to the problems within the community. How do we create a situation where when someone like Mr. Nawaz as a teenager develops these grievances—and look, teenagers of any religion and race will find various reasons to develop grievances. Yours happen to have been quite palpable and real and severe. What can we do to create an alternative vehicle for expression other than Islamism? Ms. Baran.

Ms. BARAN. Well, if I can talk about my teenage rebellious years.

Chairman LIEBERMAN. You are not under oath now, so——[Laughter.]

Ms. BARAN. I was also looking for different identities. Now, I wasn't born in America; I was a teenager in a Muslim country and there were many different options. There were the Islamist options. There were different options. I think having the variety of options is very important and also having good role models and trusted sources. Again, I say that if I had learned my religion from the wrong people, I could have become an Islamist because the ideas are extremely attractive, partly because everything becomes so simple and understandable. In a way it empowers you because all of a sudden, from not being able to change your life or bringing meaning to it, you have a meaning and everything easily makes sense.

So there is not a single answer, and like in the British case, in America, too, I think there are multiple communities. Some of them are more religious, some of them are less religious. You can't even say the Arab-American community. Within the Arab community, there are so many different ones.

In, again, my case, in this neighborhood, the Turkish-American community goes to the Turkish mosque, and so we don't even go to the same mosques because there are different cultures and, of course, when it comes to second generation, third generation, the issues are also different.

There are many ways that this issue can be addressed, but I think the starting point has to be that we need to define what we want in reaching out to the communities because ultimately they are citizens and there are certain citizen rights and there are certain needs for their faith, for their education. I am worried about raising my children in this country because I would not know where to send them to teach them Islam. I would have to do that at home at this point. But I would like to be able to send them to a mosque and be comfortable that what they are going to learn there is going to be about the faith and is going to anchor them in a way that they are going to be Muslim and American and will not find a conflict in the two.

Chairman LIEBERMAN. That is a perfect and strong place to end the testimony of this panel. I thank you all very much.

Mr. Nawaz, I want to thank you really for the foundation. It seems to me that is part of the answer, so I wish you well in what you are doing. I hope that

the four of you will remain available to the Committee as we continue to consider these really important but difficult questions and try to play a constructive role. Thank you very much.

Senator COLLINS. Thank you.

Mr. NAWAZ. Thank you.

Mr. MANDAVILLE. Thank you.

Ms. BARAN. Thank you.

Mr. MOGHADDAM. Thank you.

Chairman LIEBERMAN. We will now call Michael Leiter to the stand. Michael Leiter is the Director of the National Counterterrorism Center, served as Deputy General Counsel and Assistant Director of the Robb-Silberman Commission and then as Deputy Chief of Staff at the Office of the Director of National Intelligence, also an Assistant U.S. Attorney for the Eastern District of Virginia. Mr. Leiter is responsible for administering the National Implementation Plan, the Federal Government's efforts to coordinate the response to terrorism. One component of that is to Counter Violent Islamist Extremism (CVIE).

We welcome you, Mr. Leiter. Thank you for being here and we look forward to your testimony now.

TESTIMONY OF MICHAEL E. LEITER,[1] DIRECTOR, NATIONAL COUNTERTERRORISM CENTER

Mr. LEITER. Thank you, Mr. Chairman and Senator Collins, and Senator Voinovich. It is a pleasure to be here. I am happy to talk about the intelligence community's efforts to understand this very difficult problem, and most importantly, in many ways, the broader U.S. Government efforts to counter it, as well.

I am going to focus today on the role of ideology, as you asked, and I am also going to talk about the National Counterterrorism Center's (NCTC's) effort in that part, and I ask that my more detailed statement be made part of the record.

Chairman LIEBERMAN. Without objection, so ordered.

Mr. LEITER. Thank you. Now, before focusing on the very specific topic today, I do want to make one clear point and that is that although clearly the greatest terrorist threat we see in the United States today is from al-Qaeda and associated ideologies, this violent extremism is not historically, nor is it today, associated only with Islam. A generation ago, the violent extremist threat came primarily from the far left and the Red Brigades, and even today we continue to see a terrorist threat from organizations like the Revolutionary Armed Forces of Columbia that are clearly terrorists and violent extremists in their own right. Thus, although I think the focus today is quite

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[1] The prepared statement of Mr. Leiter appears in the Appendix on page 95.

appropriate in light of the seriousness of the threat, it is not the only terrorist ideology that we face.

Now, as you have already heard this morning, the extremist ideological leanings that set the precedent for many of today's groups were articulated first by Sayyid Qutb, a member of the Egyptian Muslim Brotherhood in the 1950s and 1960s. Now, in the most basic sense, he argued that the notion of Islam's primary enemies are Western cultural liberalism and its Middle Eastern ally, Zionism. Al-Qaeda continues in their propaganda to echo those same views today.

The core narratives repeated in al-Qaeda's message to the West and repeated in the United States at times is that the West and its allies are seeking to destroy the Muslim world and Islam and that Muslims must counter this through violence and that just rule under Islamic law is the reward for expelling Western influences.

At the National Counterterrorism Center, we assess the evolution to violent extremism consists—and this is in very general terms, it does not obviously speak to every precise individual—but in general terms, it breaks down to a four-step radicalization process. Now, first, and you heard this again from some of the panelists on the first panel, an individual develops a sense of crisis and it is often brought about, or at least accelerated by, specific precipitants, depending on their environment. Second, the affected individual seeks answers to those perceived or real crises through ideological or a religious framework. Third, the individual develops contact with a violent group and that violent group establishes a sacred authority for the individual. And fourth and clearly most

troublesome, the individual internalizes that group's values and its support for violence.

Now, of note, ideology is not necessarily central to the start of this process. Other factors before ideology might be key. And rather, it gains its greatest importance in later stages and it takes on a crucial role of preserving the radical commitment to violent extremist activity.

Now, beginning with the first stage of the process, there is no single underlying catalyst for this initial period of radicalization. Although most individuals clearly reject extremism outright, personal frustration and perceived social injustices and other grievances can prompt individuals to reassess their general world view and be open to more alternative perspectives, some of which can, in fact, espouse violence. Now, the most common catalyst, but again not the only ones, in Muslim-majority countries tend to include blocked social mobility, political repression, and relative socio-economic deprivation.

Now, the second stage begins when individuals seek answers to their sense of frustration through a politicized version—and I want to stress here a politicized version—of Islam, or in fact, it could be any other religion, and thus they become what we term religious and ideological seekers. And here again, I want to stress that in no way do I mean to suggest that seeking answers to one's problems in life through religion is in and of itself the least bit worrisome, problematic, or negative. Rather, the key component here is not the contact with religion, it is the contact with a violent extremist group or message and is an

ideology which clothes itself in some ways in religious viewpoints.

Now, the third stage of the process distinguishes between those individuals who have contact initially with that violent-prone group and those who are drawn fully into violent extremist activity, and specifically it is at this stage that an individual's willingness to accept the sacred authority of the violent extremist, that is the extremist right to interpret Islam or provide an ideological framework for violence that marks the passage to a latter stage of radicalization and ultimately a support for violence.

Now, simply reaching step three in this process doesn't in all explain why some individuals absorb this and adopt it for their own perspective, and some do not, and there are numerous factors that we assess, that will play into whether or not an individual will ultimately accept that violent extremist ideology. Some of those include, first, I would say, a previous knowledge of Islam. Many academic studies, and our views as well, have found, especially in the U.K., that many of the radicals, in fact, have a far lower level of religious knowledge than those who do not accept an extremist violent perspective.

Second, who are they learning from and what is their authority? What are their attributes? Sociological and psychological studies indicate that individuals and communities that emphasize rote memorization and an unwillingness to challenge authority are more likely, just more likely, to lend themselves to radical indoctrination than others.

Third, we have seen this and it is very vividly illustrated in the case studies of Osama bin Laden and Ayman al-Zawahiri, those with a technical education, that black-and-white ideology of violent extremism, often appeals to individuals with that background.

Fourth, and this is almost self-evident, but whether or not there are countervailing influences. A lack of exposure to a variety of Islamic perspectives and non-Islamic perspectives makes it more likely that individuals will fully internalize the violent extremist message.

Fifth, and again, this is, I think, obvious to anyone who has a teenager, peer pressure. Group dynamics are key, particularly in extremist study circles. Most likely, those will affect the prospects for successful indoctrination. Family members and friends with connections to extremist movements are critical in determining whether or not an individual will adopt this ideology.

And finally, a lack of exposure to extremist atrocities. In this case, studies such as a Pew poll published in July 2007 found that the confidence in Osama bin Laden among Jordanians dropped significantly, by 36 percent, between 2003 and 2007, reflecting at least in part the Jordanian population's widespread revulsion to al-Qaeda's attacks against hotels in Oman in 2005.

Now, Mr. Chairman, Members of the Committee, this gives you a very small sense of how we look at it in this basic four-step process, and obviously there is much greater detail and we look at it differently in different places in the world. I just want to note that

from my perspective, there is simply no more important issue that NCTC, and in that sense the U.S. Government, faces in the war on terror. In this regard, we have significantly increased both our analytic resources with a variety of expertise and also our planning resources to make sure the U.S. Government is pursuing this effectively, and we hope in the coming year, contingent on Congressional approval, to dedicate even more resources to this issue.

Now, I also want to note, and Chairman Lieberman, you noted this in part in your closing comments, that this is very different from classic intelligence challenges. A very small section of how we will understand this comes from the world of clandestine intelligence reporting that I deal with most of my day. To understand and combat radicalization requires new sources of information, and equally important, new partners, and it is new partners within the U.S. Government, with State and local authorities, and I want to stress with non-government officials and leaders in the Muslim community in America and abroad.

It also requires us to approach this from multiple angles, which we currently do, because we now approach this not only from a religious perspective, which is certainly critical, but from a sociological perspective, from a regional perspective, and from a psychiatric perspective. All four of those are pieces to this puzzle of understanding why an individual chooses to adopt this ideology.

Now, as we improve our analytic understanding of Islamist militancy, we can better shape our policy response to the threat, and through our responsibilities

as the strategic operational planner for U.S. Government-wide efforts, what we did was we created what we have termed a Global Engagement Group, and this group's sole function is to coordinate, integrate, and synchronize all elements of U.S. power to engage and combat this ideology.

Now, I want to give you a few specific examples of what this group is doing, and I can do that—I will do that to the best extent I can here in an open session. First, the group coordinates potentially divergent department and agency responses to specific situations that might be used by violent ideological extremists in their own propaganda.

Second, we are also establishing the capability to provide situational awareness to U.S. policy makers and officials about all of the things that the U.S. Government is doing, across departments and agencies, across the world, to combat this, because without that situational awareness, we cannot actually shape what the U.S. Government is doing.

If I may, Mr. Chairman, I just have another 30 seconds or so.

Chairman LIEBERMAN. Go right ahead.

Mr. LEITER. Third, the group is coordinating the long-term effort to combat this, and what we are doing is identifying very specifically through means such as sociological studies, psychiatric studies, religious studies, and the like, identifying who the next generation of recruits most likely is, and that is both domestically and abroad. And then we are shaping over 5 years and beyond, attempting to shape department

and agency programs and budgets to address those in the long term.

Fourth, we work extremely closely with our department and agency partners. I want to just mention two, but the Department of Homeland Security, the Civil Liberties Protection Officer Dan Sutherland has been a fabulous partner in this, and overseas, the newly confirmed Under Secretary for Public Diplomacy Jim Glassman, two key partners, and also, as we have talked about before, the FBI.

And finally, and this is, I think, especially important, we work very closely with the Office of Management and Budget to identify where these programs are today, how they are coordinated, and whether or not they are actually synchronized and complementing one another for the long term.

Now, I do believe that working with partners at home and abroad that we can develop targeted and refined approaches to undermining the attractiveness of violence to certain susceptible audiences. But I don't want to leave any doubt in this Committee's mind that this is an effort that is going to take many years and many new partnerships, and I also want to note that tangible results in this area are going to be both elusive and at many times very difficult to measure with any sort of reliable metrics. But none of those make the effort any less important.

Now, we are going to require cross-government efforts, as I have already noted. This Committee is a key part of that. And it is not only going to be about words, it is going to be about a diplomacy of deeds, both domestically and overseas. And I very much look

forward to working with this Committee and the larger
Congress, because so many committees have a hand in
this, and getting your guidance on how you believe we
should approach this challenge.

Chairman LIEBERMAN. Thanks very much, Mr.
Leiter. That was very good testimony. I must say, some
of the programs you describe, you have gone beyond at
least what I contemplated the NCTC would be doing,
which we saw in its creation as the central place to
make sure that all the dots were connected of
intelligence in a way that was not done before
September 11, 2001. But what you are doing also seems
to me to be directly related to counterterrorism, which
is what your defining mission is, so I appreciate it and
I am interested in asking some questions about it.

Let me first talk about the language we use here,
because it is significant and has some substance to it.
You said at the outset that what we have been calling
this morning Islamism is not the only terrorist ideology
we've faced, and, of course, I agree with that, nor is it
historically the only terrorist ideology we have faced.
But it does seem to me that it is the most significant
terrorist ideology we face now. In fact, it motivated the
attacks of September 11, 2001, which are the very
reason that we created the NCTC in the 9/11
Commission legislation. So do you agree with that, that
we are dealing more with Islamist, what we have called
this morning Islamist, ideology-inspired terrorism than
any other kind?

Mr. LEITER. Undoubtedly and without question, the
greatest threat we face today and in the world of
terrorism is from Sunni extremist ideology. I will say
one thing, if I may, Mr. Chairman.

Chairman LIEBERMAN. Sure.

Mr. LEITER. I think part of the challenge here is about words, and I think just from the four panelists you just heard from, there are not insignificant differences in how individuals and professionals would define Islamism. So I think that is a challenge. But undoubtedly, Sunni extremism is the greatest terrorist threat we face today.

Chairman LIEBERMAN. As you know, in March, there was a State Department document released that said, "Words that Work and Words that Don't: A Guide for Counterterrorism Communication," and the document recommended that government officials not make references to Islam when talking about terrorism. And, of course, our whole focus today has been to try to distinguish between the religion Islam and this radical political ideology which we have called Islamism.

I think that there was some misunderstanding, I hope, of what that report intended to say, but I just wanted to ask you whether you agree that—because I think if we don't—just listening to the four witnesses on the first panel, three of whom are Muslims themselves, that we are not going to be able to deal with the problem unless we describe it as what it is, which is originating from a radical political version of Islam which we have called today Islamism. So how do you understand that State Department guidance?

