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**The American Government Policy Response to
Homegrown Terrorism: An Assessment of its
Legitimacy Regarding North American Muslims**

**A thesis presented in partial fulfilment of the requirements for the degree of
Doctorate Es-Science in American Studies**

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In memory of my father

(May Allah have mercy on him)

Dedication

I dedicate this thesis to

*my mother,
my siblings,
my husband, and
my children.*

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Abstract

In any society, questions on the appropriate scale and role of authority in matters of citizens' rights and liberties lead to competing visions. Recently, the measures adopted to maintain domestic security in the face of threats to society revived such debates. The issue is how far that authority's response is legitimate when it uses security precautions at the expense of people's freedoms. In this thesis, we aim to assess the legitimacy of the U.S. government's response to homegrown terrorism. We examine the U.S. government's policies and we show how far they are dual regarding the treatment of Muslims. Indeed, on one side, they promote non-discriminatory measures, and on the other side, however, they fixate almost entirely on Islam, consider Muslims as suspects and identify Muslims' places of worship as a venue of radicalization. We question the legitimacy of such policies by assessing key assumptions underlying the U.S. government discourse on which these policies are based. To that end, we take a genealogical approach to identify the roots of such assumptions. We find that the U.S. government is reproducing past discourses. Then, we use theological arguments, scholarly contributions, and current data to evaluate the soundness of the assumptions underlying these discourses. We conclude that the measures that encroach on Muslims' freedoms are illegitimate in that they derive from discourses based on flawed assumptions.

Keywords: homegrown terrorism, counterterrorism, counter-radicalization, American Muslims.

المخلص

في كل مجتمع، فإن الأسئلة المتعلقة بالمقياس المناسب ودور السلطة فيما يخص حقوق المواطنين وحياتهم تقودنا إلى رؤى متنافسة. مؤخرًا، أدت التدابير المتخذة للحفاظ على الأمن الداخلي من الأخطار التي تهدد المجتمع إلى إعادة إحياء هذه المناقشات. والسؤال هو إلى أي مدى تكون ردت فعل السلطة شرعية عندما تستخدم الاحتياطات الأمنية على حساب حريات الناس. في هذه المقالة، نهدف إلى تقييم مدى شرعية الحكومة الأمريكية في تعاملها مع الإرهاب المحلي. وندرس سياساتها ونبين مدى كونها مزدوجة فيما يخص معاملة المسلمين. فهي من ناحية، تشجع على اتخاذ تدابير غير تمييزية، ومن ناحية أخرى، تركز تقريبًا كلها على الإسلام، وتعتبر المسلمين مشتبه فيهم، وتحدد أماكن عبادة المسلمين كمكان للتطرف. نحن نتساءل عن شرعية هذه السياسات من خلال تقييم الافتراضات الرئيسية التي يستند إليها خطاب الحكومة الأمريكية وما تقوم عليها هذه السياسات. ولهذا الغرض، فإننا نتبع نهجًا لعلم الأنساب لتحديد جذور هذه الافتراضات. في البداية نجد أن الحكومة الأمريكية تستنسخ الخطابات السابقة. ثم نستخدم الحجج اللاهوتية والمساهمات العلمية والبيانات الحالية لتقييم صحة الافتراضات الكامنة وراء هذه الخطابات. ونخلص إلى أن التدابير التي تنتهك الحريات الإسلامية غير شرعية لكونها تستند إلى خطابات مبنية على افتراضات خاطئة.

الكلمات الرئيسية: الإرهاب المحلي، مكافحة الإرهاب، مكافحة التطرف، المسلمين الأمريكيين.

Résumé

Dans toute société, les questions sur la dimension et le rôle de l'autorité en matière de droits et libertés des citoyens conduisent à des visions concurrentes. Récemment, les mesures adoptées pour le maintien de la sécurité intérieure face aux menaces pour la société ont relancé ces débats. La question est de savoir dans quelle mesure la réaction de l'autorité est légitime lorsqu'elle utilise des précautions de sécurité au détriment des libertés des gens. Dans cette thèse, nous évaluons la légitimité de la réponse du gouvernement américain au terrorisme local. Nous examinons les politiques du gouvernement des États-Unis et nous démontrons à quel point elles sont cruelles concernant le traitement des musulmans. En effet, d'un côté, elles favorisent des mesures non discriminatoires et, d'un autre côté, elles se fixent presque entièrement sur l'islam, considèrent les musulmans comme des suspects et identifient les lieux de culte des musulmans comme lieu de radicalisation. Nous interrogeons la légitimité de ces politiques en évaluant les hypothèses clés sous-jacentes au discours du gouvernement américain sur lequel ces politiques sont fondées. À cette fin, nous adoptons une approche généalogique pour identifier les racines de ces hypothèses, d'abord. Nous trouvons que le gouvernement américain reproduit les discours passés. Ensuite, nous utilisons des arguments théologiques, des contributions d'intellectuels et des données actuelles pour évaluer la solidité des hypothèses sous-jacentes à ces discours. Nous concluons que les mesures qui empiètent sur les libertés des musulmans sont illégitimes dans la mesure où elles découlent de discours fondés sur des hypothèses erronées.

Mots-clés : terrorisme local, contre-terrorisme, contre-radicalisation, musulmans américains.

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List of Acronyms

AP	Associated Press
AMC	Muslim-American Council added
AQAP	Al-Qaeda in the Arabian Peninsula
CBB:	Clergy Beyond Borders
CDA:	Critical Discourse Analysis
CIA:	Central Intelligence Agency
CRCL:	The DHS Office for Civil Rights and Civil Liberties
CSIS:	Center for Strategic and International Studies
CVE:	Countering Violent Extremism
DOD:	Department of Defence
DOJ:	Department of Justice
DHS:	Department of Homeland Security
EOP:	Executive Office of the President
FBI:	Federal Bureau of Investigation
HSC:	Homeland Security Council
HVE:	Homegrown Violent Extremism
IC:	Intelligence Community
IRTPA:	Intelligence Reform and Terrorism Prevention Act of 2004
JTTF:	Joint Terrorism Task Forces
LAPD:	Los Angeles Police Department
NSHS:	National Security for Homeland Security
NCTC:	National Counterterrorism Center

NYPD:	New York City Police Department
OHS:	Office of Homeland Security
PBUH:	Peace Be Upon Him
RLUIPA:	Religious Land Use and Institutionalized Persons Act of 2000
SPLC:	Southern Poverty Law Center
TEL:	Terrorist Exclusion List
U.K.:	United Kingdom
UMA:	United Muslims of America
U.S.A.:	United States of America
U.S.A. PATRIOT ACT:	Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act

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Introduction

In any society, there is an authority and people under this authority. These persons have some freedom and at the same time must respect some rules devised by the government representing this authority. The amount of freedom those people can enjoy sometimes clashes with the power of their government. This may occur when the nation finds itself in a state of insecurity. Tensions then arise between the advocates of the preservation of a safe state and those advocating freedoms of individuals. The issue raised here is about the extent to which individual freedoms should be restricted for the sake of security knowing that if order is not preserved, it is not possible for the government to provide any of the other benefits people expect from it.

Thus, the measures governments adopt to maintain security in the face of threats to society have led to questions on the appropriate scale and role of authority in matters of people freedom. Such questions have been raised in the United States. With the events of 9/11, the United States has faced new security challenges. The U.S. government considered that the nation was under the threat of terrorists. For the government officials, those terrorists were individuals who were living in other countries and who could organize attacks within the U.S. homeland at any moment. To protect the nation, they started to design some counterterrorist measures.

Later, with the events that took place in Europe like the Madrid and London train bombings, respectively in 2004 and 2005, a heightened anxiety about the threat

of attacks originating at home began to be felt in the United States. This form of threat has been labelled ‘homegrown terrorism’. From the American perspective, this type of terrorism involves U.S. citizens and residents within the United States with little direct influence from existing transnational terrorist networks.

Though this type of terrorism is not a novel development, it is only after the previously mentioned events that American policymakers manifested a growing concern about its identification and prevention. Basing themselves on the premise that radicalization – the process by which people are sucked into radical ideas – is at the basis of the phenomenon, they started to frame counter-radicalization strategies. While homegrown terrorists originate from different groups, government security measures tended to fixate American Muslims and to focus on environments where would-be extremist Muslims might find influencing radicalization venues.

The principal objective of this study is to determine how far the U.S. government policy toward Muslims is legitimate. This study aims to reveal whether the government strengthened security precautions to face a real threat or whether it participated in cultivating fear to justify increased expenditures of security initiatives. To that end, it will examine the discourse on which the U.S. government bases its policy and assess its assumptions. The dissertation is more concerned with an evaluation of the significant assumptions on which the discourse is based.

In political science, the analysis of official discourse is increasingly recognized as being a crucial aspect in the understanding of policymaking processes. It is obvious that decisions on a given subject cannot be taken without prior knowledge about it. This discourse brings knowledge and makes it thereby ‘truth’. This research work reveals such a ‘truth’ and puts it into perspective to evaluate the

legitimacy of the policies. The goal is to look at how the U.S. government reproduces past discourses that are so entrenched that they are considered as discursive foundations. To uproot such discursive foundations, we aim to show that such discourses are based on assumptions that are flawed.

Carrying such study is important for the U.S. because the huge spending by both federal and state governments on homeland security has made the U.S. the largest civil security market in the world. More than a financial waste, the U.S. might live the erosion of its most cherished value, namely religious freedom because of ill-conceived policies. This would affect faith communities. This would in turn disturb the structure of the American society. To check those assumptions and data is even more important as Muslims represent the third-largest religion in the U.S.A. according to an American Religious Identity Survey carried in 2001.

Throughout American history, we can notice that the U.S. government policies contradict the American ideals. Nowadays, such paradox appears again in the U.S. policy towards Muslims when facing homegrown terrorism. On the one hand, some officials strive to have a rhetoric that is not targeting Muslims. They insist that there should not be an amalgam between Islam and terrorism. In addition, some of U.S. government's measures and decisions back the Muslim community's interests. On the other hand, we can distinguish an adversarial rhetoric targeting Muslims. In addition, the U.S. government has taken pre-emptive measures that are discriminatory to Muslims.

Considering that discourse is crucial in policymaking and that discourse is influenced by past discourses, we evaluate the policies deriving from such discourse and come to the following general hypothesis: By basing its policymaking on an anti-

Muslim discourse, the U.S. government response to homegrown terrorism is considered illegitimate. Even in the rhetoric that is not openly adversarial to Muslims, the anti-Muslim bias is present in a subtle way. Because of such bias, the trade-off freedom/security in the case of Muslims is not warranted.

Keeping the direction of our general hypothesis, we build up some sub-hypothesis. First, through a long process towards institutionalization of religious freedom, religious pluralism was promoted and Muslims, like other religious groups, could be integrated in the American society. Second, homegrown terrorism has been discursively constructed as a security threat. Third, the establishment of various policies and decisions to confront homegrown terrorism has the potential to create discrimination and social injustice towards Muslims.

This thesis begins with an analysis of the delicate relationship between the scope of government power and the freedoms of people. Then, it elaborates an overview of the long process that has institutionalized religious freedom in the U.S.A., a fundamental factor in the promotion of religious pluralism. This done, it examines the American perception of homegrown terrorism as a threat and response to it. Finally, this research attempts to determine the legitimacy of such response. This evaluation is made through an analysis of the official discourse. The discourse itself can be object of research when it seems to legitimize policies. Then, we have to assess such discourse. Sources has been cited according to the supervisor's referencing system.

This research work uses a combination of several methods. To examine the development of religious pluralism in the United States, we use the historical method. To study the construction of homegrown terrorism as a security threat and to assess

the official discourse, we use the Critical Discourse Analysis (CDA). The CDA deals with all levels of a discourse, including grammar, style, and rhetoric. As far as this work is concerned, we concentrate broadly on language and its social context. To find out from which discourse comes the current discourse, we use genealogy, an investigative method that adopts a historical perspective.

Utilizing the critical discourse analysis for this study presents several advantages. One of them is that language is a means of constructing and not just mirroring the reality. Through its use, people aim to achieve some goals. Another one is that it enables us to analyze what is being communicated in the various documents produced by the U.S. government and speeches made by government officials. Still another one is that it enables us to integrate other methods. Such combination of methods is needed to study the issues raised. Still another advantage is that the CDA makes possible some creative fulfillment. As it has not a structured outline of how to conduct a study, it leaves room to personal arrangement. The last but not the least advantage is that it does not need technology or funds to apply it. Indeed, it requires the documents themselves and no other devices to collect data.

In this study, we analyze the government policy response toward Muslims. In other words, we attempt to assess whether the government is striking the right balance between religious freedom and security interests in the case of Muslims when dealing with the issue of homegrown terrorism. We try to evaluate whether the American government is faithful to its democratic ideals and values or abusing its power and hindering the flourishing of religious freedom for something which is not warranted.

Studies on homegrown terrorism have taken different approaches and achieved different conclusions. Some studies about homegrown terrorism tried to understand

the process of radicalization, its nature and to explain how individuals participated in violent behavior. For example, in “Radicalization into Violent Extremism I: A Review of Social Science Theories” (2011), Professor Randy Borum tried to define the process of radicalization without confining it to either the ideological aspect or political one. He explored the problems in defining radicalization and radicalism and suggested that radicalization might best be viewed as a set of diverse processes

Moreover, in “Homegrown Terrorism and Transformative Learning” (2010), Professors Alex Wilner and Claire-Jehanne Dubouloz used an interdisciplinary approach to give an understanding of the radicalization process. They investigated and identified the internal cognitive processes inherent to identity transformation. They applied theories of transformation proposed and developed from a variety of fields.

Similarly, Daveed Gartenstein-Ross, the vice-president of research at the Foundation for Defense of Democracies and director of its Center for Terrorism Research, and Laura Grossman, a research analyst, provided an analysis of the radicalization process. In “Homegrown Terrorists in the U.S. and U.K.” (2009), they carried an empirical examination of the radicalization of homegrown terrorists. They found that six manifestations could be observed at different degrees in the radicalization process of homegrown terrorists. These manifestations are adopting a legalistic interpretation of Islam, trusting only select religious authorities, perceived schism between Islam and the West, law tolerance for perceived theological deviance and attempts to impose religious beliefs on other political radicalization.

Some analysts looked for the venues of radicalization. Observers like Akil N. Awan, Simon O’Rourke, David Tucker, Edwin Bakker, Tomas Precht and others highlighted the role the internet played in radicalization. Precht, a professor of

counterterrorism studies and Director of the Center for Terrorism and Counterterrorism of Leiden University, carried an empirical study of 242 European Jihadists from 2001-2006 to measure the effects of the Internet on radicalization (2007). His findings showed that there is “a correlation between jihadi web sites and propaganda on the internet and rapid radicalization” (*Home grown Terrorism and Islamist Radicalization in Europe*). In addition, in “Terrorist Use of the Internet: The Real Story”, researchers Irving Lachow and Courtney Richardson from the National Defense University advanced that “[t]he internet played a role in radicalization” (2007). Likewise, in *Countering Online Radicalization: A Strategy for Action* (2009), researcher Tim Stevens and Doctor Peter R. Neuman put the finger on online radicalization. In addition, they suggest a strategy to counter it. Recently, Doctor Anne Aly in “The Internet as an Ideological battleground” (2010) considered terrorism as a battle of words and ideas and the Internet as its battleground.

Nevertheless, some scholars did not consider the internet as the main source for radicalization. Accordingly, the idea of someone being able to go through the full circle of radicalization, from pre-radicalization to committing an actual terror act, just by using the internet, is unlikely. Doctor Noemie Bouhana and Professor Per-Olof H. Wikstrom advanced that direct contact is necessary in the process of radicalization. Their study made for the UK Home Office in 2011 evaluated al Qaeda radicalization through a Situational Action Theory framework. Under this outline, Bouhana and Wikstorm examined “how people, through social and self-selection, come to be exposed to ... radicalizing settings” (*Al Qaeda Influenced Radicalization* 18). They showed that “[m]embership of a social network containing one or more radicalized member, or containing a member connected in some way to one or more radicalizing settings, [was] one of the main factors linked to exposure to radicalizing

influence”(19). Their findings can be explained by the fact that the technology hinders the formation of intimate bonds (21). This type of radicalization is called physical-social radicalization by opposition to virtual radicalization. Similarly, Quitan Wiktorowicz’s research and analysis presupposed that the entire four-step process of radicalization is based on human-to human interaction, leaving out the role of the internet (qtd. in “Radicalization and Homegrown Terrorism in Western Muslim Communities” 5).

Another venue suspected to contribute to the radicalization process that leads to terrorism are the prisons. While the government and some observers speak of prison radicalization, Doctor Clarke R. Jones rejected the vision that considers prisons as “breeding grounds” or “universities” for terrorism. In “Are Prisons Really Schools for Terrorism? Challenging the Rhetoric on Prison Radicalization” (2014), Jones showed that the concerns of the government are generally based on limited data about prisoner radicalization. His conclusion was that prisoners were not necessarily radicalized and recruited by terrorist inmates.

In addition, existing literature published by the American government and various scholars see a link between Muslims and homegrown terrorism. Some researchers wanted to evaluate how responsible the Muslim community is in the radicalization process. In *Radicalization in the West : The Homegrown Threat* (2007), Mitchell D. Silver and Arvin Bhatt, analysts of the NYPD Intelligence Division, attempted to find out whether some demographic and circumstantial factors would lead to radicalization and to identify them. They concluded that there was no clear way to determine which factor or combination of factors would be considered as causal in the radicalization process or homegrown terrorist violence.

In addition, in “Radicalization: The Journey of a Concept” (2012), Professor Arun Kundnani provided an analysis that explained why Muslims are considered responsible for homegrown terrorism. For him, the industry’s scholars contributed to make them suspect and their rights abused because of those scholars’ particular way of using the concept of radicalization.

Professors Charles Kurzman, David Schanzer, and Ebrahim Moosa addressed the topic from a different perspective. They wanted to understand why just a small number of American Muslims followed the path of radicalization and violence. In addition, they wanted to determine how the Muslim group has dealt with the threat generated by extremism (“Anti-Terror Lessons of Muslim-Americans” 1).

No source, however, examined critically the U.S. government discourse on homegrown terrorism as an element to assess the legitimacy of the response to it. To carry out this study, we have used various types of data. First, for the debate over the scope of power of the government in relation to the rights of people, we relied on philosophers’ writings. Then, we used historical materials to describe the American experiment in religious pluralism. Legislation passed from the colonial times to the present was examined to review the development of religious freedom. To make the analysis of the U.S. government discourse on and response to homegrown terrorism, we used government documents and works of academia. The government documents included speeches, hearings, national strategies and others. In addition, to assess the assumptions underlying the U.S. discourse, Islamic tenets and teachings and different surveys were used. For the Islamic tenets and teachings, data were collected from the Holy book, Sahih Al-Bukhari and Riyad us-Saliheen.

