



CAIR
Council on American-Islamic Relations

Written Statement of the
Council on American-Islamic Relations

On

Hate Crimes and the Threat of Domestic Extremism

Submitted to the

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

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

Chairman Durbin and Ranking Member Graham, the Council on American-Islamic Relations (CAIR), America's largest Muslim civil liberties and advocacy organization, believes the vision you show in holding a hearing to examine the full range of domestic extremist threats represents bipartisan leadership in its highest form.

The recent murders of Bhai Seeta Singh, Bhai Parkash Singh, Bhai Ranjit Singh, Satwant Singh Kaleka, Subegh Singh, and Parmjit Kaur Toor in Oak Creek, Wis. by a white supremacist are a national tragedy.

Given the broad spectrum represented by the 150 groups that wrote asking for this hearing, we will limit our testimony today to hate groups that target American Muslims, since this is a core focus of our work.¹

CAIR was founded in 1994. Among our services to our community and nation is dealing with bias incidents in which the target is selected due to their real or perceived connection with Islam. Between July 2010 and July 2012, CAIR lawyers and staff processed 5,589 civil rights complaints. CAIR has served more than 28,000 complainants since 1994.

A Snapshot of the Scope of Hate Targeting Muslims

In the days leading up to this hearing, a mosque in Virginia was defaced with hateful and obscene graffiti.

In 2010, the most recent year for which the Federal Bureau of Investigations (FBI) has released statistics, twenty percent of hate crimes committed in the United States were motivated by religious bias.ⁱ According to the FBI there were 107 anti-Muslim hate crimes in 2009 to 160 in 2010, the last year for which numbers are available.ⁱⁱ

Ramadan 2012—which started on Friday, July 20 and ended at sun down on Saturday, August 18—saw one of the worst spikes of anti-Muslim incidents in over a decade. In the first seven months of 2012, there were 10 incidents in which Muslim places of worship were targeted. In thirteen days in August, the days immediately after the shocking murders of Sikh worshippers in Wisconsin, there were 8 incidents in which Muslim places of worship were targeted.

Incidents in Illinois included shots fired at a mosque in Morton Grove and an acid bomb thrown at an Islamic school in Lombard. In other states, a mosque was burned to the ground in Joplin, Mo., vandals sprayed an Oklahoma mosque with paintballs, pigs legs were thrown at a mosque-site in California, and a firebomb was thrown at a Muslim family's home in Panama City, Fla.

The bias against religion during this period was not limited to Sikh and Muslim targets. A security guard at the Family Research Council, a right-wing Christian organization, was shot in the arm as he barred a gunman from the group's office. The windows of an Arab Christian church in Detroit were broken by vandals.

¹ CAIR's March 10, 2011 testimony submitted to Rep. Peter King's hearing "The Extent of Radicalization in the American Muslim Community and that Community's Response" addresses our organizational and community effort to deal with extremism coming from extremists who claim Islam as a motivation.

It is available at: <http://www.cair.com/ActionCenter/PeterKingHearings.aspx>

CAIR's review of Rep. King's first four "radicalization" hearings demonstrates how the narrow scope of those proceedings coupled with Rep. King's false allegations against American Muslims and inflammatory rhetoric added nothing of substance to concerns over protecting Americans from extremists.

It is available at: <http://www.cair.com/Portals/0/pdf/King-Hearings-final.pdf>

Domestic Anti-Muslim Groups

Earlier this year, the Southern Poverty Law Center reported, "The number of anti-Muslim groups tripled in 2011, jumping from 10 groups in 2010 to 30 last year."ⁱⁱⁱ

Documenting anti-Muslim hate groups is a rather new exercise. Fairness and Accuracy in Reporting's 2008 study *Smearcasting* was the first report examining key players in the Islamophobia movement in the United States.

Four key reports examining the anti-Muslim movement were published in 2011,² after the Islamophobia movement's ability to insert its messaging into mainstream public discourse was glaringly on display during the 2010 controversy over a proposed Islamic community center in lower Manhattan.

While a detailed listing of active anti-Muslim groups and individuals in the United States is beyond the scope of this hearing, the following groups each appeared in four of the five key reports illuminating anti-Muslim hate groups in America.