Mr. LEITER. Senator, that State Department guidance, I think was a policy choice by the Department as to how they believed individuals should speak about it. I would say that I don't agree with

everything that was in that document. I do think that you cannot separate out the fact that the terror fight we are fighting today involves Islam as a religion. But the ideology which motivates these terrorists has very little to do in reality with the religion of Islam. It is the difference between a religion and a violent ideology that has motivated these individuals. But we can't simply ignore the fact that there is a link to the religion.

Chairman LIEBERMAN. I thank you for that and I appreciate it personally. Let me go on to something you talked about, really interesting, which is a quote again from your testimony. "Much of NCTC's growth over the past 2 years and much of our planned growth in the coming year is dedicated to government-wide coordination and analysis to counter radicalization," exactly what we are talking about today. I think it is very important. You talked about it some in your opening statement, but I want to ask you to expand on it, if you would, for the Committee.

What kind of people are you hiring? What will improvements of government-wide coordination look like, and a little bit more about what other agencies you are working with and how you are working with them. We know, for instance, that the State Department cannot be involved in domestic counter-radicalization, but still they have international experience that is relevant. So talk to us a little bit more about your counter-radicalization efforts, because it seems to me that they are really at the heart of what the U.S. Government should be doing now.

Mr. LEITER. I am happy to, Mr. Chairman. First, on our analytic front, the intelligence side, we are

significantly increasing our analytic resources, and the people that we are hiring come from a variety of backgrounds. I have an individual with me today who has a Ph.D. in political science who has looked at these issues and lived in the region throughout the Arab world for many years. That is one example. I also actually have an M.D. psychiatrist trained at Harvard who has spent significant amounts of time speaking with individuals who have become radicalized from a psychiatric perspective, and so on down the line. So the stress in hiring has been to get a wide variety of views, people who have an understanding of domestic issues and foreign issues because as you well know, our mandate is transnational, United States and abroad.

Now, on the coordination side, we have also attempted to bring in people from—the lead from our team of the Global Engagement Group is a State Department Foreign Service officer who has spent a significant number of years in Arab countries and Africa. But working alongside him are individuals from the FBI and Department of Homeland Security, so we can take those lessons from places like Africa or the United Kingdom and see the degree to which they do or do not apply to the United States, and they are very different situations and much of our work is trying to understand where the threat has been, how it does or does not apply to the United States.

In terms of concrete efforts, as I said, one of our biggest efforts is to actually understand what everyone in the U.S. Government is doing on counter-radicalization on any given day. Understanding what the Department of Defense, Department of State, Department of Homeland Security, FBI, and on down

the list are doing globally is important because anything is said anywhere in the world today can also be circulated in the world anywhere today on the Internet. So I like to think of it as we have to think about this globally, to borrow a phrase from another era, think about this globally but act locally. We have to think about the global challenge of violent extremism, but then we have to apply it to individual local circumstances. And by gaining that situational awareness and working with State, FBI, DHS, and others, we can then shape those messages in a way that is consistent and appropriate for the target community.

Chairman LIEBERMAN. Because you have no doubt that we do have to confront the threat of homegrown terrorism here in the United States.

Mr. LEITER. Senator, I would agree with some of the—from the prior panel of comments. We certainly have not seen the same threat of radicalization here in the United States that we have overseas, in particular the United Kingdom and other nations. That being said, we have seen some instances, and I will certainly not rest on our current good situation to assume that will continue into the future.

Chairman LIEBERMAN. Thank you. Senator Collins.

Senator COLLINS. Thank you, Mr. Chairman.

I want to follow up on your comments that you provide situational awareness and intelligence analysis that helps other government agencies forge a counterterrorism message. This morning, we heard from one of our witnesses, and I believe you were monitoring the hearing, as well——

Mr. LEITER. I prefer not to use the "monitoring" phrase. [Laughter.]

Senator COLLINS. Good point. FISA has been passed now. [Laughter.]

But I know that you were following the hearing and one of our witnesses was quite critical of the FBI's outreach efforts. The FBI has been on the front lines of trying to develop a liaison to the Muslim communities in this country and it was interesting to hear from this one expert's opinion that we are reaching out using the wrong groups or the wrong organizations. What was your reaction to that testimony, since you, after all, are the agency that is doing the analysis to provide the situational awareness that groups like the FBI use in their outreach?

Mr. LEITER. Senator, I think that outreach by both the Federal Bureau of Investigation and Department of Homeland Security to both groups within the United States and individual leaders within the Muslim-American community is critical. I think that understanding that there are certain groups that might have individuals with whom the U.S. Government might not want to associate does not and cannot stop us from doing the outreach that this government needs to do both to understand the communities more effectively, but also, frankly, to provide these communities with a sense that they do have a voice in how their government operates, that they do not feel disenfranchised because it is just that disenfranchisement that we heard from some of the other panelists that has contributed and acted as one of the precipitants to give people a sense of crisis and

a lack of connection to their government, and outreach is one way to ensure that does not occur.

Senator COLLINS. So what criteria should the Federal Government use in determining who or which groups are useful allies in developing a counterterrorism message? If you listened to our previous panel, there are some who believe that if a group holds an Islamist ideology, then even if it has renounced violence as a means to achieving the goals of that ideology, that we should not interact with that group. Others are saying that as long as the group is non-violent, it does not matter what its basic ideology is.

Mr. LEITER. Senator, I want to be a bit careful because ultimately this obviously is a decision for Director Mueller, the Attorney General, and Secretary Chertoff about exactly what that line should be. I will say one clear line is if a group espouses violence, it is quite clear that the U.S. Government should not be talking to them.

Senator COLLINS. But that is the——

Mr. LEITER. That is the extreme.

Senator COLLINS. Right.

Mr. LEITER. Exactly. Beyond that, I think that the U.S. Government, as a general matter, has to become more comfortable speaking with more groups who may be opposed to many policies that the U.S. Government has, and it may be slightly uncomfortable, but we have to think of this as a full-spectrum engagement, and what I mean by that is we have to be willing to engage with most people on most of the spectrum regardless of

how they view U.S. policy. You are going to have to talk to some people that make you uncomfortable.

I analogize back to my days as a Federal prosecutor. I would have gotten very few prosecutions successfully—I could have brought a lot. I would have had very few successful prosecutions in the world of drugs or organized crime if I never dealt and spoke to individuals who at one point in their life had or had not been associated with drugs or organized crime.

Senator COLLINS. You talked about the four steps of radicalization. The third step that you outlined was the development of contact with radical groups. It used to be that contact involved a face-to-face meeting or perhaps going to Afghanistan or Pakistan for training. But today, it is far more insidious and far easier to accomplish because one has only to go to the Internet to make contact with a radical group. How much of our effort is directed toward providing a counter message through the Internet?

Mr. LEITER. Senator, before answering that question, I just want to note how well the NYPD has done in some of their work, so well that we actually brought an inspector from the NYPD who is now a full-time analyst at NCTC deployed from the New York Police Department. So this is another example of a new sort of partnership that in 2000 we never would have imagined having.

Senator COLLINS. I am very glad to hear that, because we have pushed to have more involvement with State and local law enforcement.

Mr. LEITER. Absolutely.

Senator COLLINS. I am very happy to hear that.

Mr. LEITER. In terms of the Internet, the Internet certainly is key and I would say that it tends to be key at the earlier stages when the individuals—they are experiencing the precipitants. They have that sense of crisis and they start looking around and the Internet gives them those initial ideas.

Now, we have seen some cases, more overseas than in the United States, where there was kind of a complete transformation in the process of radicalization that occurred almost solely from the Internet. But that still tends to be the exception rather than the rule. Again, it can be key for that initial guide towards this world, but more often than not, we still see the contact with a charismatic leader who adopts it, that face-to-face contact being very important. And I would actually venture that is most people's experience with the Internet, regardless of violent extremism, that once you have that face-to-face contact with a product or people, it becomes slightly greater pull than just from the Internet.

Now, we spend an enormous amount of time both looking at the Internet and then working with various parts of the U.S. Government on countering messages through the Internet. I will say you rather rapidly enter in a very difficult area both in terms of legal policy and the First Amendment. I am certainly no expert anymore on these issues. But you run into many difficult challenges there, most particularly because anything you put on the Internet is by definition a global message.

So what the U.S. Government does and says overseas is often quite different from what it says here in the United States. The Internet doesn't give you the option necessarily to limit your message in the same way. So this is a new challenge with policies and legal challenges that we really do have to address more over the coming years.

Senator COLLINS. Thank you.

Chairman LIEBERMAN. Thanks very much, Senator Collins. Senator Voinovich.

Senator VOINOVICH. Thanks very much for being here today. From a management point of view, I am quite pleased with what I have heard in terms of your efforts to coordinate the various agencies and the fact that you have a connection with OMB because I have found that there are many areas where we need coordination to get the job done and my feeling is that you have to have somebody at OMB that you can talk with and talk about the various agencies and how important their budgets are in regard to various aspects of the work that you are doing. We don't have it all in one place.

Mr. LEITER. Right.

Senator VOINOVICH. Second, I was thinking about low-hanging fruit in terms of things that you can do to influence people, and one of the things that you mentioned at the end was the violence and the impact that it has. I was there in Jordan and absolutely, they know who these people are right now. And I think that my two colleagues are aware of the fact that the Sunnis in Iraq found out who these people were and now have turned against them because they don't like them at

all. I wonder, could we be doing more in that area to get across how violent these people are and who are the real victims of their activity?

And then the other one, is the issue of women's rights here in the United States and even over in various other countries. There is a woman named Madsen, who is a leader trying to elevate the rights of women within the Muslim community in the United States. I wonder whether or not that is something that we should be more focused on or maybe that is something that we should stay out of.

I guess the last thing would be the issue that Senator Collins brought up, and that is, who do we deal with? One of the things that we have done in my State, we have had a very aggressive effort to reach out to the Muslim community. In Cleveland, for example, we have the Ishmael and Isaac Organization.

But we need some help. Who are the groups that we ought to be talking to in our respective States and you have identified as people that we should be talking to, because I think it is important that we talk to them, too, so that they know that they are a political constituency out there and that we are interested in what they have to say and make sure that we are talking to folks that we ought to be talking to.

Mr. LEITER. Senator, thank you for all three. I will try to take them in order. First of all, I agree with you. I think one of the most critical underlying messages that we have to get out is that this is not—the war on terror is not us versus them, West versus Islam, and there is no point that illustrates that more effectively than that more than 50 percent of the individuals who

are the victims of al-Qaeda's terrorist violence are Muslims. Whether you look at Oman or Iraq or Afghanistan, the individuals being killed tend not to be Westerners. In fact, they are Muslims. Al-Qaeda is killing Muslims and we do have to get that out more effectively.

We work with the State Department on an annual report of terrorist incidents. We post that on our own website and the State Department website and we have to get that out more effectively, and I would say that we have to get it out more effectively through non-traditional means because it isn't just about doing press conferences in embassies. It is about getting it on YouTube and the like so we are hitting the target population that we are actually most concerned with.

Now, as to your second question, I am going to admit that as we were monitoring the hearing in the anteroom, and I listened to your questions about women, I spoke to some of my analysts about that, and frankly, I think we have not focused the same attention on it that we probably should, so we already have it as a do out to go back and think more clearly about how the issue of women's rights does apply to this. We look at the issue of women in the Islamic world in some other contexts, and I think that the idea of empowering individuals to participate in their political system and political life, in this instance women, is again one of those powerful elements which starts to reduce the possible precipitants for people to go down this path in the first instance. Creating that opportunity to express themselves in the political system, whether or not they are women or men, is a key element and it is one that

I would like to come back to you in the future and speak to you more about it.

Now, on your last point about with whom should you deal, and I would agree with you, far be it from me to set your agenda and your schedule, but I think it is critically important for elected representatives at all levels of government, from the U.S. Senate down to the city councilman—I should say council person—to go out and engage with their communities and understand the issues and make sure that their concerns are being reflected in the public discourse.

Now, I would be happy both to offer you experts from the National Counterterrorism Center and I am also more than happy to help serve as a conduit with you with the Department of Homeland Security and the FBI and other agencies to figure out groups and leaders who you might want to engage with, people who you might want to consider whether or not you should engage with them, and what concerns other people in the U.S. Government should have, recognizing that you engaging with people, you might have a very different set of standards than, say, the Department of Homeland Security, and that is entirely appropriate. But I am happy to both offer our expertise and also help you work with DHS, Secretary Chertoff, and Director Mueller in determining who you and other Members of Congress might wish to engage with.

Senator VOINOVICH. Thank you. Under Secretary of State Glassman now is our public diplomacy lead. Our earlier witness indicated that there is a dilemma today, and that is that we talk about democracy and freedom, and the President articulated that in his second inaugural address, but it appears that we have backed

off substantially from that. Is that having any influence at all on folks here in this country?

Mr. LEITER. Senator, I have to apologize. This may have been one of the moments that I was not monitoring. But I will say that the idea of democracy is certainly a key characteristic of any public diplomacy message that we have, but it is one part of the message, because——

Senator VOINOVICH. When we began the global war on terrorism, the President said that we wanted democracy in Iraq. That is one of the goals that we had. Now, we seem to be talking just stability.

Mr. LEITER. Yes, sir.

Senator VOINOVICH. And there is an appearance out there that we just kind of backed off this effort after we had elections.

Mr. LEITER. Senator, I don't want to dispute people's perceptions because perceptions are reality in this case. Certainly, my experience with the President and senior leadership is that democracy agenda has not changed in the least. Now, I do believe we have to make sure if people perceive that it has, that will be a challenge.

I also want to stress that is one part of a message that will appeal to one section of the community. We have to have many other messages and speak to the entire community, because there are some individuals who could be at risk for the activities we have talked about, for becoming violent extremists, that may not actually be drawn or stopped or countered through a pure democracy message. It is a series of messages

that—some of which we may feel a little bit uncomfortable with at times. But if we are serious about countering that radicalization process, we have to be ready to do that.

Senator VOINOVICH. Thank you.

Chairman LIEBERMAN. Thanks very much, Senator Voinovich. Thanks for giving time to this hearing.

Director Leiter, thank you for your testimony. I think we are going to have to close the hearing here, but I really appreciate what you are doing, particularly this, I think, pioneering work on counter-radicalization. I think you are really on the front lines of the attempt to get at the ideological underpinnings of Islamist extremism and terrorism, and I hope you will come back at some point and tell us what your conclusions are and how you are trying to transport the product, if you will, the result, down to the field so that if there is a young Muslim American, like Mr. Nawaz in England, growing up with grievances, that he not turn to violent Islamist extremism as the expression of those grievances. But I thank you very much for your work.