For the surveys, those from the Pew Research Center's Forum on Religion and Public Life were used. One was carried in 2007 entitled *Middle Class and Mostly Mainstream* and another one, in 2011 entitled *Muslim Americans: No signs of Growth in Alienation or Support for Extremism*. Both were based on telephone interviews. Results from surveys of mosques in the U.S.A. were used as well. In 2000, Doctors Ihsan Bagby, Paul M. Perl and Bryan T. Froehle in 2000 carried a first one entitled *The Mosque in America: A National Portrait*. In 2011, Ihsan Bagby conducted a second one and published it in two reports entitled respectively *The American Mosque 2011: Basic Characteristics of the American Mosque Attitudes of the Mosque Leaders*, and *The American Mosque 2011: Activities, Administration and Vitality of the American Mosque*. Both surveys consisted in counting all the mosques, taking a sample from the list of those mosques and interviewing by telephone a mosque leader (either the Imam, the president or board member). In the 2000 survey, 1, 209 mosques were counted and interviews were conducted successfully in 416 of the mosques from the list. In the 2011 survey, 2,106 mosques were counted and interviews were completed in 524 of the mosques from the list.

The limitations we incurred in conducting this study are several. First, some of them have to do with the disadvantages of the method CDA. Admittedly, this method provides some level of replicability as observation is drawn on evidence in the actual language. Nevertheless, results can differ when conveyed by different individuals as perception and interpretation of discourse can be made in different manners. Thus, compelling claims can be made. Moreover, as the discourse is evolving, the results are not definitive but specific to a given time period. New insight and knowledge can be provided.

This dissertation is divided into five chapters. In the first chapter entitled “Power of Government and Freedom of People,” we analyze the relation between security and freedom. To that end, we first give a theoretical framework on the broader relation of government and freedom and show how government’s function of maintaining order and preserving people freedoms is problematic in some contexts. Then, we study how the balance security stakes and freedom is stricken in the U.S.A. and how it is still at the center of debate.

In the second chapter entitled “Religious Pluralism: The American Experiment,” we examine the historical development of religious pluralism in the United States. We argue that religious uniformity rather than religious freedom was promoted during the colonial period. We show how religious freedom was institutionalized after the independence of the U.S.A. and how it was reinforced with later legislation. At last, we study how Muslims became a part of this religious pluralism.

In the third chapter entitled “Constructing the Threat of Homegrown Terrorism,” we study the discourse surrounding the term homegrown terrorism. We provide an understanding of how the discourse regarding homegrown terrorism is being situated at the government level. The works of academia are presented to help in this understanding. We argue that homegrown terrorism was discursively constructed as a threat. Then, we show how radicalization has been identified as a possible pathway to homegrown terrorism.

In the fourth chapter entitled “Facing Homegrown Terrorism: A Dual Policy Towards Muslims,” we discuss the impact of the discourse in having instituted discriminatory practices. We present the counterterrorism and counter-radicalization

programs undertaken under the Bush and Obama administrations, first. Then, we highlight how incoherent the U.S. government's counter-radicalization efforts are.

In the last chapter entitled "Findings and discussions: Deconstructing the U.S. Discourse," we assess the legitimacy of the U.S. government's policy through an analysis of some significant assumptions underlying its discourse. We show that the U.S. discourse is reproducing past discourses and that it is based on flawed assumptions.

Chapter one

Power of Government and Freedom of People

The force of government is limiting one's choices and actions. Any time the government takes decisions for its people or passes a law, it limits its people's choices or actions. Then, the formation of civil government entails an abandon of some freedom. The amount of freedom a citizen must surrender and the range of permissible activities of government becomes an issue when devising a government. The difficulty in determining the extent to which government can use its power to fulfill its purposes is referred as the power problem.

In the first part of this chapter, we give a conceptual analysis of government, we probe into the reasons of its formation and we study the theories relating to its scope of power. In its second part, we analyze the relationship between the government's purpose of maintaining order and the freedom of people in theory. In its third part, we evaluate how far the U.S. legal framework and policies pursue these two values.

IV. Government and Government Power

Government as a concept is not so obvious and as a phenomenon is rather complex. To grasp it, an examination of the different aspects it encompasses is necessary.

A. Definition

The scholarly discussion of the meaning of government is rich. Usually, people associate government with the idea of power, control, rules and even politics. In this part of the chapter, we depart from just simple definitions of ‘government’. Dictionaries and scholars give different definitions of the term. *The Oxford Advanced Learner’s Dictionary of Current English* (2010) gives three definitions of government:

The group of people who are responsible for controlling a country or a state; a particular system or method of controlling a country, the activity or the manner of controlling a country. (“government”)

The Cambridge Advanced Learner’s Dictionary (2008) defines government as:

The group of people who officially control a country; the system used for controlling a country, city, or group of people; the activities involved in controlling a country, city, group of people, etc. (“government”)

Both dictionaries offer definitions around the same key words, namely group involved, system in place, and process or activities in use.

Samuel Finer, a political scientist and historian, ascribes at least four different meanings to the term "government." First, government denotes “the activity or process of governing”. Second, government is “a condition of ordered rule”. Third, it

refers to “those people charged with the duty of governing’. Fourth, government is “the manner, method or system” of ruling a particular society (3).

In some particular contexts, ‘government’ has specific meanings. It can refer narrowly to just a part of the political system as it can refer broadly to a larger system. For example, in the United Kingdom political system, government refers to “Her or His Majesty’s Government”. In this case, government refers narrowly to the system that comprises the Monarch, the Privy Council, the Cabinet but not Parliament. In the U.S.A., government includes the national or federal government institutions, the fifty states governments and the local governments. This is why, in American English, government refers to the larger system by which any state is organized (*Oxford English Dictionary*, “government”).

Notions that are related to government are power, authority and legitimacy. Power is the capacity to affect the behavior of others. Authority is the right to do so. It is not founded on any form of manipulation or coercion but on an acknowledged duty to obey. In *American Government and Politics Today: The Essentials*, Barbara Bardes, Mack C. Shelley and Steffen W. Schmidt define them in a simple and clear way. According to their definition, authority is “the right and power of a government or other entity to enforce its decisions and compel obedience” and legitimacy is the “popular acceptance of the right and power of a government or other entity to exercise authority” (5). These elements are necessary for any government to work properly.

B. Source of Legitimacy: The Social Contract Theory

To survive any government needs legitimacy. To explain how citizens obey and feel loyal toward their governments, we adopt the social contract theory. This perspective is relevant as the idea of the social contract influenced significantly the American founding fathers, especially Thomas Jefferson and James Madison. Thus, it is one of the foundations of the American political system.

The Greek philosopher Plato first used the term “social contract”. The English philosopher Thomas Hobbes developed the idea. Later, Jean Jacques Rousseau and John Locke adopted the idea. According to the social contract theorists, men decided to unite via a social contract. In the beginning, they lived in a state of nature. There was neither a government nor laws to regulate them. Social theorists have different descriptions of this state of nature. For Thomas Hobbes, it is anarchy as in a war of “every man against every man” (77) and where life is “solitary, poor, nasty, brutish and short” (78). Hobbes had the ideas from the English Civil War that all humans were naturally self-centered and nasty. For John Locke, the picture of the state of nature is more attractive. People live according to the law of reason. The latter teaches, “no one ought to harm another in his life, liberty, and or property” (*Two Treatises of Government* 106-111). Similarly, Jean Jacques Rousseau spoke more moderately of the drawbacks of the state of nature (4-5).

Because they departed from different descriptions, social theorists present different reasons for which men decided to unite. In the Hobbesian vision, it is to escape from a miserable life, in the Lockean one, to protect property. Nevertheless, agreement is the basis that led to the existence of the authority, the government, the sovereign or the state. In the same way, the notion of agreement is at the center of

Rousseau's description. For him, people enter in agreement as equal individuals and make up the general will. The latter refers to the sum of the wills of all the individuals. Government is based on this idea of popular sovereignty (11).

In a society where there is a social contract between rulers and ruled, citizens have given allegiance to an entity that protects their rights. The legitimacy of that government, of its political authority derives from the consent of the governed. The consent of the governed is central to the social contract theory. In *Two Treatises of Government*, Locke explains that men would accept to give up the state of nature in which they enjoy freedom, equality and independence for the sake of security. Indeed, the main reason for which people decide to unite is security. In the state of nature, "conflicts arise because people are self-interested and so impartial in their dispute». The authority either absolute or limited would put an end to such a state of insecurity. To show that security is of paramount importance, we analyse the description of Locke:

Men being, as has been said, by nature, all free, equal and independent, no one can be put out of this estate, and subjected to the political power of another, without his own consent, which is done by agreeing with other men, to join and unite into a community for their comfortable, safe, and peaceable living, one amongst another, in a secure enjoyment of their properties, and a greater security against any that are not of it.
(Locke, *Two Treatises of Government* 146)

For Locke, people have the right to withdraw their support, to rise and throw government whenever they judge that the government is not fulfilling its task or abusing its power. In Locke's description, the law for which men entered into society

is called the law of self-preservation. In case when this law is not respected and that the members of the community would be brought into a “slavish” (170) condition and that “a long train of abuses, prevarications, and artifices”, they would have the right to rid themselves of those who violated the law to “rise themselves, and endeavor to put the rule into such hands which may secure to them the ends for government was at first erected” (204). Locke uses the term “slavish” and “a long train” not to encourage any uprising for something for which it is not necessary to rise. In other words, the amount of abuses should be significant to justify reaction.

John. S. Mill echoes the argument of the right to expel those who violated the law in case of abuses. For him, the power to decide wherever to expel should be in the hands of a representative assembly. The latter would not have the power to govern but “to watch and control the government: to throw the light of publicity on its acts; to compel a full exposition and justification of all of them which any one considers questionable; to censure them if found condemnable” (*Representative Government* 68).

Thus, according to Mill, people should not govern but be represented in an assembly which role would be to scrutinize the government. In that way, they would be able to point on any abuse. Nevertheless, to determine when there are abuses is problematic. One should have a clear idea about how far should a government go in fulfilling its purposes. This question is about the scope of power of government. This issue is difficult to set.

C. Scope of Government Power

Thinkers and philosophers have different viewpoints on the power of government. Hobbes advocated the necessity of absolute sovereign. Government had to be very strong. Subjects surrender their rights and have to obey this central authority unconditionally. For him, the contract should be the following:

I Authorise and give up my Right of Governing myself, to this Man, or to this Assembly of men, on this condition, that thou give up thy Right to him, and Authorise all his Actions in like manner. This done the multitude so united in one person is called commonwealth. (106)

Unlike Hobbes, Locke has not advocated unlimited rule; he supported a limited government with the rule of law. Indeed, according to him a morally legitimate government must be a government of laws not men. In his *Treatises* he wrote:

Absolute arbitrary power, or governing without settled standing laws, can neither of them consist with the ends of society and government, which men would not quit the freedom of the state of Nature for, and tie themselves up under, where it not to preserve their lives, liberties, and fortunes, and by stated rules of right and property to secure their peace and quiet. (164)

For Locke, all forms of government are acceptable as long as the basic rights of life, liberty, and property to the people are protected.

From his side, Mill in his essay “On Liberty” (1860) dealt with the issue of the nature, limits, and legitimacy of power. According to him, we have first the rights of

people. To explain the rights of the people, he departs from the idea that individuals are not accountable to the society for their actions as long as these concern just their interests. In the case that actions are prejudicial to the interests of others, the society can decide social and legal punishment to ensure its protection (130).

These different viewpoints on the scope of the power of government gave rise to different ideologies. We devise a spectrum whose extremes are, on one side, the least government and, on the other side, the most government. We put the different ideologies according to the amount of government intervention they prone. On one extreme of the spectrum is totalitarianism; on the other, is anarchism. The former calls for government intervention in all aspects of life while the latter rejects government entirely.

Between these extremes and close to totalitarianism, there is democratic socialism. The latter supports government authority in economic life but preserves civil liberties. In addition, there is classical liberalism and neo-classical liberalism. According to the neo-classical liberals, the exercise of individual freedom is possible only with a small government. Close to anarchism is libertarianism. In such ideology, the government is permitted to protect life and property without excessively interfering in the lives of its citizens. Libertarians think of individual freedom and government power as polar opposites. For them, more government means less freedom. Capitalism as a political ideology promotes private enterprise without government regulation.

II. Freedom Versus Order: The Original Dilemma of Government

The power problem is an on-going issue. It is even more acute when we put two values, order and freedom, in the balance. The government pursues these two values. The issue is how can a government fulfill its original purpose of maintaining order and balance it with freedom. This is the original dilemma of the government.

A. Definition

Freedom and order are two major political values. Aside from providing goods and promoting equality, maintaining order is one of the purposes of government. Order is taken in its narrow meaning of preserving life and protecting property. In the contemporary context, it is synonymous with security.

Concerning freedom, political and social philosophers normally use the term ‘liberty’ and ‘freedom’ interchangeably. Although Philosophers Hanna F. Pitkin, Bernard Williams, and Ronald Dworkin have attempted to distinguish between liberty and freedom, they found difficulties in making the differences.

According to the *Oxford Advanced Learner’s Dictionary*, liberty means “freedom to live as you choose without too many restrictions from government or authority,” and “the legal right and freedom to do something” (“liberty”).

In classical English and American political thought, the view of liberty is relatively rich and complex. In Pamphlets, treatises, sermons and political discourse, thinkers debate about the nature of liberty. Representative of classical thought is William Blackstone’s discussion. His contribution is relevant especially as it had a significant impact on the American legal tradition. He distinguished between natural liberty and civil liberty. Natural liberty is the freedom that individuals would enjoy in

a state of nature. In his *Commentaries on the Law of England*, William Blackstone defines natural liberty as "a power of acting as one thinks fit, without any restraint or control, unless by the law of nature." He defines civil liberty as «natural liberty so far restrained by human laws (and no farther) as is necessary and expedient for the general advantage of the public." (Book one, Chapter one).

Contemporary philosophical debate is about the issue of the positive and negative sense of liberty. Depending on whether freedom is followed by ‘of’ or ‘from’, the meaning is different. Freedom of something means “the state of being able to do what you want, without anything stopping you. Freedom from something means “the state of not being affected by the thing mentioned” (“freedom”).

Kant had made this distinction. Isaiah Berlin examined and defended it in depth. In a lecture at the University of Oxford, England, in 1958 entitled “Two Concepts of Liberty”, he classified liberty into “positive liberty” and “negative liberty”. Negative freedom is freedom from interference, coercion, or restraint. It is “[w]hat is the area within which the subject – a person or group of persons – is or should be left to do or be what he is able to do or be, without interference by other persons?” (155). In “Two Concepts of Liberty,” he explains that coercion is not a “mere incapacity to attain a goal” but “implies the deliberate interference of other human beings within the area in which [someone] could otherwise act”. (3)

In fact, negative freedom is a rather familiar concept, as it is the way most thinkers, including Locke and Hobbes, have defined freedom. Positive liberty is a more complex concept. It is the freedom to do something or to be as one wills, or self-determination. According to Berlin’s study, negative and positive liberty are not just two different types of liberty, but they can be considered as adversaries. In spite of

some shortcomings, Berlin's distinction continues to be a significant contribution that helps in further discussion in the field.

The purpose of maintaining order raises some scholarly debate when it is related to people's freedom. Rousseau highlighted this challenge when he wrote that the difficulty in creating a government:

is to find a form of association which will defend and protect with the whole common force the person and goods of each associate, and in which each, while uniting himself with all, may still obey himself alone, and remain free as before" (10).

Undoubtedly, a government should have enough power to fulfill its tasks. However, the right scope of this power is problematic especially when striking the right balance between competing values like order and freedom. It is so problematic that we refer to it as a dilemma.

This debate existed and still exists. In *The Challenge of Democracy*, Kenneth Janda, Jeffrey M. Berry, and Jerry Goldman describe what this "original dilemma" is. According to their description, it involves "tradeoffs between freedom and order" (2). As the two values have conflictual norms, governments have to balance between them. The dichotomy of these two values is represented in the image of balance.

B. Debate among Classical Thinkers

Some Classical Liberal thinkers considered the relation government's purpose of maintaining order and freedom of people as a conflictual situation. Among them is Hobbes. He viewed freedom and government's purpose of maintaining order as opposite entities and so irreconcilable ones. He created an alternative that put security

and freedom as conflicting goals (*Leviathan* chapter XIII). To understand his reasoning, we have first to describe his representation of the state of nature. For him, safety is impossible in an anarchical chaos. In such a state,

. . . there is no place for Industry; because the fruit thereof is uncertain: and consequently no Culture of the Earth; no Navigation, nor use of the commodities that may be imported by Sea; no commodious Building; no Instruments of moving, and removing such things as require much force; no Knowledge of the face the Earth; no account of Time; no Arts; no letters; no Society; and which is worst of all, continuall feare, and danger of violent death; And the life of man, solitary, poore, nasty, brutish, and short. (Chapter XIII)

Thus, to avoid chaos resulting from the state of nature, people should give their rights up to a strong ruler and in return, people would gain law and order.

Other philosophers of the Enlightenment and post-Enlightenment era supported the view that security and liberty are linked. For Locke, "liberty is to be free from restraint and violence from others, which cannot be where there is no law" (*Two Treatises* 128). Farther, he explained:

If man in the State of Nature be so free, as has been said; if he be absolute Lord of his own Person and Possessions, equal to the greatest, and subject to no Body, why will he part with his Freedom?...To which 'tis obvious. to Answer, that though in the state of Nature he hath such a right, yet the Enjoyment of it is very uncertain, and constantly exposed to the Invasion of others...This makes him willing to quit a Condition, which however free, is full of fears and continual dangers:

And 'tis not without reason, that he seeks out, and is willing to joyn in Society with others who are already united, or have a mind to unite for the mutual Preservation of their Lives, Liberties and Estates. (159)

Therefore, according to him, the lack of security in the state of nature prevents people from enjoying fully their freedoms. This pushes them to leave the state of nature for a political society.

For Baron de Montesquieu, however, liberty and security are related. He wrote:

Political liberty consists in security or, at least, in the opinion that we enjoy security. This security is never more dangerously attacked than in public or private accusations. It is, therefore, on the goodness of criminal laws that the liberty of the subject principally depends. (206-207)

C. Contemporary Debate

Contemporary thinkers are still rising the issue of whether the relation between government's purpose of maintaining order and freedom is a conflictual or harmonious one.

1. Trade-off Thesis

In the "trade-off" thesis, security and liberties are constructed as opposite ends of a linear spectrum. This means that when one increases, the other necessarily decreases. In *Terror in the Balance: Security, Liberty, and the Courts*, Eric A. Posner and Adrian Vermeule, both professors of law, offer a simple groundwork for

understanding the “trade- off thesis” (2007). According to them, a security-liberty frontier exists. According to their framework, when policies are below the frontier, the government can change them to improve both security and liberty. However, if policy is already at some point on the frontier, the government cannot increase security or liberty without decreasing the other (5).