Steven Emerson and the Investigative Project on Terrorism (PFAW, FAIR, CAIR, CAP)

Emerson is founder of the Investigative Project on Terrorism (IPT). IPT is little more than an anti-Muslim propaganda mouth-piece. The *New York Times* Book Review said Emerson's 1991 book *Terrorist* was "marred by factual errors...that betray an unfamiliarity with the Middle East and a pervasive anti-Arab and anti-Palestinian bias."^{iv} Emerson said of the 1995 Oklahoma City bombing, "This [the bombing] was done with the intent to inflict as many casualties as possible. That is a Middle Eastern trait."^v Timothy McVeigh, a Caucasian American, was later convicted for committing the terrorist act.

In 1996, after a plane exploded off the coast of New York, Emerson quickly asserted, "I have no doubt whatsoever, at this point, that it was a bomb that brought down TWA Flight 800 - not a missile, but a bomb..." The National Transportation Safety Board concluded that the cause of the tragedy was vapor in a fuel tank, a tragic accident rather than a deliberate bombing.

Emerson's credibility was further derailed in the late 1990s when *Florida Weekly Planet* newspaper Senior Editor John Sugg quoted two unnamed *Associated Press* reporters who said Emerson gave them a document on terrorism supposedly from FBI files:

"One reporter thought he'd seen the material before, and in checking found a paper Emerson had supplied earlier containing his own unsupported allegations. The two documents were almost identical, except that Emerson's authorship was deleted from the one purported to be from the FBI. 'It was really his work,' one reporter says. He sold it to us trying to make it look like a really interesting FBI document."^{vi}

² The reports and their acronyms used in this testimony are:

(CAIR) Council on American-Islamic Relations and the UC Berkeley Center on Race and Gender (CAIR), *Same Hate, New Target*, 2011.

(CAP) The Center for American Progress, *Fear, Inc.*, 2011.

(FAIR) Fairness and Accuracy in Reporting, *Smearcasting*, 2008.

(PFAW) People for the American Way, the *Right-Wing Playbook on Anti-Muslim Extremism*, 2011.

(SPLC) Southern Poverty Law Center, summer 2011 *Intelligence Report's* "Jihad Against Islam" and "The Anti-Muslim Inner Circle," 2011.

Brigitte Gabriel and ACT! For America (PFAW, SPLC, CAIR, CAP)

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

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

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

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

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

Pamela Geller and Stop the Islamization of America (PFAW, SPLC, CAIR, CAP)

Pamela Geller has been described as a "caustic mouthpiece" for the Islamophobia movement. She is the editor of the blog Atlas Shrugs, the executive director of the American Freedom Defense Initiative, and co-founder of the organization, Stop Islamization of America.

In 2010, PayPal severed relations with Atlas Shrugs saying that according to the service's Acceptable Use Policy, "...PayPal may not be used to send or receive payments for items that promote hate, violence, racial intolerance."^{xi} The United States Patent and Trademark Office refused to grant SIOA a trademark because: "The applied-for mark refers to Muslims in a disparaging manner because by definition it implies that conversion or conformity to Islam is something that needs to be stopped or caused to cease."

In her book *Stop Islamization of America: A Practical Guide to the Resistance*, Geller warns against possible "secret halal meat" prepared in school lunches. Geller also uses the book to promote her campaign against the so-called "Ground Zero Mosque" and her proposed series of ads encouraging Muslims to leave Islam.^{xii}

David Horowitz and the David Horowitz Freedom Center (PFAW, FAIR, SPLC, CAP)

David Horowitz is the founder and CEO of the David Horowitz Freedom Center. In the *Right-Wing Playbook on Anti-Muslim Extremism*, People for the American Way notes, "One of the main purveyors of the charge that progressives are secretly supporting terrorism is David Horowitz, who claims that there 'are only a couple of degrees of separation between anybody on the left and the terrorists - and that includes people in the Democratic Party.' In *Unholy Alliance: Radical Islam and the Radical Left*, Horowitz said that both Muslims and progressives abhor America and American values."