We are going to leave the record of the hearing open for 15 days for additional questions from Committee Members or statements that witnesses want to add to the record.

For now, that concludes our business. The hearing is adjourned.

Mr. LEITER. Thank you.

[Whereupon, at 12:25 p.m., the Committee was adjourned.]

A P P E N D I X

**Testimony of Maajid Nawaz
Director of the Quilliam Foundation, London**

**The Roots of Violent Islamist Extremism and
Efforts to Counter it**

**Before the US Senate committee on
Homeland Security and Governmental Affairs**

Thursday July 10th 2008

**The Roots of Violent Islamist Extremism and
Efforts to Counter it**

Chairman Lieberman, ranking member Collins and esteemed members of the Homeland Security and Government Affairs committee, please allow me this opportunity to thank you all for inviting me here to testify before you today. I convey to you warm salutations from all our staff at the Quilliam Foundation in London, and in particular from my friend and co-Director Ed Husain who is currently in Egypt on an official FCO delegation on behalf of the British Government. Violent Islamist extremism is truly the bi-partisan issue of the day. This phenomenon affects those on all sides of the political spectrum, and as such it is one of those rare issues concerning which people of differing political persuasions and

backgrounds can find common ground, especially through independent voices.

As director of The Quilliam Foundation, Britain's first counter-extremism think tank, I have made it my aim to spare no effort in directly challenging the Islamist ideology wherever I happen upon it. I believe that my staff and I are uniquely placed for this endeavour due to our past involvement, at a senior level, with various Islamist organisations. In fact, my own history involves thirteen years as a committed activist with the extremist Islamist group *Hizb ut-Tahrir* (The Liberation Party). I served on *Hizb ut-Tahrir*'s UK leadership and personally exported the group from London to Pakistan and Denmark. My international activities eventually lead to my witoessing torture and a five-year conviction in Egypt as an Amnesty International adopted prisoner of conscience.

The makings of an international Islamist ideologue: my story

Having been born and raised in the boisterous county of Essex, the early nineties exposed me to situations that I never should have had to witness as a teenager. Despite my liberal British upbringing, I was subject to an appalling level of racist violence by a minority of thugs. Many of my white friends were stabbed before my eyes simply for associating with me. Arrests were made but repetitive procedural errors amidst boasts of 'contacts' in the police meant that the perpetrators were never convicted. By the time I reached fifteen I had been falsely arrested at gunpoint by the police because somebody had earlier seen my older brother, himself only sixteen at the time, playing with a plastic pellet gun. We were released the next morning with an

apology, and the plastic gun was returned to us broken. The culmination of such incidents eventually led me to a crisis of identity. Not feeling fully accepted in the country of my birth left me wondering whether I was British, English, Pakistani, Muslim or even something else entirely. What I did know was that I could not relate in any way to the Pakistani heritage of my grandfather. The religious mosque *imams* could not speak English and I in turn found it almost impossible to relate to what they preached. Whilst such a crisis of identity initially concerned only racial and ethnic dimensions, the tragic slaughter of white Muslims that was to eventually play out in Bosnia brought to the fore of my mind Europe's Muslim Question. Through this rude awakening, and for the first time in my life, I became critically aware of a Muslim identity. I could not, however, relate to my religion as taught by the poorly educated mosque *imams*. I began instead to relate to a mid-nineties trend whereby American rappers would use radical Islamic messages through Hip-Hop to engender a sense of empowerment and identity into African-Americans. The early Malcolm X, with his radical and uncompromising message, quickly became my inspiration as I became more and more disillusioned with my own society. I somehow conveniently ignored that even Malcolm tempered his views before he was assassinated - and I believe that a great deal can be still be learnt from this mans late change of heart.

At this critical juncture in my life, whilst already feeling quite anti-establishment, I stumbled across an articulate medical student from my hometown who had gone to London and returned as a *Hizb ut-Tahrir* activist. Here was a man who could speak my

language, who felt my pain and who most importantly of all could answer my questions concerning identity and faith in radically different way. Since Malcolm X, I had never heard Islam presented in this way. Islam was not about mere rites and backward rituals. Islam was a revolutionary ideology that came to liberate man from being a slave to other men's colonial laws. Muslims must refuse the artificial identities imposed upon them by colonialism. We were not Pakistani or British, rather we hailed from the pre-colonial Caliphate, an exclusively Muslim political entity for an exclusively Muslim political identity that was wiped from the minds of our fathers through years of colonial education. Muslims must reject calling Islam a religion, rather ours was a comprehensive and divine political ideology surpassing Communism and Capitalism in its detail and potential power. All we needed to do was to re-ignite this forgotten ideology in the hearts and minds of the Muslim *Ummah,* or global community, and this sleeping giant would automatically arise from his slumber to challenge Western hegemony over the world. The fire within me finally found its oxygen and at the tender age of sixteen I joined *Hizb ut-Tahrir* not because I was in any way religious, but because I sought a radical political solution to the various grievances I felt. I wanted to be an ideologue and now I had discovered a divine ideology.

After I joined *Hizb ut-Tahrir,* I immediately decided to leave my hometown for London so as to enrol at the heavily Muslim populated Newham College for the purpose of using this campus as a recruitment ground. On this campus, after joining forces with Ed Husain, I was quickly elected as President of the Students' Union with my union committee all being *Hizb ut-Tahrir*

activists too. Now, as this powerful collective and with Students' Union funds at our disposal we embarked upon radicalising the campus and recruiting more activists. My time at Newham College was brought to a sudden end when one of our non-student associates used our rhetoric to justify murdering a non-Muslim student on campus. The entire Students' Union committee were subsequently expelled from this college, but my reputation grew amongst party ranks.

Soon I was to become a national speaker, and then an international recruiter to *Hizb ut-Tahrir*. In 1999 the global leadership of *Hizb ut-Tahrir* requested that I personally travel to Pakistan to set up the group there. Pakistan had just acquired a nuclear bomb and I was told that the Caliphate would benefit immensely from this development. I duly took leave from my UK law degree and moved to Pakistan, moving from city to city leaving party cells in my wake. After my return to the UK in 2000, the group again requested that I travel to Denmark to aid with recruitment there. In between resuming my law degree I would fly out every weekend on the *Hizb ut-Tahrir* expenses until I had set up a sufficient amount of recruits for the Danish branch of the group to take over. My travels eventually led me to Egypt, where in 2002 my house was subjected to a dawn-raid and I was taken blind folded to the Egyptian State Security headquarters in Cairo, a building known as the Apparatus - or *al-Jihaz* - in Arabic. After being subjected to witnessing torture and held incommunicado in extended solitary confinement I was eventually convicted by Egypt's Supreme State Security Emergency court to five-years imprisonment.

My time in Egypt's notorious Mazra Tora gave me the opportunity to finally study Islam myself from its primary Arabic sources. I also had the opportunity of debating with some of Egypt's most well known convicted terrorists, such as the surviving assassins of late Egyptian President Anwar Sadat, or such as the founders of *al-Gama'a al-Islamiyyah* – formerly Egypt's largest terrorist group. I also had access to imprisoned liberals such as runner-up to the Egyptian Presidential elections Ayman Noor, and the then imprisoned Sociology Professor Saad el-Din Ibrahim. My adoption by Amnesty International as a prisoner of conscience, and in particular the tireless efforts of one Amnesty activist – John Cornwall – served to open my heart to non-Muslims again for the first time in 10 years. My mind, however, would still not follow without rigorous investigation. After four years of daily debate and organised studying with the whole spectrum of reformed political prisoners I gradually came to the realisation, subconsciously at first, that what I had thought was Islam, was in fact a modern political ideology masquerading as the ancient faith of Islam. Islamists had taken modern day political paradigms and superimposed them onto religion. I now refer to this ideology as Islamism, so as to distinguish it from Islam the faith.

Upon returning to the UK in March 2006 I continued in my activities with *Hizb ut-Tahrir* at the leadership level. At this stage I was in psychological denial, after thirteen years of Islamist activism, that I could have been so wrong. The more my status grew on the Islamist circuit, the more I felt hypocritical for no longer believing that Islam was a divine political ideology. I had become one of the most well recognised

figures amongst Islamists generally and in *Hizb ut-Tahrir* ranks specifically, yet I could not face the fact that I no longer believed in the ideology. I eventually learnt that the group was preparing me for leadership of the UK branch, and this news led me to my final tipping point. In May 2007, thirteen years after joining, I unilaterally announced my resignation from *Hizb ut-Tahrir,* and in September 2007 I appeared on national television to declare that I now recanted Islamism itself.

Understanding the ideology of Islamism

In understanding what the ideology of Islamism is, it would help to begin with the name. The suffix 'ism' has been added to Islam so as to draw attention to the political nature of the subject matter. Islam is a faith; Islamism is an ideology that uses Islam the faith as a justification. Some of you may be reluctant in calling this ideology Islamism. There exists an understandable concern of not wanting to alienate Muslims. It is my contention however that only by using Islamism can one popularise the notion that the ideology is indeed distinct from the faith, and that Islam is innocent from the excesses of Islamism. The presence of Islam in the title should be no more troubling for Muslims than the presence of 'social' in Socialism is for sociologists. The presence of the word Islam in Islamism, like social in socialism, indicates the justificatory claim made by the ideologue rather than an admission of the validity of such a claim. I firmly believe that by claiming the word Islamism, and helping shape how it is used, one can direct the debate in the right way with the intention of distinguishing the ideology from the faith. Finally, for all their feign of offence, Islamists use this word in

Arabic when differentiating themselves from other Arab political trends, just as Bathism.

When dealing with this question one must remain cognisant of the fact that the majority of Muslims are not Islamists. Generally, non-Islamist Muslims are from the conservative camp, such as traditionalist Sufis or Deobandis, or the literalist Wahhabis. This camp holds to socially conservative views and is historically apolitical. Non-Islamist Muslims could also be of the progressive camp, such as many leading theologians and academics today. Many in this grouping, and some from the conservatives, may even be politically active. These form the nascent post-Islamist movement of morally inspired politically active Muslims, or Muslim Democrats. However, the majority of progressives are simply secular legal positivists, believing that religion and morals cannot be a basis for strictly defining legal and political decisions. Key to the political activism of the above Muslims is that their politics is not driven by ideology.

The natural question then arises: what is the difference between an Islamist and an ordinary Muslim who may be politically active? Here some identifiers will be highlighted, not as hard and fast rules, but general guidance on the fundamental beliefs that the vast majority of Islamists will hold dear to. It is important to note that just as there is no one single definition to Communism, it is likewise for Islamism. This, of course, does not mean that Communism does not exist just as it does not mean that there is no such thing as Islamism. If, as is claimed, Islamism is a modern ideology, it follows that there must be some basic ideational factors that help shape it, ideas that can be

clearly traced as being modem. In this endeavour, I aim to identizy an Islamists ideology, law, people and state.

The first identifier of Islamism is the Islamists belief that Islam is not a religion, but a divine political ideology surpassing Communism and Capitalism. An implication of this is the Islamist assertion that Islam must have provided a detailed and divinely pre-ordained stance on matters such as political structure or the economy and these must lie, by definition, in contradistinction to structures already available in Capitalism and Communism. If these structures and systems are deemed absent, the Islamists will work to bring them about. Hence the Islamist desires to 'Islamise' all aspects of society and life. This also carries with it the Islamist assertion, subsequently also subscribed to by prominent non-Muslim commentators, that Islam is in perennial conflict with other ideologies, just like Communism in the cold war. In fact, the founder of *Hizb ut-Tahrir* used to be a Bathist or an Arab Socialist, which is where he found much of his political inspiration. Moreover, Islamists have long suffered due to their lack of theological legitimacy having been founded by political activists rather than theologians. The founder of the Muslim Brotherhood, Hassan al-Banna, was a school-teacher. The founder of the Indian subcontinent off shoot of the Brotherhood, Jamat-e-Islami, was a journalist by the name of Abul 'Ala Mawdudi. Osama Bin Laden is an engineer and Zawahiri a medical doctor, as was the man who recruited me to *Hizb ut-Tahrir* all those years ago, the current head of *Hizb ut-Tahrir* in the UK. Due to Islamists' emphasis on modern political thought they tend to attract those who have a modern education, those who can grasp discussions on sovereignty,

statehood and economy yet whose disciplines are not these social science subjects themselves, thereby explaining their willingness to adopt political ideas that lack nuance. A qualified theologian would rarely claim that Islam is a political ideology, unless he has been reared exclusively by an Islamist party to become a theologian so as to reinterpret the theology in light of the ideology, such as the Brotherhood reared Qardawi.

The second identifier is the Islamist claim that the Muslim religious code, known as the *Shari'ah*, demands implementation on state level as codified law. In other words, the legal and illegal of state law must be synchronised with *halal* (permissible) and *haram* (impermissiable) of the religious code. This again is a modern innovation unheard of in traditional Islamic sources. Muslim history is in fact bereft of examples of any type of *Shari'ah* being wholesale adopted as state law. Despite this, Islamists place so much emphasis on synchronising the *Shari'ah* with codified state law that they consider it a matter of apostasy if someone were to claim otherwise. Such a demand gives rise to Islamist claims of un-Islamic, hence illegitimate, laws that subsequently need to be Islamised. On the contrary, normal Muslims are perfectly happy for the *Shari'ah* to remain a personal code of conduct.

The third identifier is the Islamist notion of the *ummah,* or Muslim community, forming a political rather than simply a religious identity. This has parallels to the Communist idea of the international proletariat. The subsequent implication for Islamists is that loyalty and allegiances are owed to this global community above all else. Hence, an Islamist will not consider a non-Muslim as being from 'his people', nor

will he accept any national identity. Normal Muslims, on the other hand, consider the *ummah* as a religious community; hence they are free to adopt as their political identity any of a number of things. In fact, the Prophet himself declared – as a civil leader – that Jewish, Christian and Muslim residents of his city-state were all "one *ummah*", as 'citizens'.

The final identifier is the Islamist dream of having an ideological entity to represent the above three elements in the form of an expansionist Muslim bloc, the Caliphate. Its Ideology will be Islamism, its law an adoption on *Shari'ah* and its people the global Muslim political bloc. Just as the international proletariat, the global political bloc for Communists, required an expansionist state to proactively 'liberate' workers from the tyranny of Capitalism, likewise the Caliphate must proactively intervene in the affairs of other states so as to 'liberate' Muslim residents from the yoke of '*kufr*', or disbelief. Normal Muslims have no such expansionist dreams. Muslim theological authorities in each country have time and time again made the point that the days of religiously inspired expansionism went out with the Middle Ages.