In much the same way, Professor of Public Policy Paul M. Sniderman et al. adopt a value conflict approach that aligns with the trade-off thesis. According to them, if a right is exercised without restrictions it will clash with the rights of others and the maintenance of order. More precisely, as backing for civil liberties increases, backing for order and security decreases, and vice versa. They maintain that the exercise of liberty “unavoidably collides with other values” (244).

In “Security and Liberty: The Image of Balance” (2003), Jeremy Waldron explains that balancing liberty and security is necessary even in normal circumstances.

We always have to strike a balance between the individual’s liberty to do as he pleases and society’s need for protection against the harm that may accrue from some of the things it might please an individual to do. The former, surely, cannot be comprehensive even under the most favourable circumstances—nobody argues for anarchy—and the latter has to be given some weight in determining how much liberty people should have. So there is always a balance to be struck. And—the suggestion continues—that balance is bound to change (and it is appropriate that it should change) as the threat to security becomes graver or more imminent. (192)

For Ronald Paul Ernest, an American politician, security and freedom are not reconcilable in peoples' minds. In a speech in front of the House of Representatives, he argues that "when people face terrorism or great fear – from whatever source – the tendency to demand economic and physical security over liberty and self-reliance proves irresistible." He further explains, "The Masses are easily led to believe that security and liberty are mutually exclusive, and the demand for security far exceeds that for liberty" ("Are we Doomed to be a Police State?" 2002).

2. No Trade-off

Other thinkers and analysts challenge the validity of the metaphor of balance. They try to undermine the basic idea that there exists a trade-off frontier that constrains security policy and that sometimes forces policymakers to trade-off security against liberty. According to them, the "trade-off" thesis fails to grasp properly or gets the wrong idea about the complexity of the relationship between security and civil liberties. In short, it is a false choice.

One of these thinkers is Mill. According to him, trade-off should not exist. For him, the government may restrict a person's will only if it represents a danger to others. This is the "harm principle". In his essay "On Liberty", he stated this clearly (1859).

...to assert one very simple principle, (which is) entitled to govern absolutely the dealings of society with the individual... That principle is that the sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their number is self-protection. That the purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others. (9)

Thomas F. Powers, an intelligence expert, is another analyst. In “Can we Be Secure and Free,” he states that “In a liberal republic, liberty presupposes security; the point of security is liberty” (5). He argues, “the opposition between liberty and security rests in fact an unwarranted dichotomy” (6).

Still another one is Professor Stephen Holmes. According to him, liberty and security are intertwined and inseparable. Under such perspective, if liberty is lost at the expense of security, security is generally lost. For him, the trade-off thesis functions as a “mystification” (qtd. in *The Long Decade: How 9/11 Changed the Law* 44).

Other scholars put into question the notion of balance. For Andrew Ashworth, the notion of balance is a rhetorical device. Jeremy Waldron highlights a problem of quantity and precision in the use of the term balance. Mark Neocleous speaks about the “myth of balance” (2007).

III. Freedom and Order: The Case of the United States of America

The U.S.A. legal framework provides the necessary tools to ensure both freedom and order. Nevertheless, on some occasions, these two values were in conflict.

A. The Relationship Freedom and Order: Legal Framework

In the mind of the colonists, liberty and security were inseparable. This belief is reflected in the statement of Benjamin Franklin. In 1755, he informed Pennsylvania’s governor that those who would “give up essential Liberty, to purchase

a little temporary Safety, deserve neither Liberty nor Safety" (242). During the revolutionary period, liberty and security were seen as the same. As they stated in their Declaration of Independence, the colonists declared independence because the British monarch was not fulfilling his duty of sovereign, namely providing both security and protections of people's rights.

During the constitutional convention, the debate freedom versus order rose. The Federalists and Anti-federalists animated this debate. The Federalists recognized liberty and security as mutually reinforcing. They were for a strong government to avoid public disorder and protect people from the enemies. They had drawn lessons from the bad experience under the Articles of Confederation that failed to give sufficient authority to the central government to perform the functions of a government effectively. In *The Federalist 3*, John Jay wrote "Among the many objects to which a wise and free people find it necessary to direct their attention that of providing for their safety seems to be first."

The Anti-Federalists were afraid that giving too much power to the national government would threaten rights and freedoms. For example, during the Constitutional Convention, J. Madison explains that in time of war, significant powers are given to the Executive and "A standing military force, with an overgrown Executive will not long be safe companions to liberty" (317). That is why, they demanded a Bill of Rights to guarantee freedoms.

Apparently, the debate freedom versus order that rose during the constitutional convention found an end in the Constitution. The latter document provides for a much stronger national government than the one under the Articles of Confederation. To satisfy both camps, the Federalists and Anti-Federalists, the Constitution operates a

balance between the promotion of public security and individual liberties. It does not put in opposition the values of freedom and security. It establishes a government that insure at the same time order and freedom, among other aims. This dual task is mentioned in the Preamble. The latter outlines some roles of the federal government among which is “to insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity.” This duality of concerns shows that there is no dichotomy freedom versus order in the foundations of the government.

To perform this dual task the Constitution has provided the necessary tools for order and guarantees for freedom. The government purpose to maintain order has been vested in different entities. In Article I, Section 8, Congress is granted the power to provide for the “general Welfare of the United States.” In addition, the president has been given the prerogative of commander-in-chief of the Armed Forces. The tenth amendment confers upon the states the right to make states’ laws. Through the enactment of these laws and their enforcement, the legislative and executive branches of the various states exercise police power. In addition, they can empower their political subdivisions to establish measures to maintain order.

Various devices protect the freedoms of people. Separation of powers has been applied to avoid absolute ruling and infringement on people’s freedom. Congress has the power to make laws, the courts to interpret them and the executive branch to make sure that they are applied. In addition, a system of checks and balances has been established to guarantee that no abuses of powers at the detriment of people’s rights and freedoms would take place. We have checks and balances between the branches and between the federal and state governments. The division of power between the

central government and state governments means both types of government are supreme within their proper sphere of authority and that they balance each other.

In addition, the Bill of Rights was written to ensure that the central government would exercise its power fairly and without discrimination. The preamble of the ten amendments when they were proposed clearly states this. This preamble is rarely quoted and is not incorporated into the Constitution itself but the concern to avoid abuse is clear. It reads as follows:

The Conventions of a number of the States, having at the time of their adopting the Constitution, expressed a desire, **in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses** should be added: And as extending the ground of public confidence in the Government, will best ensure the beneficent ends of its institution. [Emphasis added]

By declaratory and restrictive clauses, it is meant a bill of rights. The first ten amendments, commonly known as the Bill of Rights, were ratified and added to the Constitution in 1791. The Bill of Rights protected civil liberties; these may be divided into two types. The first includes those freedoms and rights guaranteed in the First Amendment (religion, speech, press, assembly, and petition). The second includes the liberties and rights associated with crime and due process, i.e.: a guarantee that prevents government from depriving individuals of their constitutional rights. We mention some of them. The Second Amendment of the Constitution reads, “A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.” The Fourth Amendment ensures “the

right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures.”

Later, the state governments provided protection from violation of rights and liberties with the passage of the Fourteenth Amendment. It reads:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

In fact, by providing the necessary tools to perform this dual task the Constitution led to a paradox of the American government as it adopted two theories of government. One theory is to put limits to a government in order to protect personal liberty. Another theory is to give some power to the states even to the point of violating individual rights. Thus, by integrating two contrasting theories of power in the Constitution, the Framers had thrown the seeds for the ongoing contradictory stances on the role of the government. Thus, though these arrangements enable the government to ensure security and to guarantee liberties, the debate on the appropriate scale and role of authority when there are security stakes is still taking place. On the one side, the civil libertarians argue that the government’s security enhancements curtail individual freedom. On the other side, the conservatives argue that securing the nation requires sacrificing some of the rights. The price of living in safety, according to them, is allowing the government to violate freedom when it deems necessary.

B. The Relationship Freedom and Order: A History of Tension

In the United States, some government's responses to some problems of security have not led to a trade-off between order and freedom, others have. In contexts when government has involved efforts to enhance security at the expense of liberties of Americans, people believed that this policy was necessary. An example is the measures taken under John Adams' administration. In a context of the French Revolution, Federalist concerns about the nation's security were intense. In 1798, President John Adams and his Federalist allies passed the Alien and Sedition Acts, four laws that focused on their political opponents and on immigrants, hereby putting them under suspicion. One of the acts is the Naturalization Act. It increased residency for foreigners to fourteen years before applying for naturalization. They judged this lengthy period necessary for a foreigner to assimilate American culture. Another is the Alien Enemy Act. It empowered the president to banish any person who was a native of an enemy country or considered a danger to the United States. In fact, it targeted Republicans. Indeed, almost all of the indictments, prosecutions, and convictions under the act concerned them (Rehnquist 222). According to the Federalists, not all this was a matter of party politics but of national security.

During the Civil War, restrictions for the sake of security continued to take place. President Lincoln argued that in wartime the national survival is a priority. According to his reasoning, the constitutional liberties have not value if the government cannot uphold the constitution. In a special session of Congress held on 4 July 1861, he said, "Are all the laws, *but one*, to go unexecuted, and the government itself go to pieces, lest that one be violated?" ("Special Session Message").

Concretely, President Lincoln decided on restrictions on freedom of speech and press, trials of suspected political criminals in front of military tribunals and even suspension of the writ of habeas corpus, for suppressing insurrection and rebellion without waiting the authorization of Congress.

During World War I, shortly after declaring war on Germany and its allies, Congress passed the Espionage Act 1917. The law aimed at suppressing subversion and refraining critics of the war. It punished those convicted of interfering with military recruitment with penalties of 20 years imprisonment and fines up to \$10,000. It empowered the Postmaster General to remove from the mail any material considered as treasonable or seditious. Other restrictions on Germans and German-Americans existed too. The Sedition Act made illegal to defame any branch of the federal government. It criminalized the publication of any “false, scandalous and malicious.” writing against the government, the Congress, or the President.

During World War II, the threat was judged the West Coast. On February 13, Congressman Clarence F. Lea wrote to Franklin D. Roosevelt on behalf of the members of Congress from California, Oregon and Washington. He called for “the immediate evacuation of all persons of Japanese lineage and all the others, aliens and citizens alike, whose presence shall be deemed dangerous or inimical to the defense of the United States from all strategic areas” (qtd. in Conn 15). In spite of the dissent from the concerned population, President F.D. Roosevelt signed Executive Order 9066 in February 1942, calling for their evacuation. The president justified that decision by stating, “war requires every possible protection against espionage and against sabotage to national-defense material, national-defense premises and national defense utilities.”

During the Cold War, the U.S. government portrayed the Soviet Union as a major economic, political, and military threat despite knowing about the Soviet's weak status. The proof is that it fell apart in 1991. To confront that alleged threat, the U.S. government framed containment policies. At home, those policies led in some cases to encroachments on citizens' rights and freedoms. McCarthyism is an example as it led to accusations without proper regard to evidence.

Another example is President Truman's decision to try to seize private property to provide necessary weapons in the war effort in Korea. Under the cover of national security, the president permitted the Commerce Secretary to command the nation's steel industry. The Supreme Court rejected his claim. Justice Jackson justified this decision by advancing that "Presidential claim to a power at once so conclusive and preclusive must be scrutinized with caution, for what is at stake is the equilibrium established by our constitutional system." (*Youngstown Sheet & Tube Co. v. Sawyer*).

More recently, after 11 September 2001 attacks, the U.S. government took some measures to provide for the security of society. The Bush Administration had relied on a "state secrets" privilege. This privilege was recognized earlier in *United States v. Reynolds* (1953) to avoid the public questions about some government actions like the surveillance by intelligence agencies. Moreover, Americans were required to accept limitations on personal freedom and civil liberties. In fact, government security measures have targeted American Muslims. The impact of such policy is well expressed by Yvonne Y. Haddad when she argued that such measures "have isolated Muslims and placed them in a 'virtual internment'" ("Muslims and American Religious Pluralism" 69).

To conclude, a legal framework that protects freedom exists in the U.S.A. Nevertheless, historically, the U.S. government tended to restrict freedom whenever it confronted security concerns. It generated an illusion of an enemy or intensified the power of a real rival. It used terror and manipulated the public fear to justify restrictions.

Chapter two

Religious Pluralism: The American Experiment

Because it had welcomed various groups of different religious denominations and religious traditions, the New World, today's America had been qualified as the asylum of religious liberty. The rights of religious groups have been defined throughout American history. During the colonial period, a dualism can be noticed. On the one side, a tendency to religious uniformity hindered the flowering of religious freedom. On the other side, other factors led to the decline of religious uniformity and so contributed to the consequent development of religious toleration and pluralism. At the time of American nationalization, the early steps in the way of toleration were made. Then, the developments during the founding of the nation are important in that they enabled the institutionalization of religious freedom and forged a pluralistic environment. Later provisions have further asserted it.

This chapter studies religious pluralism as an ideal in the United States, in the first part. It analyzes the dual atmosphere for the development of religious freedom during the colonial period, its early institutionalization at the national level and later developments. It overviews the different protections the federal government provides to religious groups. In the second part, this chapter describes the Muslim population in the United States and shows how it added to the religious diversity existing in the society.

I. Religious Freedom in Colonial America

During the colonial period, some factors hindered the development of religious freedom; others set the conditions that enabled its establishment.

A. Hindrances

European settlers in America had not brought with them religious freedom as a value but rather religious uniformity. The latter parameter and cases of establishment through legislation in some colonies hampered the development of religious freedom in Colonial America.

1. Religious Uniformity as an Inherited Value and as an Aim

In the Western view, religious freedom as a value was progressively asserted within the European historical context. The European civil wars of the sixteenth and the seventeenth centuries are considered as a significant stage in the development of religious freedom. According to this view, the treaties that contributed to end these civil wars secured religious peace and guaranteed a certain minimum of religious freedom for every citizen.

However, a thorough analysis of the peace treaties reveals that they were territorial arrangements among religious groups and denominations. The Reformers were not fighting for religious freedom but for freedom from the control of the Pope. They still held this idea of territorial uniformity of religion, i.e.: that a religion should be imposed to a state's subjects through civil authority. Among the treaties is the Edict of Nantes, issued in 1538. It reasserted Catholicism as the established religion of France. Though it gave certain privileges to Huguenots – one of the minority religious group in France - it prevented the extension of protestant worship there. In addition, there was no mention for rights for the other religious groups.

Another one is the Peace of Augsburg signed in 1555. It put an end to an armed conflict between the Roman Catholics and the Protestants within the Holy Roman Empire. It reaffirmed religious uniformity as it established the principle “Cuius region, eius religio” (a Latin phrase meaning literally “Whose realm, his religion”). It gave legitimacy to only two religions within the Empire, namely Roman Catholicism and Lutheranism, and so prevented religious pluralism (*Peace of Augsburg* 25 Sept. 1555).

Still another one is the Treaty of Westphalia of 1648, a series of peace treaties officially ending European wars of religion. Among its tenets was that all parties would recognize the Peace of Augsburg. It would perpetuate the principle of religious uniformity and hinder the process of religious freedom. In *The Lively Experiment: The Shaping of Christianity in America*, Sidney E. Mead argues that “Confessional stabilization was achieved primarily on a territorial basis” (2). According to her description, in England dominated Anglicanism; in most of Germany and the Scandinavian countries, Lutheranism; in Switzerland, Scotland, and the Low Countries, the Reformed groups; and in Spain and France, Roman Catholicism. Each of these groups claimed within its territory religious absolutism (2).

Therefore, in the early seventeenth century, virtually all European political leaders were thinking that religious diversity was unhealthy to the stability of any government. For them, in a nation, the religion of the ruler and the one of his subjects should be the same otherwise religious differences would lead to internal turmoil. Then, European people going to what is today the U.S.A. during the settlement era had not brought with them the value of religious freedom but just a desire to worship freely. The religious groups came with the intention to keep their practice of religious

uniformity. They transplanted and perpetuated the church-state union in the colonies (Keating 4).

2. Legislation Hindering Religious Freedom: Signs of Establishment

There were some signs of religious establishment in some colonies. Not only the government of these colonies provided for financial backing to the clergy of the established church but also it often gave it legal privileges. There was a need of conformity of religious beliefs and practices. In such context, free exercise of religion was denied to several groups. The legislation of several colonies put limits on religious freedom. In some colonies, conformity to the official faith was a condition of residence. An example is the colony of Virginia. Virginia Second Charter, issued in 1609, stated:

And lastly, because the principal Effect, which we can desire or except of this Action, is the Conversion and Reduction of the People in those Parts unto the true Worship of God and Christian Religion, in which Respect we should be loath, that any Person should be permitted to pass, that we suspected to affect the Superstitions of the Church of *Rome*, we do hereby Declare, that it is our Will and Pleasure, that none be permitted to pass in any Voyage, from time to time to be made into the said Country, but such, as first shall have taken the Oath of Supremacy;....

Another example is Massachusetts Bay Colony. In 1637, that colony issued a court order that forbade entry and residence in the colony to those who did not practice the accepted form of Protestantism. John Winthrop, the first governor of the colony wrote a defense of that order. It reads:

9. The rule of the apostle (John 2:10) is that such as come and bring not the true doctrine with them should not be received to house, and by the same reason not in the commonweal. 10. Seeing it must be granted that there may come such persons (suppose Jesuits, etc.), which by consent of all ought to be rejected, it will follow that by this law...is no other but just and needful,...

B. Favorable Factors

Colonial America enjoyed some others parameters that set some suitable conditions for the flourishing of religious freedom. This part of the chapter points on some significant factors and colonial legislation that interplayed and promoted religious freedom.

1. Impact of some Philosophical Ideas

Some ideas would enhance positively the trend towards religious freedom. Among them is a series of evangelical revivals in the mid-1700s known as the Great Awakening. The Great Awakening started as a response to a decline in religious fervor in New England's colonies. It was a rebellion against authoritarian religious rule. It opposed the idea of a single truth or single religion. This movement led to the growth of sects, such as Baptists and Quakers, who believed in the separation of

church and state and in the freedom of religion. As these diverse sects had more and more members, there was a need to accept each other's' beliefs to live together in harmony. Thus, more individuals advocated religious freedom openly.

Giving additional impetus to religious freedom were Enlightenment ideas. Like the Great Awakening, the Enlightenment called for a removal of the ecclesiastical and civil forces that imposed religious uniformity. An example of Enlightenment thinkers is Thomas Paine. Paine expounded on natural rights and went on to publish his controversial book *The Age of Reason*. In this book, he criticized organized religion and showed the benefits of the freedom of religion. He wrote, "when opinions are free, either in matters of government or religion, truth will finally and powerfully prevail" (145).

Another example of Enlightenment thinkers is John Locke. In his first "Letter on Toleration," John Locke argued that the government should not interfere in civil matters like religious beliefs. He explained that religious persecution by the state is wrong and that the use of force to oblige to embrace certain beliefs is illegitimate. According to him, religion is something personal; it is a matter of inner conviction.