In *Fear, Inc.*, the Center for American Progress lists Horowitz among the "leading lights of the Islamophobia network." The report's authors note, "Horowitz has gone even further than his conspiracy-minded colleagues by alleging that Islamic extremism has infiltrated our education system, beginning in

kindergarten. Both Robert Spencer's Jihad Watch and the conspiracy-laden FrontPage Magazine are projects of Horowitz's Freedom Center. In its reporting on Horowitz, the Southern Poverty Law Center says, "Horowitz sees no philosophical gradations; if you're not in total agreement with his view of Islam, you're in favor of Muslim hegemony."

Daniel Pipes and the Middle East Forum (PFAW, FAIR, CAIR, CAP)

Daniel Pipes is director of the Middle East Forum, a right-wing think tank. In 2004, Pipes said he supported the widely-repudiated internment of Japanese-Americans. He wrote: "Yes, I do support the internment of Japanese Americans in World War II."^{xiii}

President George W. Bush was forced to bypass a Republican-controlled Senate confirmation process to place Pipes temporarily on the board of the United States Institute of Peace (USIP). Pipes faced stiff opposition to his USIP nomination and would not have been confirmed if his nomination was subjected to a vote. At a July 23, 2004 Senate committee meeting, Sens. Edward Kennedy (D-MA), Christopher Dodd (D-CT) and Tom Harkin (D-IA) all opposed his appointment. Sen. Harkin, who was involved in the formation of the USIP, spoke at length about Pipes' statements warning of the "dangers" posed by the enfranchisement of American Muslims and his "dossiers" on academic critics of Israeli policies. Pipes only served an interim term.

Pipes has stated that the views of far-right French racist Jean-Marie Le Pen "represent an important outlook in the national debate over immigration and Islam" and said that he (Pipes) supports racial and religious profiling of Muslims and Arabs.

In 1990, he said: "Western European societies are unprepared for the massive immigration of brown-skinned peoples cooking strange foods and maintaining different standards of hygiene...All immigrants bring exotic customs and attitudes, but Muslim customs are more troublesome than most."^{xiv}

"This religion would seem to have nothing functional to offer," Pipes said of Islam in 1996.^{xv}

Robert Spencer and jihadwatch.org (FAIR, SPLC, CAIR, CAP)

Spencer operates the blog "Jihad Watch," which is notorious for its depiction of Islam as an inherently violent faith that is a threat to world peace.

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

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

In 2006, Spencer participated in a conference honoring anti-Muslim, anti-immigrant Dutch politician Pim Fortuyn, who sought to legalize government discrimination in the Netherlands.

Spencer proudly highlights his participation in this conference among his "Notable Speaking Engagements."^{xvii} Fortuyn's anti-Muslim views and the resulting backlash against Muslims living in the

Netherlands are noted in the Department of State's International Religious Freedom Reports for 2002 and 2005.

Anti-Islam Legislative Efforts and the Threat to Constitutional Structures

While hate groups and the actions they can inspire are a cause for deep concern, efforts to target minorities through discriminatory legislation take us to new heights of concern for our republic. These efforts also provide legitimizing cover for anti-Islam rhetoric, which can result in anti-Islam violence.

In 2011 and 2012, 78 bills or amendments aimed at interfering with Islamic religious practices were considered in 31 states and the U.S. Congress. Sixty-two of these bills contained language that was extracted from Islamophobe David Yerushalmi's American Laws for American Courts (ALAC) model legislation.^[1]

Party of bill's Original Sponsor(s)

- 73 bills were introduced by Republicans
- 1 bill was introduced by a Democrat (Alabama)
- 3 were bi-partisan (Kansas, South Carolina, South Dakota)
- 1 was introduced by Republicans along with an Independent who caucuses with the Republicans (South Dakota)

Bill Language that of Islamophobe David Yerushalmi?

- 62 were based on David Yerushalmi's American Law for American Courts
- 16 were not

Fate of Bill

- Bills were signed into law in Arizona, Kansas, South Dakota and Tennessee in 2011. These joined previously passed bills in Oklahoma and Louisiana.

The first observed impact of an enacted anti-sharia bill is it undermines the Constitution and draws a lawsuit from groups seeking to preserve the American principle of government not favoring one religion over another.

The 2010 amendment to Oklahoma's state constitution explicitly subjects Islam to government censure, violating the U.S. Constitution's First Amendment. It immediately faced a legal challenge. A federal judge put the law on hold after determining that the challenge has merit and will likely result in the law being ruled unconstitutional.