It is not strange that a modern-day supremacist ideology with aspirations of a super-state and a higher people emerged in the Middle-East post World War I. The end of the age of empires led to the same phenomenon in Europe. Whereas European Fascist, Communist and Nazi parties emerged form the ashes of defeated European empires, the collapse of the Ottoman Empire lead to Islamist parties emerging in the Middle East. The very same characteristics of expansionist super-states, a higher-people, and

political party organisation are to be found in each of these supremacist phenomena. Such a development can be explained in the crisis of identity experienced by collective peoples in the aftermath of the old-world order empires collapsing.

Trends in Islamist movements

The above four elements, in general, form common ground for all types of Islamists. Despite sharing these core ideological goals however, Islamists may differ in both the intensity and candour with which they advocate them. Moreover, they certainly do differ in their strategic methodology of bringing about these four. There are three overarching strands of methodology employed by Islamists, political, revolutionary and militant. There is a great deal of both intra and inter rivalry between the many groups of each strand.

Political Islamists form the original expression of religion as ideology. Founded in 1928 by a school-teacher, the Egyptian Muslim Brotherhood now employs entry-level tactics to gain power in Muslim majority countries through the ballot-box with a view to gradually "Islamising" the political structure and laws via a fifth column of committed activists. The Muslim Brotherhood – *Ikhwan al-Muslimin* – encompassed a social movement more than an ideology, though the party was very well disciplined. In 1941 a journalist by the name of Abu 'Ala Mawdudi founded the Indian Jamat-e-Islami. By building on the Brotherhood's generalised expression Mawdudi articulated a clearer intellectual case for Islamism with slightly more conservatively religious tendencies, but still adhered to entry-level tactics.

Revolutionary Islamists are those, such as *Hizb ut-Tahrir* (1953), who are fundamentally anti-establishment. This category believes in instigating military coups against regimes with the purpose of coming to power in one clean sweep. They advocate that to use the ballot box legitimises the system of '*Kufr*' – or apostasy – and hence is absolutely forbidden. Founded by Taqi al-Din al-Nabhani, a former Arab Socialist – or Bathist, *Hizb ut-Tahrir* crystallised the generalised ideological expression of the Brotherhood by heavily borrowing from Communist ideological paradigms and Bolshevik party political theory. Uniquely, Nabhani was the only qualified Islamic jurist amongst the founders of major Islamist movements and had served as a *Shari'ah* court appeals judge in Jerusalem. His academic background allowed Nabhani to skilfully weave European political thought with *Shari'ah* legalisms, combining them with the Bathist tactic of military coups. Through *Hizb ut-Tahrir*, Islamism had found its polemicists. In 1964 Sayid Qutb, having met and debated Nabhani in Jerusalem, marked a departure from the Brotherhood's generalised 'social movement' by exporting a combination of Nabhani's revolutionary Islamism and Mawdudi's conservative Islamism into Egypt through his book, 'Milestones'. Nabhani's ideas were also shared by his good Iraqi friend Baqir al-Sadr, a hugely revered Shi'ah theologian, who popularised Islamism to many Shi'ah in Iraq through his book "Our Philosophy'.

Militant Islamists – or Jihadists – built on the solid theoretical grounds provided to them by Nabhani and Qutb but believed in creating their own army – instead of using Nabhani's theory of recruiting from the existing army – so as to remove the infidel regimes.

This category forms the violent Islamists, many of whom legitimise terrorism as a tactic, and eventually lead to what is witnessed today of the loose affiliation known as al-Qaida.

Islamist roots behind the tactic of terrorism

Not all Islamists employ terrorism as a tactic, but Islamist terrorists are by definition a product and offshoot of Islamist groups. This in no way implies that non-violent Islamists should be legally proscribed; rather it highlights the need for civil society to challenge Islamists even if they are to remain legally tolerated. Civil tolerance must be and always has been distinct from legal tolerance. In the UK the BNP are legal, but are shunned in civil society. Such a shift in tolerance attitude is only possible through education about what it is that Islamists actually believe, and how their beliefs act as ideological inspiration to terrorists. The heritage of Islamist terrorists can be traced both via the ideational inspiration behind key terrorist leaders and via the historical evolution of terrorism as a tactic.

Ideational roots:

In 1953 it was Nabhani, and *Hizb ut-Tahrir,* who first expressed the three aims most commonly associated with al-Qaida and Ayman al-Zawahiri today. These three aims, stated clearly in Nabhani's early works, are to i) overthrow Muslim majority regimes, ii) establish in their wake an expansionist Caliphate ruling by '*Shari'ah',* and iii) destroy Israel and then conquer the rest of the available word via 'Jihad'. It was Nabhani who first classified the entire world as *Dar al-Harb –* the abode of war – due to the dominance *of 'Kufr'*

throughout. It just so happened that Nabhani's methodology in fighting this war was by using pre-existing militaries rather than creating his own army. Only a return to ruling by the '*Shari'ah*' would restore *Dar al-Islam* – the abode of peace to the world. Nabhani also considered that no legitimacy could be granted to the existing rulers, as they were violating God's mandate by ruling with '*Kufr*'. Hence, forcibly removing them was legitimate and no international treaty or law of theirs was to be recognised. It doesn't take a long leap in the imagination to move from *Hizb ut-Tahrir*'s stance of recruiting from an existing army to al-Qaida's stance of recruiting their own.

Historical evolution:

The above ideational history is born out by historical cases where many violent off-shoots have indeed emerged from Islamist groups where ever they have operated. It is important to note that Islamism began as a non-Wahhabi, Salafist reform movement in Egypt. Politically, it grew into a rigid dogma, yet socially it remained relatively liberal, even through the emergence of *Hizb ut-Tahrir*. In fact, much to the protestations of non-Islamist conservatives, Islamists dressed in Western dress, listened music and did not oblige women to cover their faces. These modern political ideologues eventually found themselves seeking asylum in the Gulf. Here, the political rigidity of Islamism fused with the social rigidity of conservatives, in this case Wahhabis, and it is through this powder-keg that Islamist terrorism emerged.

The historical evolution from Islamism to Jihadism, after mixing with consevatism, requires proper attention. In the Egypt, Sadat's assassins, known as

Tanzim al-Jihad, eventually split into al-Gama'a al-Islamiyyah and al-Jihad ai-Islami. These groups are Wahhabi in creed. The teacher of the parent group, the terrorist Tanzim al-Jihad, was a non-Wahhabi *Hizb ut-Tahrir* Islamist member known as Salim al-Rahhal. To cite another example, the Islamist Mohammad Qutb, Sayyid Qutb's brother, was Wahhabi Osama Bin Laden's teacher. Abdullah Azzam, the first leader who so inspired Osama Bin Laden in Afghanistan was also a non-Wahhabi Islamist Muslim Brotherhood member. In Great Britain, Omar Bakri, the former leader of Islamist but non-Wahhabi *Hizb ut-Tahrir* UK began glorifying terrorism after becoming a Wahhabi. The same phenomenon – of Islamism merging with conservatism to produce terrorism – occurred in the Indian sub-continent. The very conservative Deobandi denomination was exposed to Islamism via Pakistan and the Afghan Jihad, leading to the emergence of the Taliban.

The above submission has focused till now on the Islamist ideology, or the pull factor behind terrorism. What cannot be ignored also are the grievances that may be exploited by Islamists to further aid their recruitment. It is noted that the aforementioned evolution of political Islamism to the more extreme revolutionary Islamism, ending with militant Islamism, largely occurred through Egyptian prisons. However, what is noteworthy is the way in which ideology interacts with grievances. Ideology serves to reinterpret local grievances as a global ideological struggle, in turn 'discovering' more grievances where the ideological solution is deemed absent. If such local grievances could be minimised, the fodder that ideologues use to plant new pastures would be denied

to them. Policy grievances, however, must only be changed if they form bad policy, not merely because terrorists hold a country hostage.

Concluding recommendations

The Quillaim Foundation has been established in London as a counter-extremism think tank aimed at simultaneously providing advice on policy reform where needed, and to provide a thorough counter-narrative to the Islamist ideology for the first time. An alternative of Western Islam, which would be at one with its host society, is encouraged as the long-term option.

In concluding this submission to the Senate, I recommend that the US government does not enter into the 'representative' game with the organised minority who have hijacked, as I once did, the voice of the silent non-Islamist majority. I recommend that work must be done to solve this problem without subconsciously accepting any Islamist premise. Hence, a 'Muslim' based approach by government – seeking to find the 'Muslim political voice' will only serve to aid the Islamist cause of identifying Muslims as a political bloc rather than religious community. Such a mistake falls for the assumption that Muslims must indeed have one political stance on any given matter, as they form one ideological bloc defined by religion. Rather, a problems-based localised and bottom-up approach, treating Muslims as citizens, is advised. This approach has been adopted by the British government and involves networking amongst normal non-Islamist local Muslims who are working in their communities to make better neighbourhoods for all. Governments cannot win arguments in communities; only civil

society can achieve this. Governments can, however, empower civil society to make the necessary arguments and some very encouraging efforts towards this already exist. Existing State Department fact-finding missions to Europe should be encouraged and broadened so that networking and support can truly be facilitated for Europe's nascent voices rising against the dominant Islamist discourse. Banning non-terrorist Islamist movements is counter-productive, provides them kudos and would merely drive them underground. However, government cooperation with Islamist groups provides them with much-craved legitimacy and should be avoided. Rather, civil society should be fully equipped in dealing with and challenging Islamist ideas and groups where they emerge.

Senator Leiberman, ranking member Collins, Committee members and staff I thank you all for your time and for presenting me with the opportunity to address you here today. I hope that my contributions serve to distinguish the noble faith of Islam from the scourge that is Islamism, so that adequate policies can be adopted when dealing with this problem without targeting or alienating normal ordinary Muslims, who are as much victims to this scourge than anybody else. The Quilliam Foundation's staff stand ready to be called upon whenever they may be required, and hope to assist in any way possible to liberate Islam from Islamism.

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APPENDIX D

The Roots of Violent Islamist Extremism and Efforts to Counter It

Committee on Homeland Security and Governmental Affairs

United States Senate

July 10, 2008

Zeyno Baran, Senior Fellow and Director of Center for Eurasian Policy, Hudson Institute

Mr. Chairman, Ranking Member Collins, Members of the Committee:

Thank you for the opportunity to appear before you today. This issue is very important for me personally and professionally and I am honored to have a chance to share my views with you.

Violence is only one of the tools used by extremist Islamists in the broader "war of ideas" against Western liberal democracy. Winning the war against terrorism is not possible unless, as the 9/11 Commission Report correctly stated, the U.S. "prevail[s] in the longer term over the ideology that gives rise to Islamist terrorism." In order to succeed, we must first come to understand the roots of this ideology: namely, Islamism.

This is not to say that all Islamists will one day become terrorists; the vast majority will never engage in violence and in fact are likely to abhor terrorist acts. Nevertheless, the first step on the path to jihadi

terrorism is instruction in Islamist ideology. Nearly all individuals involved in terrorism—whether as a foot soldiers executing the attack or as upper-level strategists, financiers, or recruiters—start out as non-violent Islamists. Therefore, the deciding factor in determining which Muslims can be allies in the so-called "long war" cannot be based on tactics—that is, whether or not a group embraces violent methods.[1] The deciding factor must be ideological: Is the group Islamist or not?

Although various Islamist groups quarrel over means (and often bear considerable animosity towards one another), they all agree on the endgame: a world dictated by political Islam. While many do not openly call for violence or terrorism, they provide an ideological springboard for future violence.

The prime example of these groups is the Muslim Brotherhood (MB). Founded in 1928, MB is the first modern Islamist movement; out of it have come numerous splinter groups, which in turn have given rise to yet more splinter groups. Consequently, there has been an exponential growth of fairly radical Islamist organizations active all over the world, including in cyberspace.

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[1] It is important to note that the "long war" concept was first used by the Islamists, and not the Bush administration. For example, in late 1998, Osama bin Laden's second-in-command Ayman al-Zawahiri explicitly wrote that "we have resolved to fight. . .in a long battle. . .Generations will pass the torch to the following ones. . ." Michael Scheuer, *Through Our Enemies' Eyes*, Washington, DC: Potomac Books, 2006, p. 25.

Over the 60 years since its founding in Egypt, MB has spread across the Middle East and expanded into every corner of the world. The tactics of the Muslim Brotherhood may be nonviolent in the West, and less violent than other groups in the Muslim world, but the ideology behind those tactics remains fundamentally opposed to the Western democratic system and its values. The worldview MB promotes can lead those exposed to it become excited to the point of engaging in violence. For example, Khaled Sheikh Mohammed, mastermind of the September 11 terrorist attacks, told US interrogators that he was first drawn to violent jihad after attending Brotherhood youth camps.[2]

Muslim Brotherhood motto says it all: "**Allah is our objective, the Prophet is our leader, the Qur'an is our law, jihad is our way, dying in the way of Allah is our highest hope.**"[3]

After I briefly discuss the ideology and ideas of Islamism, I will then talk about two key MB splinter groups, Hizb ut-Tahrir and al-Muhajiroun, before turning to the institutionalization of Islamism in America, which poses serious risks to the safety and stability of the country. Finally, I will highlight some areas in which I think the US government has adopted self-defeating policies and then suggest alternatives.

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[2] *The 9/11 Commission Report: Final Report of the National Commission on Terrorist Attacks upon the United States*, New York, NY: W. W. Norton, 2004.

[3] "Muslim Brotherhood Movement," http://www.ummah.net/ikhwan.

Islam vs. Islamism

Since 9/11, there have been various policies developed and numerous initiatives undertaken to counter so-called "violent Islamist extremism". However, the most important first step—education about Islam and Islamism—has never taken place. I simply cannot understand how one can cure a disease without understanding its root cause. So far the US government has simply dealt with the symptoms, while the problem itself is getting worse.

The starting point has to be distinguishing **between Muslims and Islamists, and between Islam (the religion) and Islamism (the political ideology)**. Islam, the religion, deals with piety, ethics, and beliefs, and can be compatible with secular liberal democracy and basic civil liberties. Islamists, however, believe Islam is the *only* basis for the legal and political system that governs the world's economic, social, and judicial mechanisms. Islamic law, or *sharia,* must shape all aspects of human society, from politics and education to history, science, the arts, and more. It is diametrically opposed to liberal democracy.

