



**Written Statement of the  
American Civil Liberties Union**

**Laura W. Murphy  
Director, Washington Legislative Office**

**Devon Chaffee  
Legislative Counsel**

**Senate Committee on Homeland Security and  
Governmental Affairs Committee**

**and**

**House Committee on Homeland Security**

**December 7, 2011**

**“Homegrown Terrorism: The Threat to Military Communities Inside the  
United States”**

Chairmen Lieberman and King and Ranking Members Collins and Thompson:

The American Civil Liberties Union is a non-partisan organization of over half a million members, countless additional activists and supporters, and 53 affiliates nationwide dedicated to the protection of individual rights and civil liberties under the U.S. Constitution and the Bill of Rights.

The danger posed by modern terrorists is real and Congress must understand the scope and nature of the threat and exercise its authorities appropriately in overseeing the government's response, holding our military, law enforcement, and intelligence agencies accountable, and crafting sensible legislation that enhances security while protecting the rights of innocent persons. But the security threat was no less real during the first "Red Scare," during the Cold War, and during the era of protests against the Vietnam War. The question is not whether Congress should respond, but how it should respond. History tells us that conflating the expression of unorthodox or even hostile beliefs with threats to security only misdirects resources, unnecessarily violates the rights of the innocent, and unjustly alienates communities unfairly targeted as suspicious. Today, on the 70th anniversary of attacks against Pearl Harbor, the lesson we should remember is that targeting entire communities on the basis of race, religion, or ethnicity is unjustified and un-American and results in consequences that the nation later comes to regret, as with the targeting of Japanese American communities during World War II.

In announcing today's hearing, the Chairmen of both Committees singled out Islam and the Muslim American community as the focus of their inquiry into threats to military communities as they have in previous hearings and Committee reports.<sup>1</sup> Such needless targeting of entire communities on the basis of religious ideology alienates those community members. This is especially so for Muslim Americans who serve in the military—such racial and religious profiling leads to discrimination and tangible harm. After the shooting at Fort Hood, four-star General George Casey, then Army Chief of Staff, stated, "I'm concerned that this increased speculation could cause a backlash against some of our Muslim soldiers. . . . Our diversity, not only in our Army, but in our country, is a strength. And as horrific as this tragedy was, if our diversity becomes a casualty, I think that's worse."<sup>2</sup> As Casey's statement suggests, singling out Muslims within our military does a disservice to American service members, leads to unwarranted discrimination against these service members, and threatens to spread distrust amongst our troops. Instead of working to resolve the obstacles that Muslim Americans serving in our military face, today's hearing threatens to contribute to a predisposition to unfairly target Muslim Americans serving our country.

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<sup>1</sup> Press Release: King, Lieberman Announce Joint House-Senate Hearing on Homegrown Terror Threat to Military Communities, Nov. 28, 2012, at <http://homeland.house.gov/press-release/king-lieberman-announce-joint-house-senate-hearing-homegrown-terror-threat-military>; see also *The Extent of Radicalization in the American Muslim Community and that Community's Response*, Hearing before the House Committee on Homeland Security, Mar. 10, 2011; U.S. Senate Comm. on Homeland Security & Governmental Affairs, *A Ticking Time Bomb: Counterterrorism Lessons from the U. S. Government's Failure to Prevent the Fort Hood Attack* (Feb. 3, 2011).

<sup>2</sup> Interview with Army Chief of Staff Gen. George Casey regarding Fort Hood shooting, *State of the Union* (CNN television broadcast Nov. 8, 2009), at <http://politicalticker.blogs.cnn.com/2009/11/08/casey-im-concerned-about-possible-backlash-against-muslim-soldiers/>.

Many U.S. officials continue to focus their counterterrorism analysis on Muslim American communities even though empirical studies show that violent threats cannot be identified by any religious, ideological, ethnic, or racial profile. Such unjust targeting is widespread and is often based on the unsound reasoning used in ill-conceived and methodologically flawed reports that ignore empirical evidence that there is no direct link between religious observance or radical ideas and violent acts.

The Senate Committee's Fort Hood report in particular relied heavily on a single report produced in 2007 by the New York Police Department (NYPD), *Radicalization in the West: The Homegrown Threat*. The NYPD report purported to identify a four-step "radicalization process" that terrorists follow, with each step involving constitutionally protected religious and associational conduct—conduct that millions of people may engage in without ever committing an act of violence.