The second observed impact of an enacted anti-sharia bill is that, other than an apparently intended vilification of Islam during the process of passage, it has no real world effect. In Tennessee, Rep. Judd Matheny and Sen. Bill Ketrone's original, identical bills were revised and passed with all references to religion removed. Similarly, the language of the final Arizona law has more symbolic than substantive impact.

It is reasonable to argue that the anti-Sharia movement is really a cover for Islamophobic sentiment.

Writing in *The Guardian*^{xviii}, journalist Sarah Posner identified the main themes running through the anti-Sharia movement:

^[1] A internet search of "David Yerushalmi" returns results demonstrating his call for a WAR AGAINST ISLAM and all the Muslim faithful," as well as anti-women, anti-black and similarly biased comments on the first page. It is reasonable to be alarmed that a man so central to that anti-Islam hate movement in the United States is able to have real impact on legislators.

The conspiracy theory about sharia law is fivefold: that the goal of Islam is totalitarianism; that the mastermind of bringing this totalitarianism to the world is the Muslim Brotherhood, the grandfather of all Islamic groups from Hamas to the Islamic Society of North America; that these organizations within the US are traitors in league with the American left and are bent on acts of sedition against America; that the majority of mosques in the US are run by imams who promote such sedition; and that through this fifth column sharia law has already infiltrated the US and could result in a complete takeover if not stopped.

In Tennessee, the original bill's definition of "Sharia" was, in practical terms, the entire religious tradition of Islam.

"Sharia," read the bill as introduced, includes the "set of rules, precepts, instructions, or edicts" based upon sources from "the god of Allah or the prophet Mohammed."^{xxix} It stated that "Sharia" encompasses all content derived from "any of the authoritative schools of Islamic jurisprudence of Hanafi, Maliki, Shafi'i, Hanbali, Ja'afariya, or Salafi."^{xxx}

Chairman of the Alaska State Legislature's House Judiciary Committee Rep. Carl Gatto (R-Palmer) said his proposed version of ALAC was necessary because of the religious beliefs of recent immigrants. "As a kid, we had Italian neighborhoods, Irish neighborhoods . . . but they didn't impose their own laws," Gatto said. "When these neighborhoods are occupied by people from the Middle East, they do establish their own laws." Gatto later said, "I'm more concerned about cultures that are vastly different from European immigrants, who come here and prefer to maintain their specific laws from their previous countries, which are in violent conflict with American law. That's the issue that I am worried about."^{xxxi}

South Dakota anti-Sharia bill sponsor Phil Jensen (R-District 33) told an audience, "It is alarming how many of our sisters and daughters who attend American universities are now marrying Muslim men."^{xxxi}

In Pennsylvania, the bill itself included no mention of Islam. However, in a memo to all House members urging them to co-sponsor the bill, Rep. RoseMarie Swanger (R-District 102) falsely claimed that Sharia is "inherently hostile to our constitutional liberties."^{xxiii} Later, Swanger claimed she "had no idea how [the memo] was going to be written" and that it was never circulated. Swanger also claimed that it was leaked by "someone who is not my friend."^{xxiv} This claim is rather incredible, given that the memo, with Swanger's signature, is on the Pennsylvania state legislature's website.^{xxvxxvixxvii}

State Rep. Don Wells (R-Cabool) referred to Islamic principles, or Sharia, as a "disease" like polio during a meeting of the Missouri House Judiciary Committee, which was discussing a bill Wells has proposed to ban consideration of Sharia in that state's courts. When a Democratic lawmaker asked if Wells really believes Sharia law is like polio, he replied, "Absolutely."

Michigan State Representative Dave Agema (R-Grandville), who introduced a bill patterned on ALAC, has a history of making controversial comments relating to Muslims. In comments relating to legislation meant to apprehend undocumented workers, Agema stated, ""We have the largest concentration of Muslims in the state in the Dearborn area. I know we have (sleeper) cells there. That is what I really want to get at." Agema has also repeated the myth that President Obama is a secret Muslim. In holding a hearing and rally to support his bill in September, Agema highlighted the Federation of American Immigration Reform, an organizations whose "white supremacist" ties earned them a hate group label from the Southern Poverty Law Center.