The term "Islamism" was coined by the founder of the Muslim Brotherhood (MB), Hassan al-Banna, in an effort to politicize Islam. Broadly, the label Islamist applies to individuals or groups who believe that Islam should be a comprehensive guide to life (for either Sunni or Shiite background). Islamists do not accept that the interpretation of Islam can evolve over the centuries along with human understanding or that the religion could be influenced or modified by the cultures and traditions of various regions. Nor do they recognize that Islam can be limited to the religious realm, or to

simply providing its followers with a code of moral and ethical principles. In this view, there is no such thing as religion being a private matter; all aspects of life are about Islam and for Islam.

I understand that for most Americans, dealing with Islamism is extremely difficult because it is associated with Islam. Very few people dare to question the beliefs or actions of Muslims for fear of being called a bigot or an Islamophobe. Since American culture is disposed to accepting all religions and cultures, when someone says, "This is my religion," there is a tendency not to question it. Oftentimes, there are no further inquiries about what being a follower of that religion entails or about how many different sects or interpretations of that religion exist. That is why we need to be clear: what needs to be countered is a political ideology, not a religion.

Today's Islamists adhere first and foremost to the works of the Muslim Brotherhood's most famous ideologue, Sayyid Qutb, and are not necessarily concerned with Islam's spiritual or cultural aspects. Qutb, like his ideological predecessors Ibn Taymiyya and Muhammad Ibn Abd al-Wahhab, was preoccupied with the relative decline of the Muslim world. All three believed that this deterioration was a result of Muslims straying from the tenants of "pure Islam." Qutb argued that Islam's crisis could be reversed only if "true" Muslims, emulating the ways of the Prophet Muhammad, worked to replace existing governments in the Muslim world with strictly Islamic regimes.[4]

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[4] Sayyid Qutb, *Milestones*, Indianapolis, IN: American Trust Publications, 1990.

Accordingly, followers of Qutb desire the overthrow of their current governments and declare armed jihad against non-Muslim states.

It is important to underline that this step is often viewed as "**defensive jihad**," an interpretation which has broad acceptance among many Muslims. Traditionally, questions like who can declare jihad and under what conditions has been widely debated and a broad consensus has emerged: armed jihad is a form of "just war" to protect Muslims and the religion of Islam when under attack, but can only be declared by a legitimate authority. Today, as Islamists argue that contemporary political leaders lack the legitimate authority to order armed jihad, various independent actors have taken this responsibility into their own hands. This logic has been used to justify attacks in Western countries that are deemed to be waging war against Islam—not just militarily but also culturally.

It is also very important to understand that Islamism is ultimately a **long-term social engineering project**. The eventual "**Islamization" of the world** is to be enacted via a bottom-up process. Initially, the individual is Islamized into a "true" Muslim. This process requires the person to reject Western norms of pluralism, individual rights, and the secular rule of law. The process continues as the individual's family is transformed, followed by the society, and then the state. Finally, the entire world is expected to live, and be governed, according to Islamic principles. **It is this ideological machinery that works to promote separation, sedition, and hatred, and is at the core of Islamist terrorism**.

Islamists have a long-term and well-crafted strategy. They are known to form short-term alliances and make all kinds of exceptions as long as they serve the Islamist goal in the long-term. Hence, even though they would, for example, form an alliance with governments to "prevent terrorism," this does not mean that they have stopped providing the ideological machinery that creates future terrorists.

While the MB remains the most powerful and best networked "core" organization, over time there have been different offshoots—some of which have openly promoted violence. I will just mention two of the splinter groups because they have significant influence among second- and third-generation immigrant Muslim youth, including those in the US.[5] One of the most influential is **Hizb ut-Tahrir** (HT). Like the MB, HT as an organization does not engage in terrorist activities, but has become the vanguard of a radical Islamist ideology that encourages its followers to commit terrorist acts. It too has given rise to splinter groups, some of which have been directly involved in Islamist terrorism.

Exponential Radicalization

Hizb ut-Tahrir al-Islamiyya (the Party of Islamic Liberation) was founded by Sheikh Taqiuddin an-Nabhani, whose political and religious philosophy was heavily influenced by the MB. He was first a member of the Brotherhood, but he found its ideology too

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[5] Madeleine Gruen, "Hizb-ut-Tahrir's Activities in the United States," *Jamestown Terrorism Monitor*, Volume V, Issue 16. http ://www.jamestown.org/terrorism/news/article.php?articleid=237362

moderate and too accommodating of the West.[6] As a result, he founded a splinter group in 1953, which developed from the main ideological pillars of the MB, but adopted a more radical stance on what the ultimate goal of Islamism should be and the means in which to achieve it.

Hizb ut-Tahrir effectively combines Marxist-Leninist methodology and Western slogans with reactionary Islamic ideology in order to shape the internal debate within Islam. HT doctrine stipulates that the only way to re-establish the kind of Islamic society promulgated by the Prophet Muhammad is to liberate (hence the name of the party) Muslims from the thoughts, systems, and laws of *kufr* (non-believers) by replacing the Judea-Christian dominated nation-state system with a borderless *umma*.[7] In fact, HT's key contribution to Islamism is its focus on the creation of a worldwide Islamic *umma* (community) and the re-establishment of the Caliphate. For many decades these ideas were considered extreme; more recently, they have been adopted as mainstream by most Islamists.

HT is active in the Muslim world (where it aims to overthrow governments) and in the West (where it aims to unite the Muslims around their Islamic identity and prevent assimilation into mainstream

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[6] For more details on HT and AM, see Zeyno Baran, *Hizb ut-Tahrir: Islam's Political Insurgency* (Washington DC: The Nixon Center, 2000)

[7] *The Methodology of Hizb ut-Tahrir for Change* (London: Al-Khilafah Publications, 1999), p. 5. See http://www.hizb-ut-tahrir.org/english/books/pdfs/method for _revival. pdf.

culture). HT members believe that contemporary international politics is dominated by American efforts to wage a "**fourth crusade**" against Muslims.[8] HT fans the flames with publications such as **"The Inevitability of the Clash of Civilization**," which is riddled with conspiracy theories.[9]

HT members claim to want freedom and justice. But the freedom they want is "freedom from democracy," and the justice they want can only be found under Islamic rule. Under such rule, Muslims who do not abide by sharia law will be "considered as apostates and liable to punishment according to Islamic law"[10] or, to put it more directly, they will be executed.

The freedom and justice HT seeks by overthrowing democracy can often only be attained through violence. Hence, groups such as HT never denounce acts of terror because it is deemed as a necessary means towards their ultimate goal. Moreover, HT opposes violence only until the Caliphate is created—we don't even have to wait for an Armageddon to occur-so long as HT believes that a Caliphate has been created, it will take up arms.

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[8] "Annihilate the Fourth Crusade", March 20, 2003, http://www.khilafah.com.pk/leaflets/030320iraq.html.

[9] "The Inevitability of the Clash of Civilizations", April 20, 2004, http://216.239.41.104/search?q=cache:5UCEoh1Owq8J:www.hizb-ut-tahrir.org/english/books/clashofcivilisation/clashof civilisation. pdf+the+inevitability+of+a+clash&hl=en.

[10] Igor Rotar, "Central Asia: Hizb-Ut-Tahrir Wants Worldwide Sharia Law", *Forum 18*, October 29, 2003.

However, Hizb ut-Tahrir is not likely to take up terrorism itself. Terrorist acts are simply not part of its mission—HT exists to serve as an ideological and political training ground for Islamists. In order to best accomplish this, HT will remain non-violent, acting within the legal system of the countries in which it operates—the same can be said about many of the Islamist groups, including the MB. It does not even need to become a terrorist group—winning hearts and minds is far more effective in achieving the ultimate goal. Acts of terrorism are only one tool in the radical Islamist toolbox; Islamists will be even stronger if they can turn people and systems around without violence. However, in the event they cannot establish their Caliphate by words, it may turn to using violent force.

In many ways, HT is part of an elegant division of labor. The group itself is active in the ideological preparation of the "true" Muslims, while other organizations handle the planning and execution of terrorist attacks. Despite its objections to this description, HT today serves as a *de facto* conveyor belt for terrorists.[11] As HT becomes more appealing to the activist Muslim at large, they gain a wider reach in the community. When discouraged people try to find answers, there is a greater chance they will turn to this group, which will provide them with the ideological tools that could incite them to commit a terrorist act.

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[11] In response to an article of mine entitled, "The Road from Tashkent to Taliban", April 2, 2004 on National Review Online, http://www.nationalreview.com/comment/baran200404020933.asp, describing how HT serves as conveyor belt for terrorists, Dr. Abdullah Robin, a member of Hizb ut-Tahrir Britain, posted an open letter to me on HT's website, http://www.1924.org.

Simply put, HT is not the "nonviolent" movement that it claims to be.

HT has lead to the formation of even more radical and militant groups than itself, such as the al-Muhajiroun (AM). This organization was founded by Omar Bakri Mohammed. He was born to a wealthy Syrian family in 1958 and recruited at an early age by the Syrian Muslim Brotherhood. After his participation in a failed coup against President Hafez al-Asad, Bakri was expelled from Syria. He fled to Lebanon and became a member of the local HT branch. Then, during the Syrian invasion of Lebanon in 1979, Bakri moved to Saudi Arabia, where he established AM as a front for HT. After being exiled by the Saudi government, Bakri then moved to the UK, where he received asylum in 1985.

Bakri was at first a leader of HT in the UK. However, he had a falling out with the HT leadership over tactics—he believed HT should take a populist approach and preach activism, whereas al-Nabhani sought to develop HT as an elitist and clandestine political party. HT leadership believed Bakri's style was appropriate for "more advanced stages of the party's strategy" that should be confined to Muslim countries where there was greater potential for revolution.[12] When Bakri formed AM in the UK, those drawn to a more risky and activist Islamism, the "graduates" of HT, joined his new, more radical organization.

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[12] Suha Taji-Farouki, "Islamists and the Threat of Jihad: Hizb al-Tahrir and al-Muhajiroun on Israel and the Jews", *Middle Eastern Studies*, 36, no. 4: (October 2000), p. 31.

Bakri described the September 11 attacks as "a great achievement by the *mujaheddin* against the evil superpower" and his followers annually celebrate that day.[13] Bakri stated that, "Sheikh Osama bin Laden is not just another warrior for present-day Muslims; he is a hero who stands for divine justice and freedom from oppression. Any action against him is seen as action against the global body of Muslims."[14] In fact, he has claimed to be "the eyes of Osama bin Laden" and reports indicate that the two have communicated at least as far back as 1998. After 9/11, the *Los Angeles Times* released the text of a 1998 fax from Bin Laden in Afghanistan to Bakri, urging him to "Bring down their airliners. Prevent the safe passage of their ships. Occupy their embassies. Force the closure of their companies and banks."[15]

AM has recruited in schools to send fighters to Afghanistan to join the Taliban.[16] Reports indicate that al-Muhajiroun's network fed militants in to the heart of conflicts around the world. Bakri openly admitted that he "recruited hundreds of Britons to fight for

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[13] Thair Shaikh, "London to Host Islamic 'Celebration' of Sept 11", *Daily Telegraph* (London), September 9, 2002, http://news.telegraph.co.uk/news/main.jhtml?xml=/news/2002/09/08/nextre08.xml.

[14] Press Release, Al-Muhajiroun, September 16, 2001.

[15] Stephen Braun *et al.*, "Haunted By Years of Missed Warnings", *Los Angeles Times*, October 14, 2001.

[16] "UK Muslims 'Killed' in Afghanistan", BBC News, October 29, 2001, http://news.bbc.co.uk/1/hi/uk/1625115.stm.

Islamic causes in recent years."[17] In 2000, Bakri estimated "that between 1,800 and 2,000 go abroad for military training every year. They either go for national service in Pakistan or to 'private camps' in South Africa, Nigeria or Afghanistan where they learn of weapons and explosives."[18] Although Bakri's numbers may be inflated, it is clear that al-Muhajiroun activists were drawn into conflict.

From this brief summary, it is apparent that one central organization, the Muslim Brotherhood, has led to splinters that have become progressively more radical. From the supposedly non-violent Muslim Brotherhood splintered the HT, which advocates for a Muslim world run by *sharia* law without democracy, but does not openly advocate for violence. From the HT, we got AM, which, frustrated with the in ability to make serious progress towards the common goal, took steps up to a new radicalism. AM is directly linked to Osama Bin-Laden, Hamas, and Hezbollah, and blatantly advocates for terrorist acts.

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[17] Liz Sly, "Arrests Signal Crackdown on Extremists", *Chicago Tribune*, October 5, 2001.

[18] Cahal Milmo, "Five Britons Die Fighting for Taliban in Mazar", *Independent* (London), November 17, 2001.

The Jihad-Identity Nexus: The Ziggurat of Zealotry[19]

This week marks the anniversary of the 7/7 London suicide bombings that killed 52 people. Until that day, the British government believed there was an implicit "covenant of security," meaning that radical Islamist groups could operate out of the UK, spread hateful messages, provide global networking, distribute literature, etc, as long as they did not attack the homeland. But as we see over and over again, once certain ideas are spread widely and persistently, one cannot control how people will use them—especially if these ideas are about the legitimacy of killing people in the name of their religion.

There were warnings before 7/7 and there have been warnings since. We repeatedly hear about cases of individuals not considered to be "potential terrorists" or seen as "normal" by family and friends engage in violent acts. These are not oppressed or poor people; they tend to be well-educated, gamely employed, and with loving families. As terrorism experts often note, if there is one common element among the terrorists is the tendency to appear as regular people they do not come across as "death loving" or "crazy"; they completely believe what they do is proscribed to them by their religion as the ultimate show of faith.

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[19] This phrase is taken from a Western intelligence source. The ziggurat was a form of temple in a pyramidal structure, built in receding tiers upon a rectangular, oval, or square platform, with a shrine at the summit. Access to the summit shrine was provided by a series of ramps on one side or by a continuous spiral ramp from base to summit.

It is very rare for someone to wake up and randomly decide to commit a violent act; there is almost always a process of radicalization and a network of like-minded people who become enablers. In the West, Muslims undergoing an identity crisis are the most vulnerable. There are also those who are perfectly well-adjusted and integrated and simply want to learn more about their religion; if these well-meaning citizens end up getting their information from Islamists, they too can become radicalized over time.

Radicalization can be seen as a multi-stepped process. At the bottom of the radicalization pyramid are the disenfranchised, who simply want Muslims to live in better conditions. They are typically involved in social work and proselytizing. Some of these people come into contact with an HT or AM recruiter (or a member of another Islamist group) and develop a relationship, and with it, a sense of community. The recruiter gradually introduces elements of ideology, though without mentioning that there is a greater movement behind it. After a certain period, he or she is convinced that social work alone will not make any real difference; the political conditions must change. At that point, the person takes the leap to political involvement.