Civil interests I call life, liberty, health, and indolency of body; and the possession of outward things, such as money, lands, houses, furniture, and the like....(6)

Now that the whole jurisdiction of the magistrate reaches only to these civil concernments, and that all civil power, right and dominion, is bounded and confined to the only care of promoting these things; and that it neither can nor ought in any manner to be extended to the

salvation of souls, these following considerations seem unto me abundantly to demonstrate.

First, because the care of souls is not committed to do the civil magistrate, any more than to other men. It is not committed unto him, I say, by God; because it appears not that God has ever given any such authority to one man over another, as to compel anyone to his religion.

...

In the second place, the care of souls cannot belong to the civil magistrate, because his power consists only in outward force; but true and saving religion consists in the inward persuasion of the mind, without which nothing can be acceptable to God. ... (7)

Farther in the letter, he stated:

No peace and security, no, not so much as common friendship, can ever be established or preserved amongst men so long as this opinion prevails, that dominion is founded in grace and that religion is to be propagated by force of arms." (15)

Several other thinkers supported free exercise and disestablishment. For instance, Adam Smith, philosopher and economist, devoted one of the chapters of his work *The Wealth of Nations* to the question of the establishment of religion.

According to him, the secure support for religion that establishment promises is bad for religion, not good for it. He claimed that when supported by the state, the clergy, "reposing themselves upon their benefices," would "keep up the fervour of faith and devotion in the great body of the people, and having given themselves up to

indolence, were become altogether incapable of making any vigorous exertion in defence even of their own establishment” (776). Indeed, he observed that many clergy who have been given state support have become very “learned, ingenious, and respectable men; but they have in general ceased to be very popular preachers” (777).

Fired with such ideas that favored religious freedom, people openly expressed their beliefs. At the same time, they recognized that those who disagreed with them deserved the same right. They instilled such values in the American spirit and in the American government. This contributed to the flourishing of religious pluralism.

2. Environmental Circumstances

The vast amount of land the distance between the colonies and the Mother Country were favorable factors for the development of religious freedom as well.

a. The Geographical Setting

The vast amount of land meant that potential religious disputes between colonists belonging to different sects could be settled by one party’s simply leaving and founding a new colony elsewhere. That was the case when Roger Williams, an English Protestant theologian, clashed with John Winthrop and the Puritan leadership of Massachusetts Bay Colony. He left and established the colony of Rhode Island in the New England wilderness. That was the case of Anne Hutchinson as well. With many of her followers, she set up the settlement of Portsmouth in the Colony of Rhode Island. So, while religious differences in Europe used to lead to persecution and to wars of religion, they were accommodated in the New World.

b. Mother Country's Policy

In the New World, there was neither national government inspecting the religious development of the colonies nor was the mother country willing to control it. On the contrary, England was making pressure for toleration. James II of England issued his second "Declaration of Indulgence" in 1688. Thanks to this, his subjects could enjoy some religious freedom, as they were no more required to practice conformity to the state religion. In it, the King stated:

We do likewise declare, that it is our royal will and pleasure that from henceforth the execution of all and all manner of penal laws in matters ecclesiastical, for not coming to church, or not receiving the Sacrament, or for any other nonconformity to the religion established, or for or by reason of the exercise of religion in any manner whatsoever, be immediately suspended;...we do freely give them leave to meet and serve God after their own way and manner,.....

Anyway, even if England was willing, it could not enforce religious uniformity on these colonies because the distance was so great and the means of transportation and communication so slow. England was applying its policy of 'salutary neglect' that avoided strict enforcement of restrictions and parliamentary laws.

3. Toleration for Economic Success

Moreover, some colonies and settlements in the new world were founded for economic profit. The aim was to attract the most settlers and to this end, no religion had to be imposed. For instance, the Dutch West India Company, the company establishing settlements in New Netherlands, valued success above theology and

stressed the importance of toleration. For the company, toleration triggered growth and trade. Business, not religion, was the purpose of the colony. As explained by Paul Finkelman, a specialist in American legal history, Dutch tolerance was not based on ethical ideas but on the “practical value of allowing newcomers to contribute to the economy without excessive restrictions on their personal beliefs and practices” (5). Finkelman argued that the Heeren XIX, the directors of the company, forced authorities in New Netherland to extend religious toleration to various groups. In 1638, they declared that the Dutch Reformed faith should “be taught and practiced” as it was in Holland, but that no “person shall hereby in any wise be constrained or aggrieved in his conscience” (qtd. in Finkelman 6).

4. Experiments of some Colonies: Legislation Promoting Religious Freedom

Some colonies practiced toleration and served as models for the free expression of religious faith. Examples of such colonies are the Middle Atlantic colonies. The latter were in some way the bedrock of freedom of religion. A first example of Middle Atlantic colonies is the colony of Maryland. It applied freedom of religion as a principle of government in the founding of the colony of Maryland after the Catholic Lord Baltimore had been given a charter from King Charles I. In 1649, the Maryland Toleration Act, drafted by Lord Baltimore, was enacted. It provided that “No person or persons...shall from henceforth be any waies troubled, molested or discountenanced for or in respect of his or her religion nor in the free exercise thereof.” Admittedly, this freedom of religion was overturned on several occasions.

However, with the support of Maryland to the revolution and the Declaration of Independence, full religious toleration would be restored in Maryland.

A second example of Middle Atlantic colonies is the colony of Rhode Island. The latter can be considered as a precursor in the establishment of religious freedom, as well. Roger Williams played a great role in this. As we have shown earlier, he migrated and established Rhode Island after being expelled from Massachusetts. While in Massachusetts, Williams was thinking that a too close association between religion and the state was unhealthy to the faith. In “The Bloody Tenent of Persecution”, he wrote:

[W]hen they have opened a gap in the hedge or wall of separation between the Garden of the Church and the Wildernes of the world, God hath ever broke down the wall it selfe, removed the Candlestick, &c. and made his Garden a Wildernesse, as at this day. (435)

Williams used the phrase “wall of separation”, looking for protecting religion from state involvement and for preventing the church from operating as the state in penalizing dissenters. For him and his followers, the government has not to interfere between a person and his or her beliefs, the latter being a matter of conscience. For this, he established the colony of Providence. In 1638, Anne Hutchinson, who was banned from the colony of Massachusetts, helped found Portsmouth, near the colony of Williams. Together, they established Rhode Island as a heaven for liberty of conscience and toleration of religious diversity.

The founding documents for Rhode Island reflected the concern that beliefs be separated from the public and civil sphere. One of the founding documents is the Charter of the colony granted in 1663. John Clarke, as agent of the colony of Rhode

Island, was charged with petitioning King Charles II for a charter. He asked that the settlers be permitted “to hold forth a lively experiment...with a full liberty in religious concernments...”and be granted “a more absolute, ample and free charter of civill incorporation, whereby ... [they] may not onely be sheltered, but...may be caused to flourish in [their] civill and religious concernments...” King Charles II granted the charter that declared:

Our royall will and pleasure is, that noe person within sayd colonye, at any tyme hereafter, shall bee any wise molested, punished, disquieted, or call [*sic*] in question, for any differences in opinione in matters of religion, and doe not actually disturb the civill peace of our sayd colony; but that all and everye person and persons may, from tyme to tyme, and at all tymes hereafter, freely and fully have and enjoye his and their owne judgements and consciences, in matters of religious concernments, throughout the tract of lande hereafter mentioned; they behaving themselves peaceablie and quietlie, and not useinge this libertie to lycentiousnesse and profanesse, nor to the civill injurye or outward disturbance of others.

Observers noticed Rhode Island climate of religious tolerance. For instance, Bishop Berkeley, writing from Newport, Rhode Island in April 1729, noted, "[n]otwithstanding so many differences, here are fewer quarrels about religion than elsewhere, the people living peaceably with their neighbors of whatsoever persuasion" (qtd. in Goddard 21).

A third example of Middle Atlantic colonies is the colony of Pennsylvania. William Penn, an English Quaker and a defender of religious toleration, became

proprietor of a large stretch of woodland in the Delaware Valley. Along with his fellow Quakers, he established the colony of Pennsylvania. Their religious values had an impact on the early Pennsylvanian government. In the founding documents, some freedoms were ensured. An example is the Pennsylvania Frame of Government issued in 1682. It stated that everyone who believed in God and did not provoke troubles for the public order would “in no ways, be molested or prejudiced for their religious persuasion, or practice, in matters of faith and worship, nor shall they be compelled, at any time, to frequent or maintain any religious worship, place or ministry whatever.”

Moreover, thanks to the Charter of Privileges drafted in 1701, all monotheists could enjoy religious freedom and all Christians were allowed to hold offices in the government. In the document, William Penn declared:

I doe hereby Grant and Declare that noe person or persons Inhabiting in this Province or Territories who shall Confesse and Acknowledge one Almighty God the Creator upholder and Ruler of the world and professe him or themselves Obliged to live quietly under the Civill Government shall be in any case molested or prejudiced in his or their person or Estate because of his or their Conscientious perswasion or practice nor be compelled to frequent or mentaine any Religious Worship place or Ministry contrary to his or their mind or doe or Suffer any other act or thing contrary to their Religious perswasion.

A fourth example of Middle Atlantic colonies is the New Jersey colony. In 1676, New Jersey drafted and ratified the Fundamental Laws. Among the provisions, it was agreed:

That no men, nor number of men upon earth, hath power or authority to rule over men's consciences in religious matters, therefore it is consented, agreed and ordained, that no person or persons whatsoever within the said Province, at any time or times hereafter, shall be any ways upon any presence whatsoever, called in question, or in the least punished or hurt, either in person, estate, or privilege, for the sake of his opinion, judgment, faith or worship towards God in matters of religion. But that all and every such person, and persons may from time to time, and at all times, freely and fully have, and enjoy his and their judgements, and the exercises of their consciences in matters of religious worship throughout all the said Province. (Chapter XVI)

Apart from the Middle-Atlantic colonies, another colony that enjoyed religious freedom in America is Virginia thanks to the achievements of Jefferson and Madison. As we have shown earlier, Virginia was not providing a suitable environment for religious freedom during more than one century from the time of its foundation. With the coming of Jefferson as governor and the help of Madison, the colony started to enjoy greater religious freedom. Indeed, they passed several measures beneficial for religious groups. First, the 1776 Virginia Declaration of Rights includes in its last point:

That religion, or the duty which we owe to our Creator and the manner of discharging it, can be directed by reason and conviction, not by force or violence; and therefore, all men are equally entitled to the free exercise of religion, according to the dictates of conscience; and that it is the mutual duty of all to practice Christian forbearance, love, and charity towards each other.

Then, Jefferson and Madison collaborated to frame the Virginia's state constitution in 1776. In the draft, Jefferson advanced that "[a]ll persons shall have full and free liberty of religious opinion; nor shall any be compelled to frequent or maintain any religious institution." Among other provisions favoring religious freedom, the Virginia's state constitution freed dissidents from taxes to support the established church, namely the Anglican clergy.

The force of Jefferson and Madison's arguments led the voters of Virginia to elect a state legislature that in fact opposed not only the establishment of a single church but also the taxation of the people for all churches. In 1786, this assembly adopted the Virginia Statute for Religious Freedom. In some way, the latter reiterated earlier colonial legislation passed in Maryland by proclaiming:

[n]o man shall be compelled to frequent or support any religious worship, place, or ministry whatsoever, nor shall be enforced, restrained, molested, or burthened in his body or goods, nor shall otherwise suffer, on account of his religious opinions or belief; but that all men shall be free to profess, and by argument to maintain, their opinions in matters of religion, and that the same shall in no wise diminish, enlarge, or affect their civil capacities.

Regarding the debate about this act, Jefferson commented later in his autobiography "[t]he insertion [of Jesus. Christ in the preamble] was rejected by the great majority, in proof that they meant to comprehend, within the mantle of its protection, the Jew and the Gentile, the Christian and the Mahometan [to mean Muslims], the Hindoo and Infidel of every denomination" (71).

To conclude, religious freedom was present before the independence of the U.S.A. and had the necessary conditions to flourish in some parts of colonial America. Then, the American Revolution called for toleration and religious freedom. Indeed, anti-Catholicism and other antipathies weakened because of the necessity of union during wartime. All the different groups were looked as valued allies in the struggle for independence not as dissenters. Thus, in this climate of religious toleration, new religious denominations appeared, from the Universalists to the Free Will Baptists. Nevertheless, as the war ended, religious freedom had to be reasserted again.

II. The Difficult Path Towards Religious Freedom during the Formative Years

In this part of the chapter, we highlight the dualism in the new nation as far as religious freedom is concerned. On the one side, a legal framework established religious freedom and on the other side, a de facto establishment present in some areas hampered its flourishing.

A. The Institutionalization of Religion Freedom: Constitutional Achievements

The original Constitution has addressed the issue of religious freedom in some points. To begin with, in Article VI, some provisions prohibit religious tests as a condition for holding public office. Indeed, this article specifies, “no religious Test shall ever be required as a Qualification to any office or public Trust under the United States.”

Then, in the First Amendment added in 1791, two clauses concern the relationship of government to religion: The Free Exercise Clause and the Establishment Clause. Together they are called the “religion” clauses. The juxtaposition of these clauses together read: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof (.)” The Amendment then stipulates “or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances” (*The Constitution of the United States as Amended* 13). The Establishment Clause, “Congress shall make no law respecting an establishment of religion...,” prevents the government from promoting any particular religious beliefs or symbols. The Free Exercise Clause, “...or prohibiting the free exercise thereof,” guarantees the right to practice one’s religion free of government interference (*The Constitution of the United States as Amended* 13).

In the beginning, the Bill of Rights and so the First Amendment was restrained only to the national government and was not applied to states because of some decisions of the Supreme Court (*Barron v. Baltimore*, 1833). It is after the Civil War that the guarantees of the First Amendment were asserted at the state level. The Fourteenth Amendment proclaimed in its Article 6 that “[N]o State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States”. The subsequent Supreme Court’s interpretations of the Fourteenth Amendment made the First Amendment applicable to the states. Thus, religious requirement clauses in state constitutions became invalid.

By guarantying broader rights, a number of other clauses in the Constitution also protect religious freedom. For example, the Fourth Amendment prohibits unreasonable searches and seizures and requires a warrant to do such things.

Logically, this amendment protects any religious group's right to use freely houses of worship, one aspect of religious freedom.

B. De Facto Establishment

In parallel to the framing of a national system promoting religious freedom, a de facto establishment developed. The founders of the nation, the same men who made guarantees about religious freedom, permitted the establishment of Christianity during the formative years at the national level and at the state level.

1. At the National Level

The first presidents of the national government under the new constitution used to promote rituals that are indicative of Puritan and Pilgrim traditions, in particular, and Christian ones, in general. For instance, when Congress passed a resolution asking President George Washington to declare a national day of prayer and thanksgiving, the president declared, "it is the duty of all Nations to acknowledge the providence of Almighty God, to obey his will, to be grateful for his benefits, and humbly to implore his protection and favor". He proclaimed Thursday 26 November 1789 a day of "public thanksgiving and prayer" devoted to "the service of that great and glorious. Being who is the beneficent Author of all the good that was, that is, or that will be" (Thanksgiving Proclamation, 1789).

Later presidents would continue this tradition. John Adams carried on the tradition of declaring fast and thanksgiving proclamations. An example is when the nation was about to wage a war against France in 1798, President Adams issued a proclamation and encouraged the citizens to:

acknowledge before God the manifold sins and transgressions with which we are justly chargeable as individuals and as a nation; beseeching him at the same time, of His infinite grace, through the Redeemer of the World, freely to remit all our offences, and to incline us, by His Holy Spirit, to that sincere repentance and reformation which may afford U.S. reason to hope for his inestimable favor and heavenly benediction. (Fast Day Proclamation, 1798)

In another proclamation given at the time when the serious plague of Yellow Fever crossed the country, President Adams called the citizens of the United States for adopting Thursday 25 April 1799 as a day for “solemn humiliation, fasting and prayer.” The president wanted people to rest from their labors and focus on fasting and prayer. The purpose of this proclamation was to “save [their] cities and towns from a repetition of those awful pestilential visitations under which they have lately suffered so severely” (Fasting, Prayer, Thanksgiving Proclamation, 1799).

Moreover, both George Washington and John Adams delivered public addresses, in which they often expressed confidence in the power of the divine providence to guide the new nation. In his Farewell Address, G. Washington stated:

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports... And let U.S. with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid U.S. to expect that national morality can prevail in exclusion of religious principle.

In much the same way, Jefferson and Madison contributed to the establishment of religion at the national level. Jefferson, who was discreet on his religious leanings, performed rituals that are indicative of puritan and pilgrim traditions. He allowed church services to be held in executive branch buildings and in the House of Representatives and the Gospel to be preached in the chambers of the Supreme Court during his administration (“Religion and the Federal Government”). Frequently, he was present at Sabbath worship services organized in Congress. Different records describe the president participating in those religious practices. Margaret Bayard Smith, a writer and social critic, commented, “Jefferson during his whole administration was a most regular attendant. The seat he chose the first day Sabbath, and the adjoining one, which his private secretary occupied, were ever afterwards by the courtesy of the congregation, left for him” (qtd. in McDowell and Beliles 27). In addition, in a letter, Manasseh Cutler, an American clergyman and member in the U.S. Congress, informs Joseph Torrey, a professor of philosophy that Thomas Jefferson was continually present at public worship taking place in the Hall of the House of Representatives (1803). In addition, Jefferson called upon Americans to join him in prayer. Moreover, he invoked Divine Providence in his second inaugural address. He encouraged Protestant missions for Indians in the Ohio valley by approving bills allocating them financial support. Similarly, Madison declared a national day of fasting during the darkest days of the War of 1812 (Proclamation of Day of Fasting and Prayer, 9 July 1812).

Other measures were set as a tradition concerning religion. As part of the inauguration ceremony, each American president had to swear his Oath of Office on the Bible. Prayers opened each congressional session and references to God and the Bible were present in most politicians’ speeches. Chaplains were appointed in

Congress, army and navy. Even some key national symbols had religious connotation like the national motto “One Nation under God,” the National seal “Pledge of Allegiance,” and “In God We Trust,” engraved on American currency. All these symbols alluded to the religion supported by the government.

2. At the State Level

In the decades after 1790, full religious freedom was not yet established officially in all the states. Indeed, nearly all state constitutions required officeholders to swear to their belief in either the divine inspiration of the Old and New Testaments or the truth of Protestant Christianity. One-third of the states still levied taxes to support Christian churches (Heyrman). In addition, religious tests persisted in some states until well into the nineteenth century. Some states have establishment laws. In 1791, New Hampshire, New Jersey, and South Carolina had establishment laws that benefited the Protestant faith. Delaware and Maryland, where there were numerous Roman Catholics, had establishment laws that benefited the Christian faith. The churches representing the religions established through these state laws were all supported by donations of money from the public treasuries of the states. Those states had privileged them as the preferred churches of their governments. Massachusetts and Connecticut had what could be termed strong religious establishments, since the establishment laws in those states gave preference to just one church and made membership in it a qualification for voting and holding public office (*The Blue Laws of New Haven Colony*).