Solving a non-Existent Problem

The *Star Assistant* in Alabama reported, “But no one—not even Sen. Gerald Allen, who sponsored the bill—can point to examples of Muslims trying to have Islamic law recognized in Alabama courts.”^{xxxviii} Allen could not even define Sharia when asked saying, “I don’t have my file in front of me.” When pressed about why the Alabama bill’s definition of sharia matched one found in Wikipedia, legislative staff “confirmed that the definition was in fact pulled from Wikipedia.”^{xxxix}

Texas legislator Leo Berman said his bill was necessary because he had heard, but apparently had not actually tried to confirm, that one American town was allowing judges to use sharia. “I heard it on a radio station here on my way into the Capitol one day. I don’t know Dearborn, Michigan but I heard it (Sharia law is accepted there) on the radio. Isn’t that true?”^{xxx}

North Carolina legislator Rep. George Cleveland also was forced to admit “I do not have any specific examples off the top of my head,” when asked to show a need for his version of American Law for American Courts.^{xxxi}

The pattern continued in South Carolina, “None of the senators nor Kevin A. Hall, a Columbia attorney who testified in support of the bill, were aware of any examples in South Carolina where courts upheld sharia law over the U.S. Constitution.”^{xxxii} Asked about Sharia in South Carolina, former state Attorney General Henry McMaster told an interviewer, “I haven’t encountered anything except American law.”^{xxxiii}

In Wyoming, Rep. Gerald Gay called his bill a “pre-emptive strike” since, according to the *Billings Gazetteer*, “...no Wyoming court rulings have been based on Islamic law...” Gay feared Wyoming judges might use sharia to interpret “honor killings” and arranged marriages.^{xxxiv}

Sen. Mike Fair of South Carolina sponsored a version of Yerushalmi’s bill in that state’s Senate but admitted, “he is not aware of any cases of foreign law being used in a South Carolina court.”^{xxxv}

Similarly, Georgia’s Rep. Mike Jacobs, vice chairman of Georgia’s House Judiciary Committee and original sponsor of the American Laws for Georgia’s Courts bill, “acknowledged that he was not aware of any instances in Georgia where a plaintiff or defendant asked the court to apply Sharia law but believes it has happened elsewhere.”^{xxxvi}

The Kansas City Star’s Jason Noble reported, “Missouri Reps. Paul Curtman and Don Wells agree there’s no evidence that state courts are judging cases based on Islamic principles of foreign laws.”^{xxxvii} Challenged again a month later, Curtman still could not provide an example.

Missouri Speaker of the House Stephen Tilley also “could not provide an example of foreign law trumping domestic law in Missouri courts,” reported Politicalmo.com in early March. The article noted that Tilley’s office later issued a statement outlining one case in New Jersey, but that poor ruling was overturned by a higher court.

Recommendations

Examine the Status and Implementation of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act of 2009

Hate crimes are carried out to harm and intimidate individual victims as well as entire American communities and therefore receive additional attention under state and federal laws. The Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act of 2009, 18 U.S.C. § 249, was enacted to expand the reach of federal law enforcement agencies to investigate and prosecute violent hate crimes against

Americans based on their actual or perceived race, religion, gender, national origin, disability, sexual orientation, or gender identity. While the law provides additional resources to state and local law enforcement agencies to investigate and prosecute violent hate crimes, it also provides federal agencies with the expanded authority to investigate incidents that state and local agencies decide not to pursue.

CAIR recommends that Congress examine the status of 18 U.S.C. § 249, to ensure that federal law enforcement agencies are taking full advantage of their expanded authorities under the law, that state law enforcement agencies are properly using federal grants provided under the law to investigate and prosecute hate crimes, and that the law is being implemented in comprehensive and robust manner.

Improve Federal Hate Crime Data Collection and Reporting: Add Sikhs as a Separate Class of Victims

CAIR recommends that the FBI should collect data on hate crimes against American Sikhs. At this time the FBI and U.S. Department of Justice combine collected data on hate crimes against Sikhs and Muslims under the rationale that most hate crimes against Sikhs are committed by individuals who mistakenly target and perceive them as Muslim. Because of this practice, it is hard to accurately report and track the number of violent hate crimes that occur against American Sikhs and Muslims without precise data from the FBI. Without such reliable data, the federal government is unable to allocate proper law enforcement resources to prevent or pursue such hate crimes.