In contrast, the Department of Defense's (DoD) report on force protection after the Fort Hood shootings looked at the scientific literature, rather than flawed theories, and determined that "researchers have yet to develop a single model that can estimate who is at risk for potential violence."<sup>3</sup> The DoD report concluded that predicting who might become violent is extremely difficult. While researchers have identified certain risk factors, "few people in the population who have risk factors . . . actually assault or kill themselves or others."<sup>4</sup> The study further emphasized that religious fundamentalism is not a risk factor, "as most fundamentalist groups are not violent, and religious-based violence is not confined to members of fundamentalist groups."<sup>5</sup>

The DoD report's conclusion is further supported by independent empirical analysis. According to reports, a recent United Kingdom analysis based on hundreds of case studies of individuals involved in terrorism concluded that there is no single identifiable pathway to extremism and "a large number of those involved in terrorism do not practice their faith regularly."<sup>6</sup> Moreover, according to reports, the study identified "facing marginalization and racism" as a key vulnerability that could tend to make an individual receptive to extremist ideology.<sup>7</sup> The conclusion supported tolerance of diversity and protection of civil liberties and was echoed in a National Counterterrorism Center (NCTC) paper published in August 2008. In exploring why there was less violent homegrown extremism in the U.S. than the U.K., the authors cited the diversity of American communities and the greater protection of civil rights as key factors.<sup>8</sup>

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<sup>3</sup> Dep't of Defense, *Protecting the Force: Lessons from Fort Hood D-1* (Jan. 2010), at [http://www.defense.gov/pubs/pdfs/DOD-ProtectingTheForce-Web\\_Security\\_HR\\_13jan10.pdf](http://www.defense.gov/pubs/pdfs/DOD-ProtectingTheForce-Web_Security_HR_13jan10.pdf).

<sup>4</sup> *Id.*

<sup>5</sup> *Id.* at D-3.

<sup>6</sup> Alan Travis, *MI5 Report Challenges Views on Terrorism in Britain*, *The Guardian*, (Aug. 20, 2008), at <http://www.guardian.co.uk/uk/2008/aug/20/uksecurity.terrorism1>; Alan Travis, *The Making of an Extremist*, *The Guardian* (Aug. 20, 2008), at <http://www.guardian.co.uk/uk/2008/aug/20/uksecurity.terrorism>.

<sup>7</sup> *Id.*

<sup>8</sup> National Counterterrorism Center Conference, *Towards a Domestic Counterradicalization Strategy* (Aug. 2008). Notwithstanding the conclusion, the paper inexplicably went on to examine how the U.S. could better adopt U.K. counterterrorism strategies.



While FBI officials have attempted to characterize these biased trainings as isolated incidents, similar problematic biases can be found in official intelligence products. A 2006 FBI Intelligence Assessment, “The Radicalization Process: From Conversion to Jihad,” identifies religious practice—including frequent attendance at a mosque or a prayer group, growing a beard, and proselytizing—as indicators that a person is on a path to becoming a violent extremist. The ACLU and 27 other organizations have called on the FBI to revoke such flawed products.<sup>10</sup> The flawed theories are not just part of FBI trainings and products, however. The same theories are incorporated in trainings across the country conducted for local law enforcement agencies under the auspices of the Department of Homeland Security (DHS).

It is also important to remember that Muslim and Arab groups aren’t the only ones affected by the government’s inappropriate reliance on unsubstantiated theories of radicalization that focus on ideology instead of violent action. Non-violent protest groups have repeatedly been targeted for surveillance and infiltration by law enforcement over the last several years, based on their opposition to government policies from both sides of the political spectrum. An assessment published by DHS in 2009 warned that right-wing extremists might recruit and radicalize “disgruntled military veterans.”<sup>11</sup> An intelligence report produced for DHS by a private contractor accused environmental organizations like the Sierra Club, the Humane Society and the Audubon Society as “[m]ainstream organizations with known or possible links to ecoterrorism.”<sup>12</sup> Similarly, a Missouri Fusion Center released an intelligence report on “the modern militia movement” that claimed militia members are “usually supporters” of presidential candidates Ron Paul and Bob Barr.<sup>13</sup> Slandering upstanding and respectable organizations does not just violate the rights of these groups and those who associate with them, it wastes security resources and undermines public confidence in the government.

The basis for bringing law enforcement and intelligence resources to bear on a problem should rest on whether the targets are prone to violence and/or criminal behavior. Ideological or religious beliefs, even extreme ones, are entitled to the full protection of the First Amendment to the U. S. Constitution. The inquiry of these Committees has thus far rested on a wholly contrary assumption—that radical beliefs alone justify suspicion and investigation. Such an assumption is wrong under the First Amendment, wrong under traditional American principles, and wrong in light of empirical data and should not serve as the basis for the Committees’ continued targeting of Muslim American communities.

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<sup>10</sup> Letter to Robert Mueller, Director, FBI, Oct. 4, 2011, *available at* [http://www.aclu.org/files/assets/sign\\_on\\_letter\\_to\\_dir\\_mueller\\_re\\_radicalization\\_report\\_10.4.11.pdf](http://www.aclu.org/files/assets/sign_on_letter_to_dir_mueller_re_radicalization_report_10.4.11.pdf).