Once trust is established, and with the encouragement of the recruiter (who is now a "friend"), the seeker is introduced to the organization, its political philosophy, and its objectives. During this process, the organization promotes an identity that is tied to a sense of pride founded in the glory days of Islamic civilization. In study groups and literature, the emphasis is on consciousness raising, or teaching the

individual the "right" way to think about Islam. The current state of the Muslim world is blamed on the forces of democracy and capitalism and those Muslims who ally with America and Israel. These groups use theological explanations to create a sense that Islam and Muslims are under attack.

To reinforce the study groups, consciousness-raising activities continue in private meeting places, where self-declared sheikhs instill a combination of radical theology and a sense of mission. After a while, some people become recruiters themselves to help the *umma's* consciousness-raising, while others lose patience and resort to more drastic measures.

The third level of the radicalist ladder consists of people who have decided to engage in local violence. They may target their own government by bombing an office building, or focus on a local American or Israeli target. Some people remain at this level. Others engage in one-time violence and move back down one level to the political stage. Quite a few moves on to the fourth and the final step: global jihad.

What seems to encourage people to take the final step are the hateful rants delivered by imams and leaders of the Islamist organizations. For example, over the years London's Finsbury Park mosque became a virtual social club for radicals: Omar Bakri and Abu Hamza al-Masri lectured there, and terrorists such as Richard Reid and Zacarias Moussaoui regularly attended the mosque.

On the journey from increased consciousness to militancy, it is rare for individuals to commit acts of violence for exclusively ideological reasons. Young

Muslims who engage in risky activities usually do so for a combination of ideological and social reasons. An individual who is indoctrinated with militant Islamist ideology but is not embedded within a network of like-minded peers ultimately lacks the vehicle through which he can act. In the reverse scenario, someone who feels strongly attached to the "brothers" of a local Islamist cell may become a political militant or gang member, but will not become a "religious fanatic, ready to sacrifice himself for the glory of God without the necessary ideological foundation."[20] In order to ensure that both factors are present, both HT and AM fuse ideological training with social networks. By virtue of the study groups and social activities that assume the base of their organizations, both groups have covered the globe with like-minded Islamists that encourage their peers to step up towards militancy. The internal structure of both organizations not only encourages radicalism, but strengthens inter-Islamist networking.

Islamist Infrastructure in the US

For the purpose of this hearing, I will not talk about the MB globally; I will just focus on its network in the US. There is a false sense of security in the US that derives from the belief that American Muslims are well-integrated—that the US will not face the same threat Europe is facing from its alienated Muslim youth. However, if we look at the number of attempted homegrown terror plots that were prevented (often by pure luck) we need to be very concerned. The NYPD report, "Radicalization in the West: The Homegrown

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[20] Marc Sageman, *Understanding Terror Networks*. Philadelphia: University of Pennsylvania Press, 2004). p. 115.

Threat" is an excellent source in this regard.[21] It outlines several European and American based Islamist terror cases, and finds that the homegrown threat is indeed serious in the US. Moreover, the radicalization process is accelerating (i.e. the time between being exposed to Islamism and attempting violent acts) and the individuals involved are getting younger.

To understand how and why this is happening, one has to look at where people learn about Islam, who represents Muslims and Islam, what activities are conducted by these groups, and other related infrastructure questions. This is where the MB comes in—the most prominent Muslim organizations in America were either created by or are associated with the Brotherhood and the Wahhabis and are therefore been heavily influenced by Islamist ideology. Over the course of four decades, Islamists have taken over the leadership in almost all Islam related areas in America. **This is worrisome, yet almost no one in the US government deals with it.**

How did it happen? MB members from the Middle East and South Asia began coming to the US in the 1960s as students. Most were escaping persecution— e.g. government crackdown after an attempted Islamists coup of some sort. This is also when Saudi Arabia's Wahhabi establishment began its global Islamization project, partnering with Brotherhood

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[21] Mitchell Silber and Arvin Bhatt, "Radicalization in the West: The Homegrown Threat," New York Police Department, August 1, 2007, available at http ://sethgodin.typepad.com/seths_blog/files/ NYPD_ Report-Radicalization_in _the_ West. pdf.

members around the world. In 1962, the Muslim World League (MWL) was established in Mecca, with Brotherhood members in key leadership positions, to propagate Wahhabism worldwide. Over the ensuing decades, the MWL has funded many legitimate charitable endeavors but also a number of Islamist projects. Some of this money has come to support Brotherhood activists in the US, in part to change the perception of Wahhabism in America from "extremist" to "mainstream." Looking at the situation today, they have achieved their mission to a large degree.

I will not go into a detailed history of Islamist networks established in America since then. I will just highlight some points here. The primary focus of these organizations has been education, or indoctrination, of the youth, which marks the critical first step of the bottom-up approach that these organizations use.

We see the first MB organizations established in America were the Muslim Student Associations (MSA), which are based in universities. When the first set of MB-indoctrinated university students graduated, the North American Islamic Trust (NAIT) was created in order to expand these radical ideas and extend their influence beyond college campuses. NAIT established a variety ofMuslim professional associations, schools, Islamic centers, and publishing houses so that Islamist literature could be widely circulated. NAIT was established in 1973; today, it owns hundreds of Islamic centers, mosques and schools across the US.

Then, in 1981, several other prominent Islamist organizations were created: the International Institute of Islamic Thought (IIIT), a think-tank dedicated to the "Islamization of knowledge"; the Islamic Society of

North America (ISNA), a self-described umbrella organization for all Muslims in North America to "to advance the cause of Islam and service Muslims in North America so as to *enable them to adopt Islam as a complete way of life";* and the Islamic Association for Palestine (IAP) "to communicate the Ikhwan's [Muslim Brotherhood] point of view" and "to serve the cause of Palestine on the political and the media fronts."[22] After Hamas was created in 1987 in Gaza, the IAP became its leading representative in North America.

There are a whole set of other organizations that can be added to this list; I will just mention two more because they are particularly well-known and influential. The Muslim American Society (MAS), founded in 1993; and the Council on American-Islamic Relations (CAIR), which I believe was created by MB to influence the US government, Congress, and NGOs, along with academic and media groups. The Brotherhood identified the media as "stronger than politics," highlighted the importance of training activists to present a "view of the IAP" that would be acceptable to Americans. One of CAIR's founders, Omar Ahmad, explicitly suggested the need for "infiltrating the American media outlets, universities and research centers."[23] Yet, despite being founded by

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[22] "A Brief History of the Muslim Brotherhood in the US," internal Muslim Brotherhood document, October 25, 1991 , available at http ://www.nefafoundation.org/miscellaneous/HLF/MBUS_History.pdf

[23] Transcript of October 1993 meeting of US Palestine Committee leaders in Philadelphia, available at http://nefafoundation.org/miscellaneous/HLF/93Philly_12.pdf.

leading Islamists, CAIR has successfully portrayed itself as a mainstream Muslim organization over the past 15 years-and has been treated as such by many US government officials, including Presidents Clinton and Bush.

What is critically important in all these organizations is their support for one another; the same leaders appear in multiple organizations, tend to have familial relations, and move within the same close trusted circles. Outwardly they all appear to be different entities, but they are actually part of a carefully planned Islamization effort. Thus, **an American wanting to learn about Islam (a Muslim or a potential convert) would start in MSA, end in ISNA, or move to CAIR, all the while ignorant of the fact that he or she has been part of a political movement instead of a faith group**.

It is unnerving to think that American Muslims who are genuinely seeking greater knowledge about their religion are obliged to turn to one or several of these organizations. Once there, Islamism is presented as synonymous with Islam, and the new member has no way of knowing otherwise. New members often fail to realize the groups they joined are not merely religious groups but political ones with a Wahhabi bias. If I was born and raised in the US, the chances are that I would have been an Islamist as well. However, I grew up in Turkey, and when I came here to attend university and went to my first MSA meeting, I could detect the influence of Islamism. It was the first and last time I attended such a meeting.

It is also very important to note that despite their outwardly moderate positions, **NAIT, ISNA, and**

CAIR were all named as un-indicted co-conspirators in the federal case against the Holy Land Foundation for Relief and Development (HLF), which was charged with providing millions of dollars to Hamas. Among other things, court documents and testimony specifically identified CAIR as a member of the Palestine Committee in America, which is tasked with working to "increase the financial and moral support for Hamas," to "fight surrendering solutions," and to publicize "the savagery of the Jews."[24]

It is extremely worrisome that CAIR Chairman Parvez Ahmed stated, "It is not just the HLF that is under fire, but the entire American Muslim community is under fire."[25] With this, Ahmed is implying to the American Muslim community that groups like CAIR are being persecuted simply because they are Islamic rather than because of links to terrorist organizations—further creating a sense that all Muslims need to unite under the Islamist cause. Such rhetoric is increasingly used to drive a wedge between Muslims and non-Muslims in America. The only way to stop this is through education—of Muslims and non-Muslims alike.

The HLF trial provided us with a shocking set of documents—yet most people, especially Muslims, will

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[24] Internal memo of the Palestine Committee, October 1992, available at http://www.investigativeproject.org/redirect/InternalMemo.pdf.

[25] Steven Emerson, "Worst Approach to Counterterrorism Yet," *IPT News Service,* September 18, 2007, available at http://www.investigativeproject.org/article/474

never read them and will buy in to the story of victimization propagated by the Islamists.

One document outlining the "**general strategic goal for the group in North America**" explains the goal as consisting of six stages:

1. Establishing an effective and stable Islamic Movement led by the Muslim Brotherhood

2. Adopting Muslims' causes domestically and globally

3. Expanding the observant Muslim base

4. Unifying and directing Muslims' efforts

5. Presenting Islam as a civilizational [sic] alternative

6. **Supporting the establishment of the global Islamic state wherever it is**[26]

Accordingly, Muslims should look upon this mission as a "**Civilization Jihadist responsibility**" which is outlined below:

The Ikhwan must understand that their work in America is a kind of grand Jihad in eliminating and destroying the Western civilization from within and "sabotaging" its miserable house by their hands and the

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[26] "An Explanatory Memorandum on the General Strategic Goal for the Group in North America," May 22, 1991, available online at http://www.nefafoundation.org/miscellaneous/HLF/Akram _GeneralStrategicGoal.pdf.

hands of the believers so that it is eliminated and God's religion is made victorious over all other religions.[27]

Clearly, in this case jihad is not intended to be an inner, personal struggle, as is often claimed by American Islamists when they must explain why they were caught inciting for "jihad."

This document makes clear the Muslim Brotherhood's goal is to spread its version of political Islam, making it a "civilization alternative" to a Western way of life. Even though many Brotherhood-linked organizations have dismissed this memo as "outdated," it is fairly consistent with recent statements as well as the generic long war strategy. In 2004, **MB's official supreme leader, Mohammed Akef** called the US a "Satan" and said that he was confident America would collapse. Akef **also stated that he has "complete faith that Islam will invade Europe and America, because Islam has logic and a mission**."[28]

In the past 17 years, the MB in the US has made serious progress in its six-stage strategy. In fact, if it

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[27] "An Explanatory Memorandum on the General Strategic Goal for the Group in North America," May 22, 1991, available online at http://www.nefafoundation.org/miscellaneous/HLF/Akram_GeneralStrategicGoal.pdf.

[28] "New Muslim Brotherhood Leader: Resistance in Iraq and Palestine is Legitimate; America is Satan; Islam Will Invade America and Europe," MEMRI Special Dispatch Series No. 655, February 4, 2004, available at http://www.memri.org/bin/articles.cgi?Area=egypt&ID=SP65504#_edn 10.

were not for the 9/11 attacks and the increased scrutiny on American Muslim organizations that came as a result, it might now be farther along in its plan. Terrorist acts inside the US are huge setbacks for American Islamists because their long-term strategy of gradual infiltration was seriously hurt by the 9/11 attacks; they increasingly came under the scrutiny of law enforcement authorities. It is not surprising that most of these organizations offer their cooperation to prevent Islamist terrorism inside the US. This is also the primary reason why some in the US favor engaging the Islamists.

However, as described earlier, this is a misguided policy, as ideological extremism is at the root of the terrorist problem. The NYPD explicitly stated this link in its recent report on homegrown terrorist threats, saying "jihadi-Salafi ideology is the driver that motivates young men and women, born or living in the West, to carry out 'autonomous jihad' via acts of terrorism against their host countries."[29] Turning a blind eye to Islamism and its ideological extremism— even if done for the sake of combating violent extremism and terrorism—is, in other words, extremely short-sighted and self-defeating.

Though many American Islamist organizations deny any connection to Hamas, the direct links between Hamas and the Brotherhood are indisputable. When questioned, many American Islamist organizations

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[29] Mitchell Silber and Arvin Bhatt, "Radicalization in the West: The Homegrown Threat," New York Police Department, August 1, 2007, available at http://sethgodin.typepad.com/seths_blog/files/NYPD ReportRadicalization_in_the_ West.pdf.

deny any links to the MB. If and when this deception fails, then they say the association was in the past. If pressed even further, they adopt the role of the victim, accusing their accusers of "McCarthyism" and "Islamophobia." This intimidation, up to and including anti-defamation lawsuits, has silenced many journalists, researchers, and other Muslims.

Cloaking themselves in civil rights and charity work, the leaders of these organizations have successfully managed to disguise their true agenda: supporting Islamism, and protecting and augmenting the operations of radical groups that support terrorism. It is therefore not unexpected that large sections of the institutional Islamic leadership in America do not support US counter-terrorism policy. Far from it: they denounce virtually every terrorism indictment, detention, deportation, and investigation as a religiously motivated attack on Islam. Instead of considering whether the individual in question actually broke any laws, they instinctively blame the legal accusations on bigotry or anti-Muslim conspiracies.

Yet, **the Islamist threat is real and is the result of decades of networking, infrastructure-building, and intellectual and ideological preparation**. These groups have spent billions of dollars in creating networks of like-minded supporters. In fact, much of their support comes from the "us versus them" mentality they have helped to create. Islamists sometimes even provoke incidents intended to make the American Muslim community feel under siege, presumably in an attempt to compel them to unite. They have worked hard at social engineering (i.e. Islamization) for nearly four decades. Over time the

Islamist network expanded its coverage geographically-from local to international, from charities to public relations, and eventually to national politics.

Countless young American Muslims—whether converts, Muslims born into secular families, or those brought up in traditional households—that have entered college since 9/11 are curious about Islam and their identity as both a Muslim and an American. Too often these young men and women end up at the local MSA chapter looking for answers. Perhaps it's no wonder that a Pew report released in May 2007 found a quarter of American Muslims aged 18 to 29 believe suicide bombings against civilians can sometimes be justified to defend Islam, while only 9 percent of those older than 30 agreed.[30]

How to counter Islamism?