Therefore, the thorough study of the first decades of U.S. history shows that religious freedom has asserted itself only to some extent. Indeed, some practices at the

national level and some legal framework at the state level prevented it from entrenching itself. In addition, the decision *Barron v. Baltimore* of 1833 legitimized encroachments on religious freedom. In that case, the Supreme Court ruled that the Bill of Rights restrained only the national government and not states and cities.

III. Consolidation of Religious Freedom: Later Legislation

Though significant steps towards religious freedom were made during the early years of the republic, further legislation was needed to prevent any religious discrimination.

A. At the State Level

Between 1791 and 1833, there was a disestablishment movement at the level of the states. The fight over religious taxes sparked that movement. Acts of state legislatures abrogated the religious establishments in some states. Some states kept religious requirements for holding public office until a decision of the Supreme Court invalidated them. In *Torcaso v. Watkins* (1961), for example, the Court ruled unconstitutional Maryland's requirement for officeholders.

After the Civil War, the Fourteenth Amendment proclaimed in Article 6: “[N]o State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.” The Supreme Court subsequently interpreted it to outlaw religious discrimination by making the First Amendment applicable to the states. Religious requirement clauses in state constitutions became invalid and, in nearly all states, bills of rights provided individual liberty of conscience. Thus, by the Civil War, the idea of religious freedom had expanded significantly from the early issue of disestablishment.

B. At the National Level

Later, further achievements towards religious freedom have been made. Some governmental measures have asserted religious freedom if not expanded it. To begin with, under the Lyndon Johnson administration, the Civil Rights Act of 1964 was passed. Among other provisions, the act prohibits discrimination based on religion by federal and state governments. In 1993, the U.S. Congress passed the Religious Freedom Restoration Act (RFRA). According to the latter, religious freedom shall not be restricted except when a government can prove that there is another interest more important. In such case, the government must opt for a method that leads to the least intervention in the religious freedoms of individuals, churches and other organizations. Seven years later, the U.S. Congress enacted the Religious Land Use and Institutionalized Persons Act (RLUIPA). This law protects individuals, houses of worship and any religious institution from discriminatory and unfair zoning regulations. In addition, it protects prisoners and other institutionalized persons in their religious exercise (Religious Land Use and Institutionalized Persons Act 2000).

Other laws protecting different rights can be extended to religious freedom. For instance, the Privacy Act guard individuals in their privacy by providing for protections to personal information against misuse of records by the government. Logically, such protection concerns also information about religious groups' beliefs and activities (Privacy Act 1974).

Therefore, throughout American history, major advances in religious freedom has been made and the modern legal concept of religious freedom as the union of freedom of belief and freedom of worship with the absence of any state-sponsored

religion has been defined. In this way, this legal framework responded to the reality of diversity of religion but at the same time promoted religion as an acceptable marker of difference and attachment and ensures competition among religious institutions and denominations. This allowed a variety of religion to flourish. Nevertheless, some limitations on religious freedom existed as some religious minorities experienced persecution.

IV. Religious Pluralism and American Muslims

In this part of the chapter, we study how the Muslims became part of religious pluralism in the U.S.A. As the places of worship are the visible element of this process, we describe the development of such institutions. We provide for some demographic profile of the Muslims living in the U.S.A., first. Then, we present the Muslims' places of worship by making an historical overview of their establishment in the U.S.A. and describing their current state and structure.

A. Description of the American Muslim Population

The Muslims were present in the U.S.A. from the nation founding. Today, Muslims are part of the American society. The demographic features of the group reveal a significant diversity.

1. Definition of "Muslim"

The term 'Muslim' has to do with creed; it must not be used as a term of ethnic identity. By definition, a Muslim is a follower of Islam. Islam is a religion. Semantically, Islam is an Arabic word derived from the word "salam" whose first meaning is "peace", and the second is "surrender" and "submission". In *The Complete Idiot's Guide to Understanding Islam*, the Muslim author Yahiya Emerick defined

Islam as “to surrender your will to God and to acquire peace in your soul.” He further explained that this word came from the Muslim holy book, the *Qur’an* (5). To use Mohammadanism to refer to Islam is inaccurate because it implies that Muslims worship Muhammad rather than God. Muhammad, Peace Be Upon Him (PBUH), was not the originator but the prophet through whom Islam was revealed. Theologically, Islam is an all-inclusive religion that includes within itself all the heavenly-inspired religions that preceded it, namely Judaism and Christianity. In Islam, *Allah* Almighty has revealed the latter religions.

Today in literatures, a distinction between “Islam” and “Islamism” is usually made. “Islam” is a religion that does not give support to hatred of non-Muslims nor legitimizes killing of civilian non-combatants. However, “Islamism” (or some other variant on this ideological term), is assigned not to a religion, but to a political ideology characterized by an anti-Western and anti-democratic attitudes; it aims at the “conquest of the world by all means,” in the words of Professor Mehdi Mozaffari (21). In much the same way, the term “Muslim” is distinct from “Islamist,” as the latter term refers to someone who believes strongly in Islamic ideas and laws and has come to mean an activist Muslim with a political program based on religious edicts (*Collins Cobuild English Dictionary for Advanced Learners* “Islamist”). On the contrary, “Muslim”, as defined previously, is simply a follower of Islam.

2. Muslims in the United States of America

Muslims and their faith communities have been in the U.S.A. since its founding. Many of the African nations from which humans were kidnapped for slave trade were dominantly Muslim, and their faith was imported to plantations with them. Despite forced conversions to Christianity, Muslim slaves were practicing their

religion in secret. Some slave narratives indicate that slaves were praying and using *Qur'an*. An example is the narrative of Omar Ibn Said. In his autobiography, he wrote:

Before I came to the Christian country, my religion was the religion of “Mohammed, the Apostle of God – may God have mercy upon him and give him peace.” I walked to mosque before day-break, washed my face and head and hands and feet. I prayed at noon, prayed in the afternoon, prayed at sunset, prayed in the evening. I gave alms every year, gold, silver, seeds, cattle, sheep, goats, rice, wheat, and barley. I gave tithes of all the above-named things. I went every year to the holy war against the infidels. I went on pilgrimage to Mecca, as all did who were able. (3)

He came as a Muslim but later converted to Christianity. However, many Muslims slaves kept their religion as described by Sylviane A. Diouf. In *Servants of Allah: African Muslims Enslaved in the Americas* (1998), Diouf showed how Islam was the religion of some people of African origin and how it was practiced in an active and interrupted manner (50).

Another example is Ayuba Suleiman Diallo (named Job ben Solomon in England). After having fled from his master, he was put in jail. During his imprisonment, he met Thomas Bluett. The latter reported their meeting.

He was brought into the Tavern to U.S., but could not speak one Word of English. Upon our Talking and making Signs to him, he wrote a Line or two before U.S., and when he read it, pronounced the Words

Allah and Mohommed; by which, and his refusing a Glass of Wine we offered him, we perceived he was a *Mohometan* [Muslim]. (3)

The second wave of Muslim immigrants started in the middle of the nineteenth century. They were coming mostly from Lebanon and Syria. Most of them settled in the Midwest. The search for economic opportunities motivated their arrival. Mainly, they became manual laborers.

Meanwhile, African-American Islam revived. After World War I, took place the Great Migration of Africans from the rural South to the cities of the North, Midwest and West that lasted during the twentieth century. During such phenomenon, African-Americans started to get back to their African Islamic roots and to reclaim their Muslim identity.

Another wave of Muslim immigrants took place after the passage of the Immigration and Nationality Act of 1965. A large number of those Muslims immigrants were from the Middle East and South Asia. Because of the qualification required by the immigration laws, the newcomers were mainly educated and highly skilled professionals.

Today, the U.S. Muslim population is growing. The census of the U.S.A. does not take religious identification in the counting. Consequently, different estimates have been made. A 2010 Pew Forum on Religion and Public Life survey on global Muslim population found 2.75 million Muslims, including 1.8 million adults. The Pew Research included phone interviews in four languages and synthesized data from the Census Bureau and immigration authorities. It used country-of-birth information

with data from surveys on the percentage of people from each country, or group of countries, who belong to various faiths (*Mapping the Global Muslim Population 26*).

According to Ihsan Bagby, professor of Islamic studies, such reports underestimate the number of Muslims in the U.S.A. Since they use random phone interviews, they are not reliable. Indeed, many Muslims, particularly immigrants, will not talk over their religion with a stranger on the phone. In 2011, he published a study in which he estimated the total Muslim population to about 7 million (*American Mosque 2011 4*).

Apart from the issue of numbering them, the issue of how naming them rises: Muslim Americans or American Muslims. The question of which of the terms comes first led to a scholarly debate. Some scholars believe that Muslims in America should use the phrase “Muslim Americans” when asked how to identify themselves, they recommend putting Muslim first to stress on the religious element. Others may consider this as unpatriotic and recommend putting American first. Some observers even see it as unfair to precise American as if Muslims living in the U.S.A. have to assert their citizenship, while the other religious groups are named without ‘American’. Of course, to mention American is necessary to differentiate Muslims in America from Muslims everywhere. In this dissertation, we use the term “American Muslims.” It is not for one reason or another but just because we have to opt for one of the phrases.

3. Diversity in the U.S. Muslim Population

The diversity of the Muslims in the U.S.A. characterizes the demographic profile of this group. The American Muslims represent relatively a small proportion of the American population but possess such a wide diversity that is extraordinary

even by American standards.

In literatures, several writers commented on such diversity. To describe the Muslim religious group in the United States of America, Professor of Political Science M. A. Muqtedar Khan has described the American Muslim community in “Presidential Elections 2004: What Should American Muslims Do?” as a “community of communities” to show how heterogeneous it is. Professor Fachrizal Halim uses the phrase “plural community” in “In Pluralism of American Muslim and the Challenge of Assimilation” (235).

According to the data published by the Pew Research Center, the American Muslim group is a pan-ethnic and pan-national group. The survey found that Muslim immigrants to the United States come from at least 68 countries (*Muslim Americans: Middle Class and Mostly Mainstream* 11). Native-born Americans who have converted to Islam or have returned to their faith constitute a large number; originally, they have either European origins or African ones (*Muslim Americans: Middle Class and Mostly Mainstream* 22). Though these differences make it somehow problematic to speak of any single American Muslim community, we will consider them as one entity in this study.

B. Muslims’ Places of Worship in the U.S.A.

Places of worship are the visible part of a religion. To study their establishment and development gives some insight on the degree of integration of a given religious group in the host society.

1. Definitions

First, it is necessary to say what a place of worship is. It is a building constructed or used where people come to perform any acts of worship or religious study. In the *Qur'an* Muslims' places of worship are referred as 'masjid' or places of prostration, 'bayt' or house and 'Kibla' or direction. Literally, a masjid is any place where Muslims perform their prayers. These terms are translated by mosque. In *An Outline of Islamic Architecture*, Rafique Ali Jairazbhoy explained that the English word 'mosque' comes from the French 'mosquée' (1973). The latter in turn is a derivative of the old Spanish word 'mezquita' that is a translation of the Arabic word 'masjid' (5). The masjid needs not to be a building. Doctor Abdelhamid Lotfi stated, "[s]trictly speaking any enclosed space or building can qualify as a mosque (masjid) if it satisfies the requirement of cleanliness" (235).

In the time of Prophet Muhammed (PBUH), the masjid was a place open to any one regardless of the age, gender, ethnicity and status. All could participate and contribute. It was used to not only enable worship but also to provide education, discuss political matters, and to create and maintain social interactions. In short, it was the locus of community life.

2. Historical Data of the Establishment of Muslim' Places of Worship in the U.S.A.

Muslims' places of worship have been part of the American religious landscape for a long time. The first immigrants have not established mosques immediately after their arrival but after some time. They used to pray together in each

other's homes and were not interested in participating in any Islamic activities. As they founded families, they became concerned for the religious education of their children. In addition, they needed a place where to celebrate feasts and holidays and where to mark social events such as weddings, births, and funerals.

Soon Muslim communities felt the need to provide a context for the observance and perpetuation of Islam. A number of them thought that mosques could perform this task and looked for establishing a mosque in their area. At first, they used to rent commercial or other space. Over time, as communities gathered enough financial and human resources, they might think to set up a formal mosque and community center. This is the beginning of the movement towards the institutionalization of Islam in the United States and the construction of mosques or Islamic centers. It began in the 1920s and 1930s. In 1934 was completed one of the first purpose-built mosque. It was located in Cedar Rapids, Iowa. Because it is often considered as America's first mosque, it is nicknamed "the Mother Mosque of America" (Beverley).

Up to the 1960s, less than twenty mosques were present in the United States. In the last decades, purpose-built mosques have been established in important numbers. This reflects the increase of a need. As we have mentioned earlier, following immigration law reforms in 1965, the population of Muslims increased with the arrival of Muslims from the Middle East, South Asia, and other predominantly Muslim areas of the world. In order to be able to congregate and conduct prayers and rituals, this growing population needed to build more mosques. According to the findings of Ishan Bagby's study, the number of mosques increased from 1.209 in 2000 to 2.106 in 2010. New York, California and Texas are the states with the highest number of mosques with respectively 257, 246 and 166 (*American Mosque* 4).

3. Governance and Organization

A lack of a single source of leadership characterizes Islam. In other words, individual Muslims and local faith communities have some freedom and choice. Some scholars give description of the leadership structure of U.S. mosques. Bagby describes two general types. One is the imam-led mosque where the imam or mosque leader is most often called the amir. He has important power and authority over all aspects of the mosque. The other type of mosque organization is the majlis-led type. In this type, the majlis ash-shura (literally “consultative council: an executive committee or board of directors) is the governing body. It holds the decision-making power and the imam’s role is limited to the traditional role of leading the prayers and teaching Islam (*Imams and Mosque Organization in the United States* 22).

Concerning the concept of a faith leader in Islam, who is known as an imam, it differs among Sunni and Shi’a branches of the faith. The subtleties of the distinction are beyond the scope of this dissertation; this discussion focuses on the generally observed role of faith leaders among American Sunni Muslims. An imam, generally, has knowledge of the *Qur’an* as well as of Islamic rituals and practices. The imams are entrusted with leading prayers and delivering a sermon, known as a Khotba, during weekly congregational prayers. Normally, people choose the person who excels in Quranic knowledge and righteousness to be their leader. However, other persons can lead prayers or perform other religious ceremonies.

In the United States, generally, there is no problem in the structure itself but in the quality of the leaders. The first Muslim immigrants who wanted to come together for religious observance in the early part of the twentieth century often found themselves at a loss for trained leadership. They were looking for those who had even

a little education in the *Qur'an* or Islamic law for guidance. Sometimes, people who had no training at all in the Islamic sciences had to gather the faithful together on Friday and perform the function of imam, or prayer leader. The lack of knowledgeable leaders is still one of the greatest problems for the Muslims in the United States since they come from various backgrounds and practices. Indeed, the Muslims of the U.S. are not producing imams educated in Islam sciences (*The American Mosque 2011: Report number 2, 4*). While outside imams funded by various organizations or governments are normally well trained in the *Qur'an*, *hadith*, Islamic law, and Arabic, they run the risk of not having a neutral base of trust in the mosque. Conversely, imams who grow in the U.S. Muslim community often lack the Islamic qualification of the foreign fellows.

A distinctive feature in North American mosques and Islamic centers is the participation of women. Women in the U.S.A., like in masjids in Madinah and Makkah, Saudi Arabia come to pray and at the same time in many mosques, they hold other tasks and positions like administrators, teachers, students and committee chairs. In terms of female mosque leadership, mosques may come in three types. First, some mosques have constitutions or by-laws that may proscribe women against holding leadership positions within the mosque. Second, other mosques may prevent women from serving in a leadership position, not because of an official restriction but rather because of some cultural norms within the mosque. Third, still other mosque may have women serving in leadership positions upon the mosque board (*Women and the American mosque 11*).

C. The Limits of Religious Pluralism: Islamophobia

Islamophobia or the “fear of Muslims” is a relatively new phenomenon in the United States. Admittedly, like other groups, Muslims suffered from discrimination in earlier periods. According to Khaled Beydoun, a law professor, islamophobia has deep roots in American history. In addition, this phenomenon is not limited to the people of the right. Indeed, it is not a phenomenon confined to some segments of the society and does not go along partisan lines (*American Islamophobia: Understanding the Roots and Rise of Fear* 18).

Contemporary Islamophobia appeared at the end of the 1980s after the end of the international balances due to the disappearance of the Soviet Union. Subsequent events would contribute to the entrenchment of this new form of racism. After the attacks of September 11, 2001, this phenomenon became acute. Because Al Qaeda claimed responsibility for the attacks, the fear of Muslims increased. Mass activism against Muslims developed on a large scale with the battle over the so-called “Ground Zero” mosque that started in 2010.

When studying islamophobia, we can distinguish different form. Keydoun distinguished two forms. He names them “private Islamophobia” and “structural Islamophobia”. They are related. The first is the feeling of fear and hatred felt by individuals towards Muslims and Islam in general. The second is the phenomenon policies, laws, political narrative that the government put forth and harm Muslims in America

We can notice this islamophobia especially after the attacks of 9/11. Though some part of the government and others provided efforts to prevent Americans from

putting the blame on the whole Muslim community, federal government has unfairly targeted Muslims through the policies established in the wake of the attacks, including The Patriot Act and NSEERS (National Security Entry-Exit Registration System). Some politicians and the media fueled this anti-Muslim sentiment as well. They created a false narrative that portrayed Islam as a threat. Some manipulated the social media to create a false account that presented Muslims aiming to take over the country.

In such context, the number of attacks and violence against Muslims increased. Muslim became the targets of discrimination and hate crimes. In 2016, the FBI reported 307 cases of crimes motivated by anti-Muslim bias while it was 257 one year before. This represented a 19 percent increase (2016 Hate Crimes Statistics).

Some dualism concerning the rights of religious groups was present during the colonial times in the U.S.A. A tendency for religious uniformity and some factors favoring religious freedom coexisted. With later developments that provided some guarantees to religious groups, the U.S.A. offered a pluralistic environment. In such context, Muslims could live and establish their places of worship. Nevertheless, like other groups, Muslims suffered from discrimination.

Chapter three

Constructing the Threat of Homegrown Terrorism

Admittedly, the U.S. government has considered being under the threat of terrorism since a long time but the events of 11 September 2001 have exacerbated its idea of a threat. Following these events, the U.S. government put the issues of terrorism at the forefront of national security discourse. Then, the 7/7 London attacks and an increase in the number of terrorist plots and attacks within the U.S. homeland, including by U.S. citizens in the recent years, led the U.S. government consider that terrorism has morphed into something that questions homeland security. It identified this threat as “homegrown” terrorism and associated it to radicalization.