<sup>11</sup> See U.S. Dep’t of Homeland Security, Assessment, *Rightwing Extremism: Current Economic and Political Climate Fueling Resurgence in Radicalization and Recruitment* (Apr. 7, 2009), *at* <http://wnd.com/images/dhs-rightwing-extremism.pdf>.

<sup>12</sup> Helios Global, Inc. for National Preparedness Directorate, U.S. Dep’t of Homeland Security, Universal Adversary Dynamic Threat Assessment, *Eco-terrorism: Environmental and Animal Rights Militants in the United States* (May 7, 2008), *available at* <http://www.scribd.com/doc/12251436/DHS-Eco-Terrorism-in-US-2008>.

<sup>13</sup> T.J. Greaney, ‘Fusion Center’ Data Draws Fire over Assertions, *Columbia Daily Tribune*, (Mar. 14, 2009), *at* <http://www.columbiatribune.com/news/2009/mar/14/fusion-center-data-draws-fire-over-assertions/>.

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

# Militancy Considerations

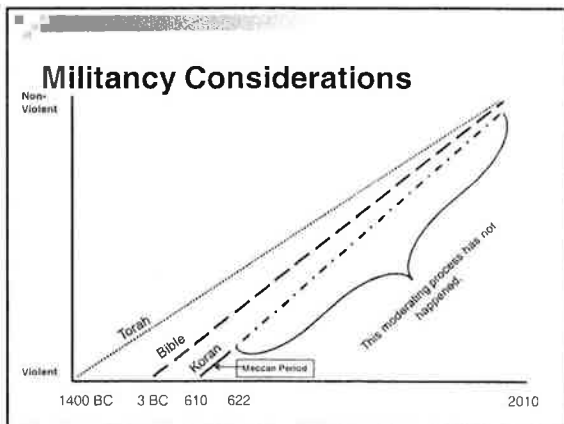
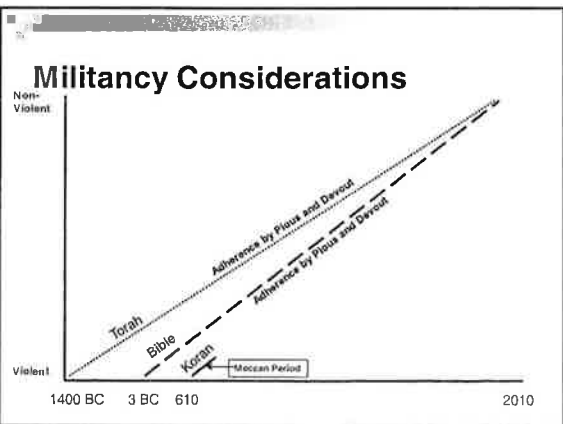
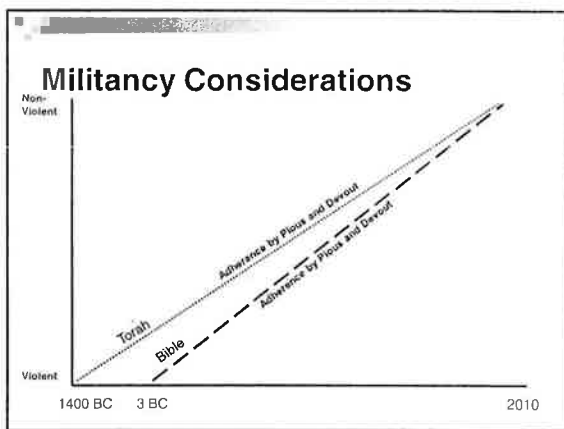
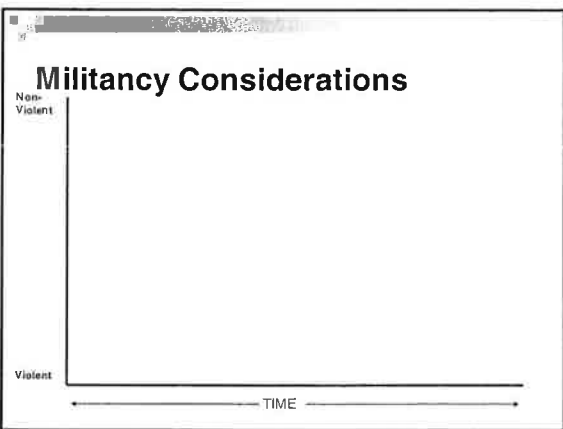
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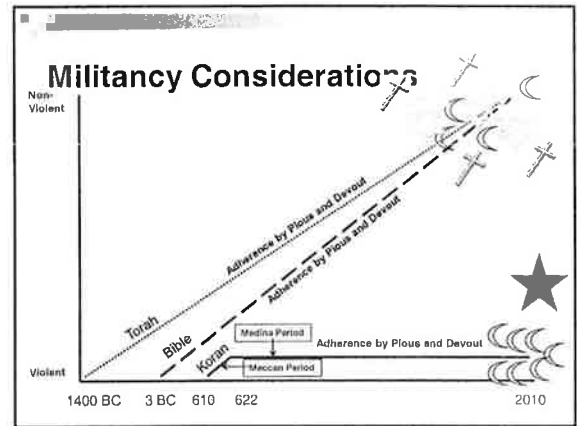
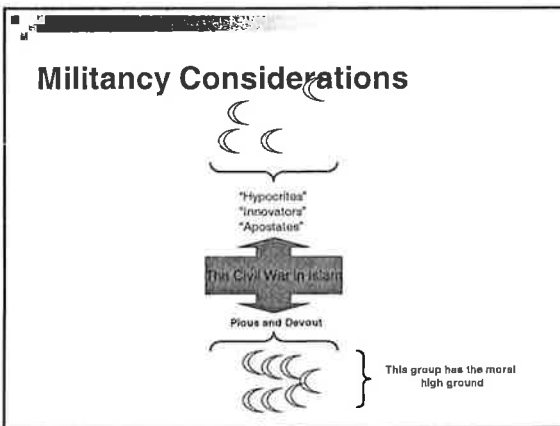
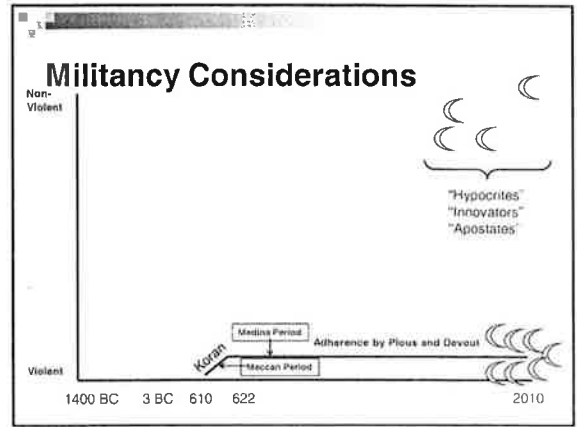
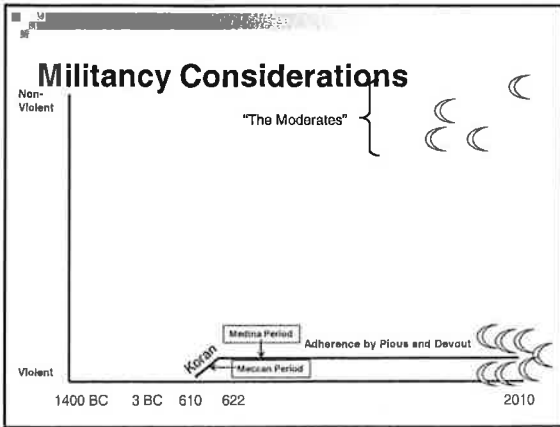
William Gawthrop