First and foremost, US government entities and all those individuals tasked with "Muslim outreach" need to know who they are dealing with before bestowing legitimacy on them as "moderate" Muslims. For months now, FBI agents have been trained by CAIR to be "sensitive" to Muslims. This is completely self-defeating. Furthermore, there have been rather embarrassing cases of top government officials, including Presidents, posing with their "moderate" Muslim friend for a photo, only to find later that the person was providing funding to enemies of the United States.

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[30] "Muslim Americans: Middle Class and Mostly Mainstream," Pew Research Center, May 22, 2007, available at http://pewresearch.org/assets/pdf/muslim-americans.pdf.

Many of the American Muslim organizations are founded to further a political agenda. They are not civil rights groups or faith groups—they are political entities with a very clear political agenda. When they raise a civil rights issue, it may be to correct a real issue, but most of the time it is brought up to serve an Islamist cause. They hardly ever take up civil rights issues of Muslims who are not linked to Islamism. Moreover, when Islamists engage in interfaith activities, they only do it as an act of *dawa,* whereas Jewish or Christian groups tend to be genuinely interested in building bridges with Muslims.

Second, it is an Islamist myth that US support and engagement for truly moderate Muslims would discredit these Muslims in the eyes of the community. This is a trick to keep the US away from non-Islamists, while the Islamists continue to enjoy all kinds of access and influence. Islamists thrive on US support and engagement, which effectively legitimizes their self-appointed status as representatives of Muslim community. This engagement also legitimizes the Islamists' self-appointed ability to judge the "Muslimness" of others.

Bestowing this status and capability upon Islamists is particularly dangerous in America. Muslims living in the US—particularly converts and those born to immigrants—are more vulnerable to being won over by Islamist ideology because America does not have a strong native tradition of Islam. American Muslims searching for a greater understanding of what it means to be Muslim often find little information available except those provided by Islamists.

For example, the State Department works with various Islamist organizations in conducting "visitor exchange programs" with Muslims, including imams, coming from outside the US to learn about Americans, American culture and American Muslims. However, this program is de-facto helping Islamists to gain further legitimacy and helping them extend their networks of personal contacts.

Third, with so much information already in the public domain, it is simply irresponsible to claim ignorance of some American Muslim groups' agendas. There are a whole set of questions that need to be asked of organi zations who offer help in "countering violent extremism". These include:

- Who is the founder and what is the organization's purpose? (Clearly, one would need to confirm that they are indeed telling the truth, since so many of the Islamist groups are based on deception and dual roles.)

- Where does their funding come from? (Not just now, but also at the start; again, one should not just accept what they say at face value.)

Fourth, the mantra that only Islamists can pull radicalized Muslims away from terrorism, and therefore they need to be further empowered in dealing with "countering violent extremism" is completely illogical. The reason these people are radicalized is Islamist ideology; if the MB and related groups could keep radicals under control, they would have done so already. These people either left MB structures or do not want to be affiliated with them precisely because they have moved to more radical platforms. As long as

Islam ism is actively spread, its ideas will continue to wreak havoc.

The purpose of "engagement" needs to be clear. It means finding allies among Muslims who would help to prevent radicalization. The only true allies in countering an ideology that is fundamentally opposed to America and its ideas are those Muslims who share American ideas or at the very least, do not want to undermine them. This group includes the pious and practicing, liberal, secular, and cultural ones—the quiet, but still overwhelming majority of American Muslims. Most of these Muslims are truly moderate, and by definition simply want to live their lives and do not want to take part in organizations to further the global political agenda of the Islamists.

The Muslims that need active support are non-Islamist people who understand the inherent in compatibility between Islamism's desired imposition of *sharia* law upon society at large and Western society's pluralism and equality. They are on the American side of the "war of ideas." Non-Islamist Muslims can be practicing or not—it is irrelevant. After all, the issues the terrorists raise to gain support are often unrelated to Islam as a religion.

In addition to finding allies, in the "war of ideas" the US also has to have a good product. An increasing number of Muslims prefer the competitor's "product" which contains a two-pronged message:

1) The current system only benefits those in the US-led "West" and so must be overthrown. This very seductive message not only appeals to Muslims, but also brings together a diverse assortment of

leaders/peoples from Hugo Chavez to Vladimir Putin and Mahmoud Ahmadinejad.

2) "Democratization" is a euphemism for the replacement of traditional cultural values with those of the West (i.e. cultural assimilation).

This simple "product" casts the West as the aggressor so Islamist Muslims feel justified in waging a *defensive* jihad. The tools the "competitor" include deception and cooptation—they are well aware of the power of strategic communications.

Unlike the threat posed by the Soviet Union, America's new and more fluid enemy demands a multi-faceted, and more importantly, an ideological response. To effectively counter the message of the Islamist organizations, the US needs to pull together its own toolkit and confidently and aggressively make its case. A good start would be to reveal the deception of the Islamists.

For non-Islamist Muslims, especially in the US, Islam is a matter of personal faith. As long as the government continues to grant them freedom to practice their faith as they see fit and their civil rights are respected, they have no reason to organize politically. And there is no doubt America is and remains the best place for Muslims.

APPENDIX E

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ctionaryResults.aspx?refid=1861622547
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Islamize

person present singular is-lam-iz-es)

transitive verb

Definition:

1. convert to Islam: to convert people or countries to
Islam

2. make subject to Islamic law: to cause people,
institutions, or countries to follow Islamic law

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STOP ISLAMIZATION OF AMERICA

SIOA Mosque Manifesto: All Mosques are Not Created Equal, A Handy Guide to Fighting the Muslim Brotherhood

July 8, 2010

By admin

As we have been reminded time after time after grisly Islamic terror plots have been exposed, there is always a mosque, and the imprimatur of a cleric, behind every operation.

Controversy Surrounds Construction of Mosques Across U.S.

We have seen communities take action in Staten Island; Sheepshead Bay, Brooklyn; Rutherford County, Murfreesboro, Tennessee (where mosque opponents have scheduled a petition march for July 14); and Wisconsin.

They're separated by thousands of miles, but they share a common controversy: Mosques. Murfreesboro, Tenn., has joined a growing list of midsized towns in the U.S. that are embroiled in conflicts over proposed mosques being built or brought in their neighborhoods. Including Murfreesboro, residents have risen up against mosques in two other Tennessee towns, in Staten Island, N.Y.; Sheboygan County, Wis.; and the Sheepshead Bay neighborhood of Brooklyn, as well as the proposed mosque and Islamic Cultural Center near Ground Zero, which has garnered some of the most heated battles. A new Quinnipiac Poll shows that well

over half of New Yorkers – 52 percent oppose building a mosque near the 9/11 site. Only 31 percent support it. Among ethnic groups, Hispanics show the greatest opposition to the Ground Zero mosque, 60 to 19 percent. Among religious groups, Jews and white Catholics expressed the greatest opposition, both at 66 percent.

I have created (with the help of Robert Spencer, of course) a handy guide for folks across America who find themselves faced with a huge monster mosque proposal in their small towns. Robert and I will happily assist in research and direction. Meanwhile, here is a step-by-step guide to how you should proceed.

1. *Find out who and what the players are*. The vast majority of mosques are backed by groups that are linked to the Muslim Brotherhood, the group that is dedicated to "eliminating and destroying Western civilization from within." Mosques with jihadist, terror ties must be fought fiercely and defeated. Look for connections to the Muslim American Society, the Islamic Society of North America, the North American Islamic Trust, the Islamic Circle of North America, the Muslim Student Association, and other Brotherhood-linked groups. The dossier on the stealth jihadists at CAIR, ICNA, ISNA, MAS, etc., are in the evidence presented at the Holy Land terror trials. Check the group affiliations of the mosque organizers against the list of Brotherhood groups on page 18 of this document, page 32 of the pdf. Usually this is public and easily obtainable information, since despite their Brotherhood connections these groups are still regarded as "moderate" and wholly benign by most law enforcement and government officials. Nonetheless, if the mosque is

indeed a Brotherhood-linked entity, notify local reporters, and persist. If they ignore the story, ask them why they're not following up on this link between the mosque organizers and the Brotherhood, the parent group of Hamas and Al-Qaeda.

If none of the groups behind your mosque are on the list, find out as much as you can about the groups that are involved: it is part of the Brotherhood's strategy in the U.S. to create a dizzying array of groups, so that organizational affiliations are obscured and links to unsavory groups and individuals be easily denied; however, often there is a great deal of personnel overlap between various Islamic groups, and so connections can be established.

Also find out as much as you can about the mosque's imam and other leaders, if any. Often imams with "moderate" reputations are anything but. Take, for example, the Imam Anwar a-Awlaki. He was the go-to Muslim cleric for reporters scrambling to explain Islam after 911; yet it turned out that he was the same imam who guided the 911 Muslim attackers to commit jihad. Al-Awlaki was the "spiritual adviser" to three of the hijackers who attacked America on Sept. 11, 2001. He guided the 911 jihadis, the Fort Hood Major Muslim, and the Christmas balls bomber. He was the imam at the *respected* Dar al Hijreh mosque while being the go-to Muslim for big media for information on Islam. Exactly like how the unindicted co-conspirator, Hamas-linked CAIR's leaders are the go-to guys for media now.

Imams matter.

Be sure to check out not just the organizers, but who is being brought in to speak. A mosque could have no

discernible or public connections to the Brotherhood, but then bring in to speak someone like Siraj Wahhaj (a "potential unindicted co-conspirator" in the 1993 World Trade Center bombing case) or Ingrid Mattson (leader of the Hamas-linked Islamic Society of North America).

2. *Check on the sources of their funding.* This information will most likely be harder to come by, and that should give you an opportunity to ask questions, and to ask the local media why they aren't asking questions. Most mosques in America are Saudi-funded and stocked with Islamic supremacist Saudi literature. Ask mosque leaders, if they aren't forthcoming about the sources of their funding, what they have to hide. Call for funding transparency. And if they admit to Saudi funding, ask them what assurances they can give the community that Saudi Wahhabi Islamic supremacism, with its contempt for non-Muslims and desire to subjugate them, will not be taught at the mosque.

3. *Call for a full curriculum review access to reading lists, etc.* The mosque and/or the Islamic school's curriculum, as well as its funding, should be transparent: as Ayn Rand said, "Honest people are never touchy about the matter of being trusted."

The Mapping Sharia project found that three out of four mosques preach hate and incitement to violence – and that includes the last (chronologically) and most authoritative chapter of the Koran on jihad – chapter nine, Repentance. This corroborates the testimony of the Muslims Sheikh Muhammad Hisham Kabbani before a State Department Open Forum in January 1999. Kabbani said that 80% of American mosques

were controlled by "extremists." Also, the Center for Religious Freedom report in 2005 found that hatred of Jews and Christians and Islamic supremacism were extensively taught in American mosques.

Those are the only surveys of what mosques in America teach that anyone has ever undertaken, and they all agree. Supporters of mosque construction can't point to any competing studies that claim to show that mosques in America teach pluralism, free speech, love for non-Muslims, equality for women, etc. There aren't any.

The Islamic Saudi Academy (ISA) in Virginia used textbooks that called for jihad and called Jews apes and Christians pigs. The U.S. Commission on International Religious Freedom's report criticized ISA textbooks for stating that it was permissible for Muslims to kill converts from Islam and adulterers. The results of this teaching are obvious: former ISA valedictorian Ahmed Omar Abu Ali was convicted in federal court of joining Al-Qaeda and plotting to assassinate president George W. Bush. And former ISA student Mohammed El-Yacoubi was carrying a suicide note and was believed to be planning a suicide bombing attack in Israel.

And check out the proposed reading list ties sponsor of proposed huge Tennessee Islamic facility To Global Muslim Brotherhood – read it all here.

> The website of the Islamic Center of Murfreesboro (ICM) says it "is not in any way associated or affiliated with any outside organization locally, nationally, internationally or any other way. However, the ICM reading list suggests, at the least, an ideological affiliation

with the US Muslim Brotherhood and includes works by the following authors":

- Yusuf Al-Qaradawi (Global Muslim Brotherhood leader)

- Harun Yahya (Turkish "creationist" known for anti-Semitic writings and heavily promoted by the GMB)

- Ahmad Sakr (important figure in early history of the USMB)

- Jamal Badawi (USMB leader)

- Akbar Admed (Pakistani American close to USMB)

- Hassan Hathout (deceased leader of the Islamic Center of Southern Ca with likely background in the Egyptian MB)

- Ahmad Von Denffer (German Muslim Brotherhood)

- Taha Jabir (likely Taha Al-Alwani International Institute of Islamic Thought (IIIT)

- John Esposito (Georgetown academic and longtime USMB supporter)

It should be noted that the ICM book list also features "Silent No More," the work of ex-Congressman Paul Findley, a long-time harsh critic of Israel and a supporter of the Council on American Islamic Relations (CAIR), an important part of the US Muslim Brotherhood. Mr. Findley appeared at a 2006 press conference

at the World Assembly of Muslim Youth (WAMY) headquarters in Saudia Arabia to support a CAIR initiative.

The ICM also has reported that is sponsored a January 2009 protest against the Israeli "war on Gaza."

4. *Research zoning laws, parking laws, traffic laws, etc.* The best advice is to assemble a team in your neighborhood to start researching. While this is being done – play the bureaucrats' game. Check zoning, traffic codes, etc. If there is rezoning involved, fight it. If there are some changes to codes, fight them. Keep it tied up. Exhaust them. While the bureaucrat brigade is attacking that flank, research the people and the funding. Try to find pro bono lawyers in your town who understand the problem. If there are none who understand it, make a presentation to lawyers who will listen – giving them facts, not emotion. Robert and I will come to your town and help you in this if need be.

At the end of the day, our government is only there to protect us. They steal the rest for their own political purpose, but the point, the goal, the reason for government is to protect our individual rights. Government = force, and if the Muslim Brotherhood intends to open a satellite HQ in your town or neck of the woods, it is up to the government, once presented with the facts, to protect it citizens from Islamic supremacists and jihadism. It could be up to you to present them with those facts. Be ready.