By way of discourse analysis, this chapter aims to understand the construction of the threat and the different representations of its nature. First, it reviews the discourse on terrorism. Then, it examines how the U.S. government discursively constructed homegrown terrorism as a threat and how it described it and its sources inconsistently. In addition, it analyzes the discourse among academics as it influenced to some extent the official discourse. Eventually, the chapter reviews the different attempts at measurement of the threat.

I. Pre-existing Discourse on Terrorism

A study of homegrown terrorism cannot be done without a prior conceptual analysis of terrorism.

A. Terrorism as a Vague Concept

Because of the diffuse nature of the term, defining terrorism is an issue. Some scholars presented the problems that made terrorism difficult to define. Boaz Ganor, Director of the International Policy Institute for Counterterrorism, provided a number of reasons, of which Alex P. Schmid, a scholar in Terrorism Studies, cited four in particular. As reported by Schmid, terrorism was difficult to define because:

1. terrorism is “a contested concept” and political, legal, social sciences and popular notions of it are often diverging;
2. the definition question is linked to (de-) legitimization and criminalization;
3. there are many types of “terrorism”, with different forms and manifestations;
4. the term has undergone changes in meaning in the more than 200 years of its existence. (395)

Another problem that made “terrorism” difficult to define is its overuse. Brian Jenkins, an expert on terrorism and transportation security, highlighted this problem. He advanced that terrorism had been overstated in the news and used for referring to various forms of political violence (qtd. in Boaz 13). Professor Bruce Hoffman, one of the researchers on the report of the bipartisan National Security Preparedness Group, rather thought that by preferring designations such as 'separatists', 'guerrillas' or 'insurgents' to 'terrorists' in their strive for unbiased reporting and political correctness, the media led to a loss of the essence of terrorism in the process (qtd. in Boaz 13).

In spite of the difficulties, different experts and analysts provided different definitions. We list some of them.

Ganor defined terrorism as “the deliberate use of violence against civilians in order to attain political, ideological, or religious aims” (2010). Jenkins defined it as “The use or threatened use of force designed to bring about political change” (qtd. in *The Terrorism Reader* 3). Walteur Laqueur, Chairman of the International Research Council at the Center for Strategic and International Studies, defined terrorism as follows: “Terrorism constitutes the illegitimate use of force to achieve a political objective when innocent people are targeted” (qtd. in *The Terrorism Reader* 3).

Apart from scholars, different state and political institutions and organizations provided definitions, making terrorism a legal concept. In 1937, the League of Nations defined terrorism as “All criminal acts directed against a State and intended or calculated to create a state of terror in the minds of particular persons or a group of persons or the general public” (qtd. in Alexander and Richardson 6).

According to the United Nations, terrorism is:

Any act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act.

(qtd. in Alexander and Richardson 6)

B. Conceptualization of Terrorism in the U.S. Discourse

These common elements are also found in some important U.S. documents.

The State Department gave the following definition:

The term “terrorism” means premeditated, politically motivated violence perpetrated against noncombatant targets by sub-national groups or clandestine agents, usually intended to influence an audience.

(Patterns of Global Terrorism)

The United States Law Code defined terrorism as “a premeditated, politically motivated violence perpetrated against noncombatant targets by subnational groups or clandestine agents” (22 U.S.C. §2656f). The Code of Federal Regulations defined terrorism as “the unlawful use of force and violence against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives” (28 C.F.R. Section 0.85).

According to the Department of Defense’s Dictionary of Military and Associated Terms (2000), terrorism is “the calculated use of unlawful violence or threat of unlawful violence to inculcate fear, intended to coerce or to intimidate governments or societies in the pursuit of goals that are generally political, religious, or ideological” (243).

The FBI defined terrorism as “the unlawful use of force or violence against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives” (*The Code of Federal Regulations*).

For the United States House of Representatives Permanent Select Committee on Intelligence, Counterterrorism Intelligence Capabilities and performance, prior to 9/11, “Terrorism is the illegitimate, premeditated violence or threat of violence by subnational groups against persons or property with the intent to coerce a government by instilling fear amongst the populace” (2002).

In short, there is not a single definition of terrorism. Nevertheless, we can notice common elements present in the different definitions. They include violent acts against persons and property with an objective to intimidate the population and/or coerce the government or international organization to do or to abstain from doing an act.

II. The Threat of Homegrown Terrorism in the U.S. Discourse

Homegrown terrorism entered the U.S. discourse as a new type of terrorism. As it was discursively constructed, we study its identification as a threat in the official narrative and the differences in its representation between government entities.

A. Identification of the Threat

This part of the chapter examines when homegrown terrorism was introduced in the official narrative and gives statements of public officials that identified homegrown terrorism as a threat. In fact, the *National Strategy for Homeland Security* released in 2002 made no mention of homegrown terrorism in its blueprint of domestic counterterrorism strategies. It just stated that “[t]he struggle against militant Islamic radicalism is the great ideological conflict of the early years of the 21st century” (36). Moreover, nowhere the National Security Council noticed the existence

of a threat of U.S. citizens or residents undergoing a process of radicalization and committing violent attacks.

The Bush administration's *National Strategy for Combating Terrorism* released in 2003 did not mention homegrown terrorism in the United States but just in democratic societies in general. It stressed the necessity to guard against its emergence and to identify terrorist organizations operating abroad and at home. However, it did not clearly indicate that it was a threat from U.S. citizens or residents committing violent acts (16).

Concerns about homegrown terrorism became especially acute after some events took place in Europe like the 2004 train bombing in Madrid and the July 2005 bombings in London. These events led to the perception that the terrorist threat had changed from being external to being internal. In 2006, the Bush administration released the *National Security Strategy* and *National Strategy for Combating Terrorism*, which - like the *National Security Strategy for Combating Terrorism* of 2003 - mentioned the emergence of homegrown terrorists in democratic societies (11). It was the *National Strategy for Homeland Security* released in 2007 that explicitly mentioned homegrown terrorism in U.S.A. It stated that the United States was not "immune to emergence of homegrown radicalization and violent Islamic extremism within its borders" (9).

Some public officials made comments recognizing homegrown terrorism as a high-level security threat. In a speech delivered at Chicago 2006, FBI Director Robert Mueller noted, "among this world of threats, the prevention of another terrorist attack is our number one priority. We are particularly concerned about the threat of homegrown terrorist cells" ("Chicago Past and Present: Adapting to New Threats").

In a speech he made at Las Vegas, Nevada, Associate Deputy Director Joseph L. Ford repeated this statement one year later (“Field Office Dedication Las Vegas, Nevada”).

In 2010 in an interview, U.S. Attorney General E. Holder stated:

[T]he threat is real, the threat is different, the threat is constant. The threat has changed from simply worrying about foreigners coming here, to worrying about people in the United States, American Citizens – raised here, born here, and who for whatever reason, have decided that they are going to become radicalized and take up arms against the nation in which they were born. (qtd. in Reeves 158)

In this statement, the word “threat” is used four times and other words belonging to its lexical field like “worrying” add to the focus on danger. In addition, it is clear that for Holder the threat is within.

B. Variations in Definitions of Homegrown Terrorism in the U.S.

Discourse

The entities of the U.S. government identified homegrown terrorism but they defined it in different ways. In the *National Security Strategy* issued in 2006, the White House did not define homegrown terrorism but referred to cases of homegrown terrorists elsewhere as a way to describe it. It stated, “This accounts for the emergence in democratic societies of homegrown terrorists such as were responsible for the bombings in London in July 2005 and for the violence in some other nations.” (11)

Then, we can notice a variation as to the presence of a foreign factor in homegrown terrorism. For some analysts homegrown terrorism is perpetuated by

local persons and in the United States. In the Violent Radicalization and Homegrown Terrorism Prevention Act of 2007, Congress defined homegrown terrorism as:

use, planned use, or threatened use of force or violence by a group or individual born, raised, or based and operating primarily within the United States or any possession of the United States to intimidate or coerce the United States government, the civilian population of the United States, or any segment thereof, in furtherance of political or social objectives. (Sec. 899 A)

In this definition, there is an absence of the foreign factor. On the contrary, Jerome P. Bjelopera, a specialist in organized crime and terrorism, describes homegrown terrorism as something that can be perpetuated abroad. In addition, for him the process of radicalization can be performed outside. Thus, he introduces the concept of radicalization in his definition. In a report for the Congressional Research Service, a legislative branch agency, he referred to homegrown terrorism as homegrown jihadist terrorism and described homegrown as a “terrorist activity or plots perpetuated within the United States or abroad by American citizens, permanent legal residents, or visitors radicalized largely within the United States” (*American Jihadist Terrorism* 1).

Under the Obama administration, a shift of terminology could be noticed. The threat was identified as homegrown violent extremism (HVE). In the Department of Homeland Security (DHS), National Counterterrorism Center (NCTC) and FBI Lexicon, HVE was described as:

a person of any citizenship who has lived and/or operated primarily in the U.S. or its territories who advocates, is engaged in, or is preparing

to engage in ideologically-motivated terrorist activities (including providing support to terrorism), in furtherance of political or social objectives promoted by a foreign terrorist organization” (*Homegrown Violent Extremism Lexicon 2*).

In this definition, the NCC mentions that HVE is primarily in the US but is promoted by a foreign terrorist organization. Thus, the problem of the extent of the intervention foreign factor is not settled. Moreover, the use of HVE includes the term extremism. This adds more ambiguity to the conceptualization. Literally, violent extremism describes violent action based on radical or extremist views. The problem is that there was little discussion and even less consensus about what “extremism” even meant. This lack of consensus was highlighted by professors in psychology Nicolas Hopkins and Vred Kahani-Hopkins, in their article entitled “Reconceptualizing ‘extremism’ and ‘moderation’” (2009).

Some scholars attempted to describe extremism. For instance, Peter R. Neumann who based himself on *The Palgrave Macmillan Dictionary of Political Thoughts* advanced that extremism can refer to “political ideologies that oppose a society’s core values and principles” or to “the methods through which political actors attempt to realize their aims.” The latter are extremist when the means ‘show disregard for the life, liberty, and human rights of others. (qtd. in 11)

C. Homegrown Terrorism as a Form of Domestic Terrorism

Homegrown terrorism is a concept close to domestic terrorism. Both of them occur primarily within the jurisdiction of the U.S. A. In the official narrative, the

boundaries are not clear. According to some definitions, there is no difference between the two terms. The 2001 U.S.A. Patriot Act defined domestic terrorism as the:

Activities that (A) involve acts dangerous to human life that are a violation of the criminal laws of the U.S. or of any state; (B) appear to be intended (i) to intimidate or coerce a civilian population; (ii) to influence the policy of a government by intimidation or coercion; or (iii) to affect the conduct of a government by mass destruction, assassination, or kidnapping; and (C) occur primarily within the territorial jurisdiction of the U.S. (802)

The Congressional Research Service gathers homegrown and domestic under the same definition:

‘Homegrown’ and ‘domestic’ [terrorism] are terms that describe terrorist activity or plots perpetrated within the United States or abroad by American citizens, legal permanent residents, or visitors radicalized largely within the United States. (qtd. in Bjelopera *American Jihadist Terrorism* ii)

Concerning narrower definitions, they reveal distinctions between the two types, as the domestic term is void of the foreign factor. A conceptualization of domestic terrorists deriving from a number of government sources is “people who commit crimes within the homeland and draw inspiration from U.S.-based extremist ideologies and movements” (Bjelopera, *Domestic Terrorist Threat* ii). The FBI’s short definition of domestic terrorism was “Americans attacking Americans based on U.S.-based extremist ideologies” (qtd. in Martin 204). Its longer definition precise well that

domestic terrorism is perpetuated by a group or individual “based and operating entirely within the United States or Puerto Rico without foreign direction” (qtd. in Kraft ad Marks 27). The Department of Homeland Security adhered to this construction. The National Security Division of the Department of Justice (DOJ) defined domestic terrorism as:

Acts within the U.S. that are dangerous to human life, violate federal or state criminal laws, have no actual connection to international terrorists (Offices of the United States Attorneys).

According to these narrow definitions, the distinction between homegrown terrorism and traditional domestic terrorism is that in the former type the individual’s actions are motivated by a foreign terrorist organization and/or its ideology, even if he or she is not officially belonging to the group. In the latter type, domestic terrorists are Americans who perpetrate ideologically driven crimes in the United States but who are not directed or influenced by a foreign factor.

Nevertheless, a difficulty exists in distinguishing homegrown terrorism from domestic terrorism. The fact that definitions of domestic terrorism exclude the foreign factor and that definitions of homegrown terrorism in government documents do not provide for a clear indication of foreign influence makes it difficult to draw the boundaries between homegrown terrorism and domestic terrorism. Therefore, to tell how far the two terms are distinct is delicate.

Concerning the views of some analysts, they are various. One of the views claims that there is no difference. Alejandro J. Beutel, Muslim Public Affairs Council's Government and Policy Analyst, argued that the “homegrown” and “domestic” terrorism were just different semantically speaking. He took the case of

homegrown Muslim terrorists and domestic white supremacist terrorists and highlighted the similarity between the two by showing that both groups were “citizens or long-term residents who clandestinely plot to attack their host country using the same types of military and propaganda tactics” (7). He supported his case by making a parallel between two key documents of each group, namely the 2005 terrorist theoretician Abu Mus’ab Al-Suri’s 1,600-page treatise called “The Call to Global Islamic Resistance” and the 1992 white supremacist and anti-government extremist Louis Beam’s essay entitled “Leaderless Resistance.” He concluded that domestic terrorists and homegrown terrorists carry on their struggle with similar, or approximately so, means in their military and ideological aspects.

III. Radicalization as a Root Cause in the U.S. Discourse

For the U.S. government and other entities, one possible pathway to homegrown terrorism is “radicalization.” After an examination of the threat of homegrown terrorism, the Senate Committee on Homeland Security and Governmental Affairs Committee issued a report in 2008 entitled “*Violent Islamist Extremism, the Internet, and the Homegrown Terrorist Threat*.” The report identified radicalization as the process necessary to homegrown terrorism. Then, it conceded that this process was less likely to occur in the United States than in other countries,” noting factors such as “the cultural influence of the “American experience”, “the absence of a sympathetic audience in the United States,” and America’s “longstanding tradition of absorbing varied diaspora populations” (4). Nonetheless, the Committee warned that “radicalization [was] no longer confined to training camps in Afghanistan or other locations far from [American] shores; it [was] also occurring right [there] in

the United States” (1). The Committee cited a “recent rise in acts of homegrown terrorism planning and plotting” (4).

A. Conceptualization of Radicalization

The term “radicalization” is widely used but remains defined differently. It is such a nuanced concept that a diversity of views exists among academics and government officials. In fact, a universally accepted definition of the concept is still to be developed. To have more insight on the government’s description of radicalization, we analyze some scholars’ attempts to define radicalization that may have influenced the official discourse.

Definitions in the Academia

Clark McCauley and Sophia Moskalkenko, professors of psychology, focused on its mechanisms and on group dynamics when defining radicalization as “increasing extremity of beliefs, feelings, and behaviors in directions that increasingly justify intergroup violence and demand sacrifice in defense of the ingroup” (416).

Alexander Wilner, researcher at the Center for Security Studies (CSS), and Claire-Jehanne Dubouloz, Doctor in education suggested that radicalization is a personal process “in which individuals adopt extreme political, social, and/or religious ideals and aspirations” and in that they live a “mental and emotional process that prepares and motivates an individual to pursue violent behaviour” (38).

More recently, Doctors Chuck Crossett and Jason A. Spitaletta examined psychological and sociological concepts in radicalization and tried to make a review of it. They defined radicalization as, “the process by which an individual, group, or

mass of people undergo a transformation from participating in the political process via legal means to the use or support of violence for political purposes (radicalism)” (10).

In spite of this lack of universal definition of radicalization, we can highlight some common elements present in all definitions. Some authors refer to ‘violent radicalization’ in order to make a difference between this process that has a violent outcome and other forms of ‘radical thinking’ that are not violent. It is the case of Tim Stevens and Peter R. Neumann in their report *Countering Online Radicalization: A Strategy for Action* (2009).

Definitions in the Official Discourse

In the Violent Radicalization and Homegrown Terrorism Prevention Act of 2007, the U.S. government stated that radicalization is the “process of adopting or promoting an extremist belief system for the purpose of facilitating ideologically based violence to advance political, religious, or social change.”

The DHS defined radicalization as the “process of adopting an extremist belief system, including the willingness to use, support, or facilitate violence, as a method to effect social change” (DHS, Office of Intelligence and Analysis).

Some experts challenged the use of the word “process”. According to them, radicalization could not be seen as a unique process but as a set of diverse processes since it operated in different ways. In “Radicalization into Violent Extremism,” Randy Borum showed that “different pathways and mechanisms operate in different ways for different people at different points in time and perhaps in different contexts” (7).

Likewise, Jenkins suggested that there was no easily identifiable terrorist-prone personality and no single path to radicalization and terrorism. According to

him, while many people might hold radical ideas, few of them would act accordingly and become terrorists. In his study, he shows that the passage from one state to the other was a matter of coincidence, generally. Meeting particular persons at particular times in one's life might cause the transition (7).

In *American Jihadist Terrorism*, Bjelopera reported that studies by the DHS's Office of Intelligence and Analysis revealed that there were variations in the radicalization dynamic "across ideological and ethno-religious spectrums, different geographic regions, and socioeconomic conditions" (13).

In addition, in a written testimony, Charles E. Allen, Assistant Secretary of Intelligence and Analysis and Chief Intelligence Officer, argued that "there [were] many diverse "pathways" to radicalization and individuals and groups [could] radicalize or "de-radicalize" because of a variety of factors" (*Threat of Islamic Radicalism*).

Because of the complexity of the radicalization process, we can only draw its general patterns. A number of analysts and researchers found that the process of radicalization consisted of distinct and identifiable phases. However, they differed in the way to conceptualize these stages and in the use of terminology to name them. We review some models.

The New York City Police Department (NYPD) study issued in August 2007 analyzed eleven cases of individuals and groups who experienced their radicalization process in the West. Through the process, individuals moved from being unremarkable to the point where they took part in organizing or carrying out a violent attack (*Radicalization in the West*). The stages were labeled "pre-radicalization", "self-identification", "indoctrination" and "Jihadization". In an FBI's study, the stages

were labeled “pre-radicalization”, “identification”, “indoctrination” and “action” (*Radicalization Process*).

Still radicalization remains largely misunderstood. Officials from the DHS and NCTC recognized publicly the complexity of the radicalization process. DHS Secretary Jane Napolitano acknowledged, “there is much [they speaking about we] do not know about how individuals come to adopt violent extremist beliefs” (*Nine Years after 9/11*). In 2010, the Homeland Security Advisory Council, a group of law enforcement and community leaders advising Secretary Napolitano, noted that the “current level of understanding regarding the sociology of ‘radicalization’ and ‘extremism’ [was] still immature,” and advanced that there were no overt signs of radicalization (qtd. in Patel “Rethinking Radicalization” 13). For the NCTC, there was not a “model that [could] predict whether a person [would] radicalize, mobilize, and commit violence” (qtd. in Patel).