Support Robust Hate Crime Prevention Measures That Are Consistent With Civil Liberties

Following this hearing, CAIR recommends that Congress continue its significant work of investigating and proposing measures that abate the full range of threats posed by individual and organized perpetrators of violent hate crimes and criminal acts of domestic extremism. In doing so, Congress upholds its responsibility to develop clear and concise laws, policies and practices for law enforcement agencies to adhere to while balancing the need for security and the rights enshrined in the U.S. Constitution. Just as it is the civic duty of every American to work with law enforcement to protect our nation, it is the responsibility of our nation's law enforcement to protect the nation while respecting the rights of individuals.

Challenge the Culture of Politically Exploiting Hate Against Muslims, Reject Anti-Muslim Laws

Free speech is essential in an open society. People of conscience must be willing to defend speech that repulses their humanity. However, we at CAIR believe that bigoted speech should be relegated to where it belongs- the fringes of society and out of serious policy discussion.

For the past few years, some individuals in Congress and state governments that have sought public office have used their position as a platform to provide legitimacy to people whose anti-Muslim fear mongering would be shunned if it was directed at other minorities. CAIR believes that the public endorsement of anti-Muslim fear mongers has contributed to the recent rise in number of anti-Muslim hate groups and acts of violence against actual or perceived Muslims.

CAIR calls upon our nation's highest elected officials in Congress to push back against this hateful phenomenon and those who would profit financially and politically from legitimizing anti-Muslim rhetoric. Likewise, CAIR requests that Congress reject the introduction of anti-Muslim, anti-Sharia, and anti-foreign law legislation that seeks to marginalize American Muslims and keep them from having the same rights and access to the courts as Americans of other faiths.

American Muslims are a part of the fabric of this nation and our leaders have a responsibility to ensure that they are treated fairly under the law, kept safe from acts of violence, and included in the political process.

Remove anti-Muslim, Discriminatory Trainers and Materials in U.S. Military and Law Enforcement

CAIR recommends that Congress ensure that the military and federal law enforcement agencies have taken all the steps necessary to encourage or compel reform of counter terrorism training programs to remove anti-Muslim trainers and educational materials. CAIR believes that the use of such anti-Muslim trainers and materials publicly reinforces anti-Muslim stereotypes and prejudices and has contributed to the recent rise in number of anti-Muslim hate groups and violence against actual or perceived Muslims.

In December, 2010, CAIR called on Attorney General Eric H. Holder Jr. to review Justice Department policies on the reported use of anti-Muslim extremists to train counterterrorism officials nationwide. CAIR said an investigative report on post-9/11 government surveillance published in the Washington Post stated: "Seeking to learn more about Islam and terrorism, some law enforcement agencies have hired as trainers self-described experts whose extremist views on Islam and terrorism are considered inaccurate and counterproductive by the FBI and U.S. intelligence agencies."

The issue gained national attention in September 2011, when *Wired Magazine* revealed that a FBI instructor was teaching counterterrorism agents that "main stream" [sic] American Muslims are likely to be terrorist sympathizers; that the Prophet Mohammed was a "cult leader"; and that the Islamic practice of giving charity is no more than a "funding mechanism for combat." Moreover, in March 2012, *Wired Magazine* revealed that an instructor at the Joint Forces Staff College in Norfolk, VA was teaching fellow officers that only a "total war" on Islam would protect America that they should use "Hiroshima" tactics, target civilian populations, and abandon the Geneva Conventions.

While both anti-Muslim instructors at the FBI and the Joint Forces Staff College were removed from teaching any further courses, and both the FBI and Department of Defense committed to removing such anti-Muslim trainers and training materials, CAIR recommends that Congress use its oversight authorities to ensure the effective and complete removal of anti-Muslim, discriminatory trainers and materials from the military and federal law enforcement. Furthermore, Congress should ensure that federal grants to state law enforcement counterterrorism training programs do not fund anti-Muslim trainings or materials.

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

Support of the End Racial Profiling Act and Reform of DOJ Racial Profiling Guidelines

CAIR respectfully requests that Congress enact the End Racial Profiling Act (S.1670/H.R. 3618) introduced by Senator Cardin and Representative Conyers, and revise the U.S. Department of Justice (DOJ) Civil Rights Division's Guidance Regarding the Use of Race by Federal Law Enforcement Agencies.