App. 200

STOP ISLAMIZATION OF AMERICA

Geller, Spencer in Big Government: The 9/11 Mosque's Peace Charade

[illegible date], 2010

By admin

By Pamela Geller and Robert Spencer

A massive fifteen-story mosque and Islamic Center going up in what was once the shadow of the World Trade Center claims to offer "the opposite statement to what happened on 9/11." The Center organizers, the America Society for Muslim Advancement (ASMA), have worked hard in the media to portray themselves as Islamic moderates working for peace on the exact spot where their belligerent coreligionists perpetrated murder and mayhem in the name of their religion. But the words and deeds of the leaders of the effort, the Imam Feisal Abdul Rauf, suggests a more ominous reality: Abdul Rauf is a master of deceptive, Orwellian use of language, manifesting a deep contempt for non-Muslims and full accord with the supremacist goals of the 9/11 hijackers.

So anxious were they to secure the location at Ground Zero that a Muslim real estate company paid $4.85 million in cash for the building, with part coming from Abdul Rauf's other Islamic group, the Cordoba Initiative. It is unnerving – the deliberate speed and anxiousness that the leader of the American Society for Muslim Advancement has demonstrated in working to open a mosque at the gaping would of Ground Zero. He

claims that it will heal that wound. But how will it do that? How will a mosque, the place where jihadis go for spiritual sustenance, at Ground Zero help stop jihad terrorism? Even the name of the initiative – Cordoba – speaks volumes. While Islamic Spain is held up today as a proto-multiculturalist paradise, in reality non-Muslims there suffered under the discrimination prescribed in Islamic law for dhimmis, non-believers who were subjugated as inferiors and denied equality of rights.

ASMA seems to have deliberately sought a connection to Ground Zero for their new mosque site. Muslims are already conducting daily prayers on the site, an old Burlington Coat Factory outlet where, according to Abdul Rauf, "a piece of the wreckage fell."

The group purports to come in peace, although it declined to send a representative to discuss the initiative with one of us on Mike Huckabee's show on Fox News Saturday. This was after one of us confronted Islamic apologist Michael Ghouse on Sean Hannity's radio show on Friday, exposing the insensitivity and unsavory aspects of the 9/11 Mosque project. Abdul Rauf's group gave this statement to Huckabee:

> For over a decade, the Cordoba Initiative and American Society for Muslim Advancement have worked tirelessly to build bridges with other faiths, while condemning violence, extremism, and prejudice of any sort. Our mission is to be a beacon of hope, peace, understanding and harmony to those who join us in condemning hatred and violence of any kind. Too often the question arises of why moderate, peace-loving

> Muslims do not speak out. We cannot think of a more wonderful expression of our religion than the Cordoba House, where American Muslims stand together with our fellow citizens to condemn extremism and terror. It is a project to honor those who were harmed on September 11th. It is a project to proclaim our patriotism to this country and stand side-by-side all men and women of peace.

How does building a giant mosque at Ground Zero address the problem of moderate Muslims not speaking out against terrorism? How does this mosque honor those who were "harmed" – i.e., brutally murdered – on September 11? Whom does a mosque at 9/11 really honor: the Americans who lost their lives, or the jihadis who murdered them?

It's no wonder that many have greeted such words with skepticism, seeing the Ground Zero mosque as a demonstration of supremacism and triumphalism. Debra Burlingame of 9/11 Families for a Safe and Strong America, whose brother died in the Pentagon on 9/11, declared: "This is a place which is 600 feet from where almost 3,000 people were torn to pieces by Islamic extremists. I think that it is incredibly insensitive and audacious really for them to build a mosque, not only on that site, but to do it specifically so that they could be in proximity to where that atrocity happened."

There is amply support for the idea that this Islamic center is an insult to the victims of the 9/11 attacks. Throughout Islamic history, wherever they have conquered, Muslims have converted non Muslim houses of worship into mosques and built mosques on

the holy sites of other religions. The Dome of the Rock, built on the site of the Temple in Jerusalem, the Umayyad Mosque in Damascus built over the Church of St. John the Baptist, and the Aya Sofya mosque in Istanbul, formerly the grandest church in Christendom, are three notable examples among a great many. While at Ground Zero the mosque is not being built over the site of a synagogue or church, the same pattern of conquest and supremacism is in evidence: the World Trade Center cite was a symbol of American economic power: the 9/11 Mosque is a symbol of the conquest of that power.

Abdul Rauf's own statement, rather than allay such concerns, actually gives credence to this view. He has blamed the West, rather than Islamic jihadists, for terrorism on several occasions. He has said, according to Australia's *Sun-Herald*, that "the US and the West must acknowledge the harm they have done to Muslims before terrorism can end." He has also claimed that "Western active involvement in shaping the internal affairs of Islamic societies have contributed to the creation of terrorism done in the name of Islam."

In other words, stop fighting back. Let the jihadis do as they please.

Abdul Fauf has also called Archbishop of Canterbury Rowan Williams' endorsement of the implementation of Sharia courts in Britain "forward thinking" – despite Sharia's denial of basic freedoms including the freedom of speech, freedom of conscience and equality of rights of all people before the law. He has called upon Barack Obama to emphasize "the commality of Western and Islamic values" claiming that "if the United States lives

up to the values in the Declaration of Independence, the Constitution and the Bill of Rights and if Muslims can live up to the principles of Islamic law, then we will find we have fewer points of conflict and more common ground." Then all will be well: "Muslims no longer will fear Western domination and the West no longer will fear Islamic expansion."

Does Abdul Rauf really think that the devaluation of a woman's testimony and the institutionalized discrimination against non-Muslims, both mandated by Sharia, are really compatible with the Bill of Rights? Does he really think that stoning people to death for adultery or amputating their hands for theft are compatible with the Eighth Amendment's prohibited of cruel and unusual punishments?

Whatever he thinks of those elements of the Constitution, he doesn't appear overly fond of the freedom of speech. Abdul Rauf has compared the West unfavorably to the Islamic world, since the West "protects the right to say anything, no matter how insensitive or scandalous," while Islamic cultures "balance freedom of expression with respect for elders, traditions and modesty. The idea of respect and honor to elders is deeply ingrained in their psyches." He has criticized the Swiss ban on minarets as a restriction on religious freedom, without saying a word about the severe restrictions on non-Muslim religious practice in Islamic states such as Saudi Arabia, Pakistan, Iran, and Sudan.

In many of his public statements, Abdul Rauf is patently dishonest. After the Fort Hood jihad massacre, he claimed that the shootings were "against the laws of Islam"– a claim that looked ridiculous and deceitful

after Fort Hood shooter Nidal Hasan's writings came to light, explaining (with copious references to the Koran) the Islamic requirement to wage war against infidels. If Hasan was wrong and Abdul Rauf right about Islam, Abdul Rauf, as a leading American "moderate," could have and should have seized the opportunity to explain exactly how, so as to allay the legitimate concerns of non-Muslims and emphasize to Muslims in America how and why they should be unreservedly patriotic Americans. He did not.

Abdul Rauf also has unsavory associations with pro-Sharia groups. Journalist Alyss A. Lappen reports that "whenever Feisal first considered building a mosque across from Ground Zero, he had the idea firmly in mind by 2004, when he wrote *What's Right with Islam*. The book was translated into many languages. In Indonesia's Bahas, its title translates as "*The Call from the WTC Rubbles*," Rauf promoted the book in December 2007 at Kuala Lumpur gathering of Hizb ut Tahrir – an organization banned in Germany since 2003, and also outlawed in Jordan, Syria, Lebanon, Egypt, Tunisia, Turkey, and Saudi Arabia, among other places – and ideologically akin to the MB. Both seek to replaced the U.S. Constitution with Islamic law (sharia), and eventually impose Islam and sharia law worldwide." The "MB" is the Muslim Brotherhood, an international Islamic organization from which come Al-Qaeda and Hamas. The Brotherhood is dedicated in its own words, according to a captured internal document, to "eliminating and destroying Western civilization from within."

Is that Feisal Abdul Rauf's agenda as he works to build his massive Islamic Center at Ground Zero? It certainly

seems so. That's why our new group, Stop Islamization of America, is holding a rally against the 9/11 Mosque on June 6 in lower Manhattan. 9/11 families and freedom fighters including ex-Muslim human rights crusader Nonie Derwish and ex-slave Simon Deng will be speaking– and stating matters more honestly than Feisal Abdul Rauf ever has.

Pamela Geller is the editor and publisher of AtlasShrugs.com; Robert Spencer is the director of JihadWatch.org. They are the coauthors of ***The Post-American Presidency: The Obama Administration's War On America*** **(coming July 27 from Simon & Schuster).**

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STOP ISLAMIZATION OF AMERICA

Detroit Transit Sued for Nixing SIOA 'Leaving Islam?' Bus ads

June 1, 2010

By admin

Washington Times:

A bus-ad campaign that seeks to offer resources to those considering leaving Islam already has stirred up controversy in Miami and New York, but its next city may create the most fireworks – Detroit, the U.S. metropolitan area with the heaviest concentration of Middle Easterners.

The Detroit-area bus authority has refused to run the ads from Stop Islamization of America, an organization headed up by conservative activist and anti-jihad blogger Pamela Geller, prompting SIOA to file a federal lawsuit Thursday in the U.S. District Court for the Eastern District of Michigan.

Mrs. Geller said the transport authority's refusal to run her ads violates her First Amendment right of free speech, and she will take the lawsuit to the Supreme Court if necessary.

"It is against the law, and I tell you, those ads will go up whether the like it or not," Mrs. Geller said.

SIOA initially encountered a similar refusal in Miami, but Mrs. Geller said a lawsuit prompted the transport-authority there to relent in less than 24 hours.

Several calls to the Suburban Mobility Authority for Regional Transportation, which operates the bus system serving Detroit and two surrounding counties, were not return Thursday.

Dawud Walid, executive director of the Council on American-Islamic Relations of Michigan, said he expects that even if the ads do run in Detroit, they will not elicit any response besides puzzlement. The Detroit area, centering on Dearborn, is home to a quarter-million Muslims, whom Mr. Walid does not expect to react favorably to the presence of SIOA's ads in their city.

"If she's planning to put those Islamophobic ads in Detroit, she's wasting her time," Mr. Walid said.

The Detroit area also has a large Arab and Middle Eastern Christian population, centering on suburbs north of the city proper.

Mrs. Geller said SIOA began its national city-by-city ad campaign in response to bus ads in Florida inviting people to convert to Islam.

[..]

But a public educator in Dearborn, speaking on the condition of anonymity owing to fear of retribution, said there is a climate of fear in the Detroit area's Muslim community.

"The fear is palpable. I know there are things I am "not allowed" to say. A discussion of religion with a Muslim person is often prefaced by the statement, 'Don't say anything about the Prophet [Muhammad].' In free society, open and honest conversation is not usually

begun by a prohibition. Threats and intimidation are just part of life here."

CAIR's denial of the dangers of apostacy are part of the reason behind Mrs. Geller's campaign, which she defined as a religious-freedom issue.

"We're not encouraging people to leave Islam," she said.

Whether or not the ads actually encourage apostasy, the furor elsewhere already have received a considerable amount of negative attention from American Muslims.

"The ads are to serve a purpose – to incite Islamophobia," Mr. Walid said, "The average person here will see them for what they are."

The Dearborn educator, however, said the ads serve a positive purpose.

"This kind of campaign and Americans support of it could assure these frightened Muslims that they have the rights that every other American has, that they will be protected, not abandoned or exposed to their leaders should they act upon their desire to be free," the teacher said.

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STOP ISLAMIZATION OF AMERICA

SIOA Condemns Obama's Blessing of Ground Zero Mega-Mosque; Bolton, Wilders to Speak At 9/11 Rally

August 14, 2010

By admin

UPDATE August 19: After initially agreeing to speak, Gingrich will not be addressing the rally.

NEW YORK, Aug. 14/PRNewswire-USNewswire/ – The human rights organization Stop Islamization of America (SOIA) strongly condemns Barack Obama's blessing of the Islamic supremacist mega-mosque to be built at the hallowed ground of the September 11, 2011 jihad terror attack. SIOA founder and executive director Pamela Geller said in a statement that Obama "has, in effect, sided with the Islamic jihadists and told the ummah (at an Iftar dinner on the third night of Ramadan) that he believes in and supports what will be understood in the Islamic world as a triumphal mosque on a site of Islamic conquest." Geller noted that in coming out in favor of the mosque, Obama confused the issue by framing it as one of religions liberty, when no opponent of the mosque is calling for restrictions on anyone's religious freedom, ignored the historical record showing that thousands of mosques have been built over the cherished sites of conquered peoples (notably the Dome of the Rock on the site of the Jewish

Temple in Jerusalem); and also ignored the clear evidence of the mosque backers' duplicity and refusal to condemn the jihad terrorist group Hamas. "Obama must know," said Geller, "that this is not about religious liberty. No one has suggested abridging the First Amendment to stop the mosque, and to oppose the Ground Zero mosque is not to oppose the First Amendment. There are hundreds of mosques in New York, thousands in America. This is not a religious issue. This is an issue of national dignity and respect for those who were murdered at that site in the name of Islam. Mutual respect is a two way street." "We, in the West," Geller continued, "are constantly being told to be sensitive to Islamic sensibilities regarding images of Muhammad and so-called 'blasphemy.' We are told that criticism of jihad violence is 'hate speech.' But where is the reciprocity? Where is the Muslim compassion for the grief and the pain of not just the 9/11 families but of all Americans? Every American was a target that day; the 9/11 families took the hit for us." The Freedom Defense Initiative (FDI) and SIOA will be hosting a rally against the Ground Zero-mega mosque on September 11 at 2pm at Park Place, between Church Street and West Broadway. The confirmed list of speakers includes 9/11 family members; former U.S. Ambassador to the United Nations John Bolton; former Speaker of the House Newt Gingrich; the Dutch Parliamentarian and freedom fighter Geert Wilders; Gary Bernsten, a candidate for the U.S. Senate from New York; Jordan Sekulow of the American Center for Law and Justice, which has filed suit to stop the Ground Zero mega-mosque; Ginny Thomas, Supreme Court Justice Clarence Thomas's wife; Michael Grimm, a candidate for Congress from New York's 13th district and a 9/11

first responder; and journalist Andrew Breitbart. Hosting the rally are Geller, the popular blogger and columnist who publishes that acclaimed AtlasShrugs.com blog; and SIOA associate director Robert Spencer, the bestselling author and director of JihadWatch.org. Geller is the author (with Spencer) of The Post-American Presidency: The Obama Administration's War on America (foreward by Ambassador John Bolton), published by Simon & Schuster. Free citizens are coming from all over the U.S. to attend the rally. Join the largest Caravan in America coming cross-country to the 9/11 Rally. SIOA is one of America's foremost organizations defending human rights, religious liberty, and the freedom of speech against Islamic supremacist intimidation and attempts to bring elements of Sharia to the United States.