B. Driving Forces Behind Radicalization

This lack of understanding does not exist for want of effort. Several thorough studies endeavored to draw the path to radicalization and find out what caused some radicalized individuals’ to decide to carry out terrorist attacks. At the government level as well as the scholarly level, debates are still taking place concerning the driving forces of radicalization. Once again, we present the scholarly debate to understand better the position of the government.

1. Scholarly Debate

Scholars debated greatly the role of ideology. They disagreed on the precise role ideology is playing in radicalizing people towards violent action. According to Matthew Levitt of the Washington Institute, “radicalization lies at the intersection of grievance and ideology,” but it is the latter factor which is determinant in that it “offers a blueprint for action that mobilizes potential terrorists” (qtd. in Lydia Khalil 2).

According to Daveed Gartenstein-Ross and Laura Grossman, the most important factor associated with terrorism was religious ideology. To come to such a conclusion, they examined 119 homegrown “jihadist terrorists” and published an article entitled “Homegrown Terrorists in the U.S. and UK” (2009).

Professor Marc Sageman carried another study in 2004. He based his examination on a database of hundreds of persons who were considered as having links to the 9/11 attackers. His findings showed that the presence of an ideological component was necessary in transforming individuals into terrorists (*Understanding Terror Networks*).

Some scholars went farther in their analysis and tried to find out which institution and who conveyed the ideology necessary in radicalization. Some analysts referred to al-Qaeda and associated movements. An example is the analysts of the Center for Strategic and International Studies (CSIS), Ally Pregluman and Emily Burke. In a report released in 2012, they defined homegrown terrorism as “extremist violence perpetrated by U.S. citizens or legal U.S. residents, and linked to or inspired by al-Qaeda’s brand of radical Sunni Islamism” (1).

Others referred to other sources. One of them is Sageman. For him, al Qaeda was no more the principal authority for the organization of terrorist attacks or for recruitment of terrorists. It rather inspired independent local groups when planning their terrorist acts. These groups labeled themselves with the al Qaeda name (*Leaderless Jihad*). Sageman wrote in 2008 that the:

Individuals we should fear most” are “home-grown wannabes – self-recruited, without leadership, and globally connected through the Internet,” mostly living in Europe, whose “lack of structure and organizing principles makes them even more terrifying and volatile than their terrorist forebears. (“The Next Generation of Terror” 37)

In 2011, Ricke Nelson and Thomas M. Sanderson released a report entitled *A Threat Transformed: Al Qaeda and Associated Movements in 2011*. They advanced that Al-Qaeda was transformed into a broader movement and that the threat came from affiliated and non-affiliated cells or individuals.

For other analysts and politicians, the Saudi government was at the source of the radicalization process. For them, it funded Wahhabism and other forms of Islamic extremism in the U.S. One of them is Zeyno Baran, Senior Fellow and Director of the Center for Eurasian Policy at the Hudson Institute. In 2005, in front of the House Subcommittee on Terrorism, Unconventional Threats and Capabilities, she claimed that the Saudis supplied:

money that has been spent on funding leading terrorist and other extremist organizations that disseminate hatred in ‘education centers,’ charities, mosques, and even prisons—including many (...) in the

United States. (“Combating al-Qaeda and the Militant Islamic Threat”
4).

Another one is U.S. Senator Charles Schumer. In the Hearing of the Judiciary Subcommittee on Terrorism, Technology and Homeland Security hold in 2003 *Terrorism: Growing Wahhabi Influence in the United States*, he discussed the role of the Saudi government in financing U.S. mosques to spread militant teachings.

Other analysts did not consider that ideology was necessarily the “predictor of violent action.” For example, Risa Brooks, a professor of Political Science, argued that “doing or thinking things similar to those committed to violence,” listening to radical sermons, discussing “with friends Muslim persecution across the globe,” and exhibiting “the signatures of extremist modes of thinking”, do not necessarily mean that action would be take nor that help to terrorist organizations would be provided (qtd. in Khalil 2).

2. Viewpoint of the Government

There was a lack of consensus as to the driving forces behind radicalization and so a lack of uniformity in the terminology to qualify it between administrations, first and between the White House, Congress Homeland Security Department and law enforcement, second.

The Bush administration associated violent extremism with Islamic. Indeed, it highlighted the threat of Islamic violent extremism in its *National Security Strategy* released in 2006. Likewise, the *National Strategy for Combating Terrorism* presented Islamic violent terrorism as a threat. The Department of Homeland Security showed a

similar trend. For instance, it indicated in several documents that the U.S. was not safe from the threat of “Islamic extremist radicalization” in the homeland (*National Strategy for Combating Terrorism* 2006, 10; *National Strategy for Homeland Security* 2007, 6).

Some members of Congress identified homegrown terrorism and qualified it with Islamism. For example, on 22 September 2010, during the hearing *Nine Years After 9/11* in the Senate Committee on Homeland Security and Governmental Affairs, Chairman Joseph I. Lieberman concluded that a growing number of Americans are playing an active role in Islamist terrorist acts against the Americans in the United States.

As we have seen earlier, Bjelopera spoke of homegrown jihadist terrorists in “American Jihadist Terrorism”. In his own words, jihadist described, “radicalized individuals using Islam as an ideological and or religious justification for their belief in the establishment of a global caliphate, or jurisdiction governed by a Muslim civil and religious leader known as a caliph” (2).

On the contrary, the Obama administration rejected placing an Islamic designation on violent extremism. In The June 2011 *National Strategy for Counterterrorism*, the Obama administration described the driving force behind radicalization simply as al-Qaeda’s ideology.

We know al-Qa’ida and its affiliates continue to try to identify operatives overseas and develop new methods of attack that can evade U.S. defensive measures. At the same time, plots directed and planned from overseas are not the only sort of terrorist threat we face.

Individuals inspired by but not directly connected to al-Qa’ida have

engaged in terrorism in the U.S. Homeland. Others are likely to try to follow their example, and so we must remain vigilant. (11)

Other policymakers echoed Obama's discourse. In February 2011, in a hearing before the House Committee on Homeland Security, Director of the National Counterterrorism Center Michael E. Leiter testified:

... AQAP [Al-Qaeda in the Arabian Peninsula] remains intent on conducting additional attacks targeting the Homeland and U.S. interests overseas and will continue propaganda efforts designed to inspire like-minded individuals to conduct attacks in their home countries.

(Understanding the Homeland Threat Landscape)

Moreover, Deputy Director of National Intelligence for Intelligence Integration Robert Cardillo said in an interview "The threat from the United States from homegrown violent extremists will be characterized by lone actors or small groups inspired by al-Qaeda's ideology, but not formally affiliated with it or other groups" *(Conference Call: Background Briefing on the State of Al-Qaida)*

In addition to some discrepancies between administrations, there were some discrepancies between the federal government and the law enforcement agencies regarding the driving force behind radicalization. Generally, in the federal government perception connections between extreme Islamic views and violence were weak. On the contrary, in that of the law enforcement connections were strong. Several statements of law enforcement officials proved this. First, in an executive speech hold in the city Club of Cleveland, Ohio in 2006, FBI Director Robert

Mueller said that when the FBI agents called someone a homegrown terrorist, they meant a person who got radicalized while living on American soil and influenced by jihadists' messages.

Second, in a report entitled *The Radicalization Process* published in 2006, the FBI defined radicalization as the process through which a person converted to Islam and performed an act of jihad. Even after the change of administration, the FBI kept describing radicalization in terms of Islamic ideology.

Third, for the NYPD, the foundation for radicalization was the Islamic ideology. According to the NYPD's report, the radicalization process is marked by an increasing commitment to the "jihadi ideology," jihadist or jihadi-Salafi which combined "the extreme and minority interpretation [jihadi-Salafi] of Islam with an activist-like commitment or responsibility to solve global political grievances through violence" (*Radicalization in the West* 8). In addition, in this report, the NYPD referred to the Islamic Thinkers Society as one organization that played a role in the radicalization process (72).

The FBI's and NYPD conceptions of the process of radicalization show that those law enforcement agencies linked strongly radicalization and Islam. As we have seen earlier, both of them conceived radicalization as a four-staged process. In their analyses, jihadist ideology played a central part.

IV. Scope of the Threat

When looking at the figures and attempts to measure the phenomenon of homegrown terrorism, we can notice that the lack of exactitude in terminology

described in the previous section and differences in the methods led to a problem of measurement. Some observers have even put the threat into perspective

A. Some Attempts at Measurement

Analysts and policymakers claimed that there was a spike in homegrown terrorism. The RAND Corporation, an institution that helps improve policy and decision-making through research and analysis, provided some figures in one of its papers. In “Would-Be Warriors: Incidents of Jihadist Terrorist Radicalization in the United States since September 11, 2001,” Brian M. Jenkins pointed to 46 reported cases of domestic radicalization and recruitment to jihadist terrorism in the United States between 2001 and the end of 2009. This number did not include attacks from abroad. In all, 125 persons were involved in the 46 cases. In 2010, the number increased to 131 because of two more cases and other arrests. Fifty per cent of the cases implicated single individuals; the rest was tiny conspiracies (Jenkins vii). Jenkins was measuring radicalization leading to criminal activity. Individuals “living in the United States plotted to carry out terrorist attacks at home”; those who were accused of “providing material support to foreign terrorist organizations”; and those who “left the United States to join jihadist organizations abroad” were all considered as “homegrown terrorists” and counted as cases in his paper (vii).

In addition, the Congressional Research Service provided an attempt to measure homegrown terrorism through the report of Jerome P. Bjelopera. According to the latter, between 11 September 2001 and February 2012, more than 53 cases of homegrown Islamist extremists who plotted and/or executed acts of terrorism against the United States were counted (*Memo to the U.S. Senate Committee on Homeland Security*). In another report, *American Jihadist Terrorism*, Bjelopera found that since

the events of 9/11 there had been 43 homegrown violent jihadist plots or attacks in the United States (5).

In December 2011, the House of Representatives Committee on Homeland Security and the Senate Committee on Homeland Security and Governmental Affairs hold a joint hearing entitled *Homegrown Terrorism: The Threat to Military Communities Inside the United States*. The majority staff of the House Committee released a report that said, “at least thirty-three threats, plots, and strikes against U.S. military communities since 9/11 have been part of a surge of homegrown terrorism” (1).

Since 2007, the Heritage Foundation has compiled publicly known terrorist plots against the U.S. In a report entitled *Fifty Terror Plots Foiled since 9/11: The Homegrown Threat and the Long War on Terrorism*, it presented its findings. It stated that at least 50 publicly known Islamist-inspired terror plots targeting the United States had been foiled since 9/11. Of this number, it estimated at least 42 the cases that could be considered as homegrown terror plots (3).

In a special report entitled *Age of the Wolf: A Study of the Rise of Lone Wolf and Leaderless Resistance Terrorism*, the Southern Poverty Law Center (SPLC) had attempted to measure domestic terrorism. In its study, which covered the period between 1 April 2009 and 1 February 2015, the SPLC included attacks or foiled attacks planned or committed by the radical right and homegrown jihadists.

B. Evaluation: Putting the Threat into Perspective

Some scholarly contributions put into perspective claims of an alleged spike in homegrown terrorism itself and in Muslim homegrown terrorism. For instance,

Jenkins questioned the spike of 2009 considering it an aberration. According to him, the surge might be due to the U.S. government's classification of organizations as terrorist organizations and not necessarily to real involvement of these organizations in terrorism. An example is al-Shabaab, an organization mainly concerned by Somalia politics. While the latter had not attempted terrorism in the United States, the government considered as criminals all those who supported it by either recruiting, fundraising or joining its ranks. Thus, it arrested them. In fact, those who helped it were not necessarily interested in terrorism. This was the case of a certain number of U.S. nationals trying to help the al-Shabaab group in Somalia and not to attempting to carry out terrorism. Their arrest for terrorism in the late 2000s might partly explain the spike ("Would-Be Warriors" 2).

Other factors explain the appearance of a spike. To begin with, the alleged spike in homegrown terrorism can be questioned since trends in the cases are difficult to assess for several reasons. First, measurements do not reflect always the reality. For instance, a series of homegrown terrorism does not necessarily signify that there is an on-going trend. It is random variation. In addition, when the occurrence of the event being investigated is not high, the fact that there are some arrests of radical people makes people speak of a 'spike' (Watts 8).

Second, the increase of cases involving homegrown terrorists may be the result of a heightened sensitivity of U.S. authorities to actions not previously considered as terrorism. Therefore, the increase can be qualified of just apparent. Moreover, U.S. authorities began to search harder for terrorists at home after the 11 September events. Informants penetrated extremist groups. One of them is the 2009-2010 case of the Hutaree militia in Michigan. Logically, improved law enforcement procedures and

enhancement of the search lead to more arrests, even without more terrorism (Watts 8).

Third, this spike may be due to U.S. authorities' tendency to inflate the phenomenon to justify increase of expenditures in homeland security. For instance, after the September 11 events, they granted a substantial rise in counterterrorism funding to the FBI. In addition, the latter mobilized in counterterrorism a small army of agents that used to serve in crime fighting. Many joined new Joint Terrorism Task Forces. Most states established intelligence fusion centers. Soon, the Department of Homeland Security provided these centers with threat intelligence. (*The FBI Counterterrorism Program Since September 2001* 13).

While some analysts questioned the spike, others questioned the threat itself. One of them is Thomas Hegghammer, a researcher at the Norwegian Defence Research Establishment in Oslo. He studied radicalized Islamists in North America, Western Europe, and Australia between 1990 and 2010. He found that the commonly held belief that most Western radicalized Islamists travel abroad for training in order to commit attacks in the West is unfounded. His analysis showed that throughout the period from 1990 to 2010 Western radicalized Islamists were more "likely to join a war zone abroad than operate attacks at home" (6). His study was reliable as he compiled and analyzed data on Western radicalized Islamists on a level not attempted before.

Another one is John Mueller. In an article he wrote with Mark G. Stewart, Mueller described how Americans reacted disproportionately to the actual threat posed by al-Qaeda "either as an international menace or as an inspiration or model for

homegrown amateurs”. The writers spoke of “terrorism delusion.” They advanced that:

An examination of the activities of international and domestic terrorist “adversaries” reveals that exaggerations and distortions of the threat have inspired a determined and expensive quest to ferret out, and even to create, the nearly nonexistent. The result has been an ill-conceived and remarkably unreflective effort to react to an event that, however tragic and dramatic in the first instance, should have been seen to be of only limited significance at least after a few years. (Mueller and Steward 81)

According to the conclusions of several reports, there is no definitive ethnic or socioeconomic pattern among the suspects. In a paper published in 2010, the Bipartisan Policy Center advances that the “only common denominator appears to be a newfound hatred for their native or adopted country, a degree of dangerous malleability, and a religious fervor justifying or legitimizing violence.” (31).

In addition to scholars, officials and policymakers reviewed the public exaggeration concerning the threat of terrorism in general and homegrown terrorism in particular. While the intelligence community was worried about the threat, Director of National Intelligence (DNI) James Clapper provided a more nuanced description. According to him, a potential homegrown terrorist was not likely to kill millions of people. Moreover, as al-Qaeda had been defeated in Afghanistan, Pakistan, and Yemen and so weakened, it would not be able to provide would-be terrorists within the United States the training, financing, and logistical support for carrying out an

attack of some importance with success (*Worldwide Threat Assessment of the U.S. Intelligence Community*).

To conclude, the U.S. government has identified an alleged threat of homegrown terrorism. By pointing on the different government entities' definitions of that phenomenon, we highlight the variations in the official discourse. Even the terminology to refer to that phenomenon shifted to homegrown violent extremism under the Obama administration. In much the same way, the U.S government identified radicalization as the main source of homegrown terrorism. However, still its conceptualization varied from one entity to another. In addition, a lack of consensus existed concerning the driving forces in the radicalization process. In short, the U.S. government did not understand the phenomenon of homegrown terrorism uniformly and was constructing policies to address it in spite of this vagueness.

Chapter four

Facing Homegrown Terrorism: A Dual Policy Towards

Muslims

The previous chapter demonstrates that the U.S. government has considered homegrown terrorism one of its security concerns and radicalization the source of the phenomenon. As many nations have done, the U.S.A. has come to believe that, in at least some cases, the radicalization process can be countered or reversed. Then, to confront homegrown terrorism, the U.S. government framed some counter-radicalization programs. They consist of strategies and measures implemented at the federal and local levels.

In this chapter, we review the framework to counterterrorism at home, first. Then, we present the measures and initiatives taken by the major government players in the domestic counter-radicalization policy, including the White House, Congress, DHS, and local enforcement agencies. At last, we show that they are countervailing visions of counter-radicalization between the entities of the government. To that end, we describe counter-radicalization policies framed by the different parts of the U.S. government; we analyze and compare them to highlight where exactly there is discrimination against American Muslims.

I. The Post 9/11 Framework to Counterterrorism

As most of the measures addressing terrorism at home can be applied to the homegrown terrorism type, it is necessary to review the framework to counterterrorism at home, as it has been organized after the events of 9/11.

A. The Roots of the Post 9/11 Counterterrorism Campaign

The 9/11 attacks took place less than nine months after Bush took office. After such events, counterterrorism became Bush's administration highest priority. The president declared the Global War on Terrorism. Such initiative was not only shaped by the events but also by some decisions taken by the Clinton administration. The first decision was the Antiterrorism and Effective Death Penalty Act passed in 1996. One of its purposes was to deter terrorism and so provided some counterterrorism measures. This act is significant in that it changed the framework of U.S. policy from focusing on states as sponsors of terrorism to punishing designated terrorist groups.

The second decision was the approval to provide efforts to kill Osama Bin Laden. According to a long-standing executive order, assassination is forbidden unless the United States regarded itself as being at war, in this case with al Qaeda. Under such respect, Bin Laden could be considered as an enemy military commander. Thus, targeting Bin Laden was a way that put the United States in a context of war before the declaration of the Global War on Terrorism.

B. The Existing Framework to Counterterrorism

To face terrorism and ensure security, the U.S. government devised an apparatus and charged different entities with different responsibilities and tasks. The measures to confront homegrown terrorism were added to that framework.

1. The Homeland Security Apparatus

Following the events of 11 September 2001, the Bush administration had the task to face terrorism. The president has not given the task of homeland security to existing entities but established an Office of Homeland Security (OHS) and a Homeland Security Council (HSC) by executive order (Executive Order 13228). The Office of Homeland Security was located within the Executive Office of the President (EOP) and headed by a new Assistant to the President for Homeland Security; the President chaired the Homeland Security Council. The overall purpose of the OHS was to “... develop and coordinate the implementation of a comprehensive national strategy to secure the United States from terrorist threats or attacks” (Executive order 13228).

Then, Congress passed the Homeland Security Act of 2002, which created the United States Department of Homeland Security (DHS), and the new cabinet-level position of Secretary of Homeland Security. It superseded, but did not replace, the Office of Homeland Security, which retained an advisory role. In George W. Bush’s words, the initiative aimed at “largely transforming and realigning the current confusing patchwork of government activities into a single department whose primary mission is to protect our homeland” (*The Department of Homeland Security 2*).