# Militancy Considerations

Moderate Community

"Radical" Islamic Community





### Militancy Considerations

DISCUSSION



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

## Grassroots Jihadist Movement

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

"Jihadism in 2010: The Trends Continue," by Scott Stewart, 6 January 2010:<sup>103</sup>

## 2009 US Attacks

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

### How Did This Guy Become That?

New York City → [9/11 Hijacker]  
 Detroit → [9/11 Hijacker]  
 Fort Hood → [2009 Shooter]

## Road Map

### 5. "Thoughts"

What's Important and why?

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

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

Ideological Foundation

Operational Basis

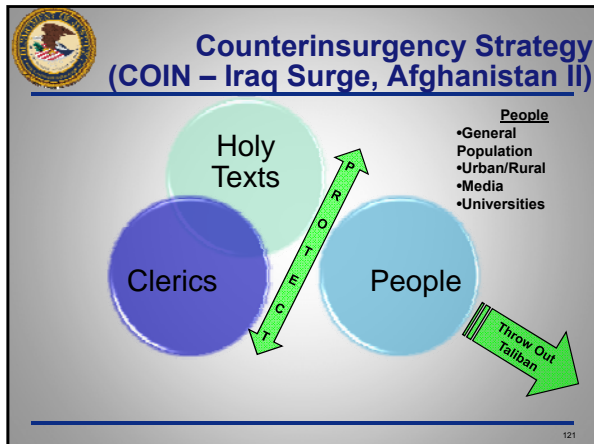
## Our Values are Threatened

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

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

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

*Strategic: "Civilizational Jihad"*



### Civilizational Jihad: USA

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

123

### Bernard Lewis

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

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

124

### ERIC HOLDER

125

### Recommended Reading

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

Best Reads

126