CAIR, like numerous other civil rights and advocacy organizations, recognizes the critical need for Congress to take action and put an end to racial and religious profiling by federal and state law enforcement agencies. The U.S. Constitution requires that federal and state law enforcement agencies respect the rights and freedoms of “all persons,” regardless of race, religion, ethnicity, or national origin. American citizens respect their law enforcement agencies and look to them to enshrine the rights that the Constitution affords in their institutions, policies and practices. Should our nation’s law enforcement agencies overlook or disregard the Constitution by engaging in acts of discriminatory profiling, our citizens would be sent a message that engaging in profiling based on race, nationality, religion, etc., is acceptable and worth emulating.

CAIR also believes that racial and religious profiling is not effective law enforcement and narrowly focuses the nation’s law enforcement resources away from following actual leads and preventing illegal and violent acts. Profiling violates the basic constitutional protections of the First, Fourth and Fourteenth Amendments. Profiling also hinders counterterrorism efforts against antigovernment extremists. For example, Timothy McVeigh (Oklahoma City Bombing, 1995), James Von Brunn (Holocaust Museum Shooting, Washington, D.C. 2009) John Bedell (Pentagon Shooting, Washington, D.C. 2010), Joseph Stack (IRS Building Suicide Bombing, Austin, TX 2010) and Floyd Corking (Family Research Council Shooting, Washington D.C. 2012) would not have been identified by racial or religious profiling.

ⁱ “FBI Releases 2010 Hate Crimes Statistics.” FBI Press Release, November 14, 2011.

Available at: <http://www.fbi.gov/news/pressrel/press-releases/fbi-releases-2010-hate-crime-statistics>

ⁱⁱ Mark Potok. “FBI: Dramatic Spike in Hate Crimes Targeting Muslims,” Southern Poverty Law Center, Intelligence Report, Spring 2012, Issue Number: 145 .

ⁱⁱⁱ Mark Potok. “The ‘Patriot’ Movement Explodes,” Southern Poverty Law Center, Intelligence Report, Spring 2012, Issue Number: 145.

^{iv} Edgar, Adrienne. “A Defector’s Story,” *New York Times Book Review*, May 19, 1991.

^v Sugg, John. “Steven Emerson’s Crusade: Why is a Journalist Pushing Questionable Stories from Behind the Scenes?” Fair.

Available at: <http://www.fair.org/index.php?page=1443>.

^{vi} Rehab, Ahmed. “Steven Emerson’s Disturbing Track Record.” Media Monitors Network.

Available at: <http://usa.mediamonitors.net/content/view/full/42070>

^{vii} Hoyt, Clark “A Radical Islamophobe?” *New York Times*,

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

^{viii} Rodda, Chris. “Obsession ‘Stars’ Have Lectured at U.S. Military Colleges; U.S. Navy Uses Film.” The Huffington Post.

Available at: http://www.huffingtonpost.com/chris-rodda/iobsession-i-stars-have-le_b_126693.html.

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

^x Gabriel, Brigitte. “Because They Hate,” *Front Page Magazine*,

Available at: <http://archive.frontpagemag.com/readArticle.aspx?ARTID=5480>.

^{xi} Available at: http://atlasshrugs2000.typepad.com/atlas_shrugs/2010/06/paypal-cuts-off-atlas-truth-is-the-new-hate-speech.html

^{xii} Available at: <http://mediamatters.org/blog/201110050010>

^{xiii} Pipes, Daniel. “Why the Japanese Internment Still Matters,” Danielpipes.org,

Available at: <http://www.danielpipes.org/2309/why-the-japanese-internment-still-matters>.

^{xiv} Macdonald, Isabel and Steve Rendall. “Making Islamophobia Mainstream: How Muslim-Bashers Broadcast their Bigotry,” *Fair*, November/December 2008

^{xv} Council on American Islamic Relations, “Who is Daniel Pipes?” Media Monitors Network.

Available at: <http://www.mediamonitors.net/whoispipes.html>.

^{xvi} “Robert Spencer-26/04/2010-Part interview, part 9- “Prophet Mohammed: a *Mohammad*: A Con Man?” Living Scoop video, 2:17, posted by “NYC_ITV,” April 26, 2010

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