Even though a department of Homeland Security has been created, there were still various U.S. government activities involved in the “homeland security” aspect of terrorism. Numerous federal entities were given homeland security responsibilities. The 2007 *National Strategy for Homeland Security* defined homeland security as a “concerted national effort to prevent terrorist attacks...” where the “concerted national effort” was based on the principles of shared responsibility and partnership

among various federal, state, and local agencies and with the American people. Therefore, there was no clear line of responsibilities concerning homeland security (3). Departments were devoting considerable resources and energy to homeland security preparedness. Even the private sector was engaged to promote homeland security. This overlapping role had led to a growth of the homeland security apparatus.

2. Main Government Entities Involved in Domestic Security

Departments and agencies that are sharing responsibilities of homeland security are numerous. We focus on the main ones. The Department of Defence (DOD) has been given an increasing role in homeland security. The traditional school of thought has been that the DOD's focus should reside primarily on foreign threats and that any assistance to civilian or domestic agencies is a secondary task. In addition, some legislation like the Posse Comitatus Act (1878) has limited on the use of military forces in civilian law enforcement operations since the nineteenth century. However, since the 9/11 events, the military has taken a more active role in the homeland security mission.

Those events led many law enforcement agencies to rethink their function and contribute in the homeland security mission as well. From that time, they had "to respond to suspicious situations, uncover terrorist networks, and work with other agencies and jurisdictions in an unprecedented way" (Skogan and Frydl 209).

C. Framing a Counterterrorism Policy at Home

Counterterrorism can be divided into counterterrorism at home and global counterterrorism. In “Policing Terrorists in the Community,” Professor Sahar F. Aziz described the activities involved in each of them.

Domestically, it is synonymous with anti-terrorism law enforcement in that it involves surveillance, investigation and prosecution of terrorist suspects. In the international context, counterterrorism combines the military, law enforcement, intelligence, and, most notably, counterinsurgency tactics of counter-radicalization that disrupt terrorist groups’ messaging and ability to recruit. (158)

In our description, we deal with the counterterrorism at home, i.e.: domestic counterterrorism strategies. After the 9/11 attacks, President Bush framed a counterterrorism policy. Under such approach, the U.S. Congress passed the U.S.A. Patriot Act with large margins; Bush signed it on 26 October 2001. The act gave the Justice Department and its agencies some new powers in intelligence-gathering and criminal procedure. Among its specific provisions, it encouraged the sharing of information between local law enforcement and the intelligence community and allowed some aggressive techniques of investigations to pursue terrorists on the internet. In addition, it created a “Terrorist Exclusion List” (TEL) that prevented entrance in the U.S.A.

Moreover, he gave a counterterrorism function to a lot of government intelligence, security, and law enforcement agencies. He charged the FBI with being the leading agency in counterterrorism. Thus, FBI Director Robert S. Mueller refocused the bureau’s efforts toward counterterrorism (Lewis).

Law enforcement agencies used a variety of reactive and preventive tactics. The preventive strategies sought to predict and pre-empt terrorist acts. It was the policy of deterrence. Reactive strategies included investigation of criminal activity, prosecution, conviction and incarceration tactics.

II. Confronting Homegrown Terrorism : Incorporating a Counter-Radicalization Policy

In this part of the chapter, we present the measures taken by the government to address homegrown terrorism, in particular. We focus on the counter-radicalization component of counterterrorism. Counter-radicalization is a preventive policy to challenge the ideologies used by terrorist organizations. Under such respect, it was considered as suitable to confront homegrown terrorism.

A. Measures Launched under Bush's Administration

After the 2004 Madrid train bombings, the U.S. government took some initiatives to address homegrown terrorism. The Bush administration adopted preemptive measures to prevent people from leaning to radicalization, i.e.: to prevent them from embracing extreme beliefs that might lead to terrorism. First, Bush issued the Executive Order 13354 in 2004 which established the National Counterterrorism Center (NCTC), and made Congress pass the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA) which codified it. Its task was to lead American effort to combat terrorism in the United States and in the world. According to the act, “[u]nderstanding the motivational factors that lead to violent radicalization,

homegrown terrorism, and ideologically based violence is a vital step toward eradicating these threats in the United States.” To that end, the act proposed a National Commission that would present to both Congress and DHS secretary initiatives to interfere before radicalized individuals use violence with the help of state and local efforts.

Then, Bush announced his intention to counter radicalization in the *National Security Strategy* of 2006. According to the document, the U.S. government would provide many efforts to counter support for violent extremism and to prevent violent groups from gaining a foothold in the United States. That task would be performed with the cooperation of different parts of the society to develop effective programs and initiatives.

To implement this policy, other government entities took a series of measures. One of the most significant was the Violent Radicalization and Homegrown Terrorism Prevention Act of 2007. The act aimed to prevent homegrown terrorism and for this purpose, it created a commission. Its overall powers were to hold hearings and meetings, to receive, store, disseminate information, and conduct investigations. The commission was tasked to “examine and report upon the facts and causes of violent radicalization, homegrown terrorism, and ideologically based violence in the United States” and to “build upon and bring together the work of other entities and avoid unnecessary duplication” (Sec. 899C).

B. A Sustained Effort under Obama’s Administration

The Obama administration kept almost all of the policies set out by the end of the Bush administration. Nevertheless, during the two first years of the Obama presidency, there was a refrain from engaging in counter-radicalization. Rather, the

administration focused on counterterrorism measures that have to do with terrorism as a global threat.

Then, because of the alleged peak in homegrown attacks in 2009 and 2010, the need to address the radicalization problem and to draw an explicitly stated strategy was felt. In a new report, *Assessing the Terrorist Threats*, issued in 2010, Bruce Hoffman, a member of the National Security Preparedness Group noted that “there remained no federal agency specifically charged with identifying radicalization or working to prevent terrorist recruitment of U.S. citizens and residents” (29). In a hearing, he questioned whether terrorists “discovered [Americans’] Achilles’ heel in that [the U.S. authorities] currently have no strategy to counter the type of threat posed by homegrown terrorists and other radicalized recruits” (*Internet Terror Recruitment and Tradecraft* 30).

Consequently, for the first time, the White House’s *National Security Strategy* of 2010 included combating homegrown terrorism. Before the release of the strategy, John Brennan, assistant to the President for Homeland Security and Counterterrorism, spoke in front of a public audience organized by the Center for Strategic International Studies (CSIS). He announced that President Obama’s *National Security Strategy* of 2010 “explicitly recognizes the threat to the United States posed by individuals radicalized here at home.” He further said that this was the “first national security strategy of any president that integrates homeland security as part of a broader national security strategy” (“Securing the Homeland”) since before that strategy national strategies had focused mostly on international threats. The administration dubbed its counter-radicalization strategy “Countering Violent Extremism” (CVE). Once it issued its strategy, it charged several governmental agencies to design policies to “counter violent extremism” and formulate counter-radicalization plans. Moreover,

the White House issued the *National Security for Counterterrorism* in June 2011 as a part of its national security strategy. It added the U.S. homeland among the places where to fight.

Under such strategy, the Obama White House mainly opted for a community-oriented method. In December 2011, the national security staff of the Executive Office of the President (EOP) issued the *Strategic Implementation Plan for Empowering Local Partners to Prevent Violent Extremism in the United States*. The plan focused on the concept of community engagement. It outlined enhanced coordination or fusion between local partners – including schools and community groups – and federal law enforcement and sought to empower communities by teaching local officials to recognize violent extremism. It also recommended countering violent extremism the way the nation used to counter criminal gangs. The latter way engaged police, schools, probation officers, youth agencies, government, and local grass-roots organizations. According to the plan, the role of the federal government was to help make that coordination possible by bringing people together and sharing information about threats and concerns. The plan determined three broad areas of action where the federal government could assist the local level to counter violent extremism. They were:

enhancing federal “engagement with and support to local communities that may be targeted by violent extremists, building government and law enforcement expertise for preventing violent extremism and countering violent extremist propaganda while promoting Americans’ ideals” (2).

To this end, the plan designated new partners to the federal government. Many of them took part in security issues for the first time. An example is the Department of Education that recommended the use of schoolchildren to spy on their parents (3). Another example is the NCTC that developed a “Community Awareness Briefing” (CAB) in 2010. The latter aimed to inform the public about al-Qaeda efforts to recruit Americans for its cause. Still, according to the Plan, the DHS planned to create grant programs to provide funding for programs that would seek to “counter violent extremist narratives and ideologies” (19).

In addition, the plan organized further federal agencies concerned with counter-radicalization in an effort to better share information. An example is the efforts provided by the DHS and the DOJ. They established the National Task Force in November 2010. The latter’s mission was to coordinate all relevant community engagement efforts, compile best practices, and report back to field agencies, including the U.S. Attorneys (*Strategic Implementation Plan 9*). Another initiative was the Building Communities of Trust (BCOT) that aimed to inform immigrant and minority communities on the protection of civil rights and make them trust law enforcement agencies and fusion centers (Wasserman 7).

Another example is the Citizens’ Academy program, conducted by each of the field offices. An eight to ten week program taught community leaders about the FBI’s mission, strategies, and operations. Moreover, to protect the youth from the risk of radicalization, field offices promoted teen academies. One of their roles was to introduce FBI agents to young members of the community (Statement of Brett Hovington in *Working with Communities to Disrupt Terror Plots*).

In addition to the Citizens' Academy, other programs and initiatives were undertaken. One of them were the Community Relations Executive Seminar Training, or CREST. This program enabled to reach out to communities especially those who had lost trust in the government or the FBI. During the sessions, various topics were discussed. They intended to promote dialogue with the larger community (Statement of Brett Hovington in *Working with Communities to Disrupt Terror Plots*).

In addition, as an effort to make law enforcement agencies participate in that policy, the Obama administration hosted a meeting during summer 2016 with state and local law enforcement agencies at the White House for a daylong debate. They discussed how the trust of communities could be preserved in the police's efforts to fight violent extremism and homegrown terrorism (Abramson).

The Obama administration officials also emphasized the importance of domestic intelligence in counter-radicalization and allocated resources for domestic intelligence collection. The aim was to take a comprehensive approach to the threat. In one of its fact sheet, the DHS advocated the need to "strengthen intelligence analysis" and research in order "to better understand the phenomenon of violent extremism" (*Fact Sheet: The Department of Homeland Security's Approach to Countering Violent Extremism 2*).

Officials of the federal government organized and used different teams for the integration and coordination of intelligence collection and analysis. First, they used Joint Terrorism Task Forces (JTTF). The JTTFs were groups of specialists in different fields like investigation, analysis, linguistics, expertise and terrorism. As Bjelopera commented, the JTTF's operations were "highly tactical and [focused] on investigations, developing human sources (informants), and gathering intelligence to

thwart terrorist plots” (*The Federal Bureau of Investigation and Terrorist Investigations* 14).

In addition to the JTTFs, the officials of the federal government established fusion centers. The fusion centers were created to “broaden sources of data for analysis and integration beyond criminal intelligence, to include federal intelligence as well as private and public sector data” as stated by John Rollins, specialist in terrorism and international crime (Rollins 2). Although state and local governments owned and operated the fusion centers, the DHS and DOJ provided personnel connectivity to federal systems, technical assistance, and funding for domestic intelligence investigations that had included homegrown terrorism incidents. According to Rollins, the fusion centers differed from the JTTFs in that a majority of them was not directly involved in operations and investigations but just supporting such activities. In fact, they performed rather an analytical role (Rollins 23).

Thus, the federal government provided efforts to encourage official partnerships among local, state, and federal law enforcement agencies. A combination between local expertise- that is knowledge of neighborhoods and communities- and federal expertise – that is national intelligence and counterterrorism tools - was made and a comprehensive approach to radicalization and homegrown terrorism could be adopted.

III. Assessment of the Measures : The Government's Dual Attitude Towards Muslims

In this part of the chapter, we show that the different parts of the U.S. government do not present a uniform policy as to their measures towards the Muslim group. On one side, we deal with those policies that are favorable to – or at least not alienating- the Muslims. On the other side, we discuss those that are adversarial and aggressive. We show that the U.S. government policies are only apparently non-discriminative.

i. Apparent Positive Policy

To confront homegrown terrorism, some entities of the U.S. government held a discourse and framed policies that reflect a willingness to consider American Muslims as part of the society and to stop any tendency to alienate them. .

1. Anti-Discriminatory Rhetoric

The federal government showed efforts to try to separate Islam and violent extremism. It tended to support the view of Islam as inherently not violent. For example, President Bush visited the Islamic Center of Washington D.C. six days after the attacks of 11 September 2001. In his statement at the mosque, he declared, “[t]he face of terror is not the true faith of Islam. That’s not what Islam is all about. Islam is peace” and “[t]hese acts of violence against innocents violate the fundamental tenets of the Islamic faith.” He further stated:

America counts millions of Muslims amongst our citizens, and
Muslims make an incredibly valuable contribution to our

country. Muslims are doctors, lawyers, law professors, members of the military, entrepreneurs, shopkeepers, moms and dads. And they need to be treated with respect. (““Islam is Peace” Says the President””)

Another example is Congress. It showed support to Arab-, South Asian-, and American Muslim communities following the attacks. It enacted a resolution that condemned acts of violence and discrimination against these communities, noting that they were “a vital part of the Nation” (Res.227, 2001).

In addition, Congress passed measures to prevent radicalization and homegrown terrorism. Those measures pretended to respect all groups. In the 2007 Violent Radicalization and Homegrown Terrorism Act, a whole section entitled “SEC. 899F. Protecting Civil Rights and Civil Liberties While Preventing Ideologically-Based Violence and Homegrown Terrorism” is devoted to the rights of people. According to the act, “the constitutional rights, civil rights, or civil liberties of United States citizens or lawful permanent residents” should not be encroached when action are taken in the prevention of “violent radicalization, homegrown terrorism, and ideologically based violence in the United States.”

Like the Bush administration, the Obama administration conveyed the notion that the federal government did not view Islam as inherently violent. In 2009, in his speech in Egypt, President Obama declared, “America and Islam are not exclusive and need not be in competition. Instead, they overlap, and share common principles of justice and progress, tolerance and the dignity of all human beings” (“The President Speech in Cairo: A New Beginning”). In 2010, President Obama attended the Ramadan breaking fast dinner at the White House and made a speech to the audience. He stated, “Islam has always been part of America” (“Statement by the President on

the Occasion of Ramadan”). In a 2014 statement for the occasion of *Eid*, Obama said the holiday “also reminds us of the many achievements and contributions of Muslim Americans to building the very fabric of our nation and strengthening the core of our democracy.” In 2015, he claimed, “[h]ere in America, Islam has been woven into the fabric of our country since its founding. Generations of Muslim immigrants came here and went to work as farmers and merchants and factory workers, helped to lay railroads and to build up America” (qtd. in Jones)

The Obama administration has even corrected some misconceptions about tenets related to Islam like jihad. For instance, in a speech to CSIS, John Brennan, then counterterrorism advisor, stated that jihad does not consist of the killing of innocent men, women, and children, but instead refers to an internal holy struggle that is an important tenet of Islam. He reinforced this perspective by making it clear that the federal government’s official position was not to

describe [Americans’] enemy as jihadists or islamists because jihad is a holy struggle, a legitimate tenet of Islam, meaning to purify oneself or one’s community, and there is nothing holy or legitimate or Islamic about murdering innocent men, women and children. (qtd. in Bennett 81).

In addition, in 2011, in the Senate Subcommittee on the Constitution, Civil Rights, and Human Rights, the Opening Statement of Senator Dick Durbin expressed the preoccupation to avoid discrimination:

It is our government's responsibility to prevent and punish this kind of illegal discrimination. And it is incumbent upon all Americans who love this nation and the values our Constitution protects to make it clear to defend the civil rights of our Muslim neighbors are as important as the rights of Christians, Jews, and non-believers. Of course, the First Amendment protects not just the free exercise of religion, but also freedom of speech. But all of U.S., especially those of U.S. in public life, have a responsibility to choose our words carefully. We must condemn anti-Muslim bigotry and make it clear that we won't tolerate religious discrimination in our communities. We can protect our nation and still protect the fundamental freedoms of our Bill of the Rights. (*Protecting the Civil Rights of American Muslims*)

Moreover, this senator distinguished the terrorists who perverted the teachings of Islam and the Muslims who were practicing their faith -- "a faith based upon love, not hate" (a phrase already formulated by Bush). He insisted that the war was with the former.

Furthermore, the DOJ urged for an anti-discriminatory attitude on several occasions. For example, in June 2009, Attorney General Eric Holder described the Department of Justice's outreach and enforcement efforts. He said:

The President's pledge for a new beginning between the United States and the Muslim community takes root here in the Justice Department where we are committed to using criminal and civil rights laws to protect Muslim Americans. A top priority of this Justice Department is

a return to robust civil rights enforcement and outreach in defending religious freedoms and other fundamental rights of all of our fellow citizens in the workplace, in the housing market, in our schools and in the voting booth. (*Attorney General Eric Holder on Department of Justice's Outreach and Enforcement Efforts to Protect American Muslims* 4 June 2009)

Another example took place in September 2011, in a meeting with Arab-American and Muslim leaders in Portland, Oregon, Holder said: "In this nation, our many faiths, origins and appearances must bind together, not break U.S. apart. In this nation, the document that sets forth the supreme law of the land – our Constitution – is meant to empower, not exclude" (*Attorney General Eric Holder Speaks at the American-Arab Anti-Discrimination Committee's 30th Anniversary National Convention* 4 June 2010).

In addition, the DOJ has interfered in some states and settled dispute in favor of the Muslims and their rights to build places of worship. For example, when Henrico County, VA, denied a 2008 application from a Muslim organization for the construction of a mosque, the Justice Department announced a settlement with the county. It resolved allegations that the county violated the Religious Land Use and Institutionalized Persons Act (RLUIPA). Thomas Perez, Assistant Attorney General of the Civil Rights Division said:

Religious freedom is one of our most cherished rights, and that right includes the ability to assemble and build places of worship without facing discrimination. We are pleased that the county of Henrico has agreed to take steps to ensure that all people exercising this basic

American right will not encounter discrimination during the zoning and land use process. (qtd. in “*Justice Department Resolves Lawsuit Alleging Religious Discrimination by Henrico County Va., Against Muslim Group* 6 Sept. 2011)

Neil H. MacBride, U.S. Attorney for the Eastern District of Virginia said:

The law – not stereotypes or bias – should dictate whether a worship facility can be built in a community. No one should be discriminated against based on their religion, and this agreement will ensure that religious freedom is upheld in Henrico County. (qtd. in *Justice Department Resolves Lawsuit Alleging Religious Discrimination by Henrico County Va., Against Muslim Group* 6 Sept. 2011)

Another example took place in July 2016 when the DOJ filed a complaint against Bensalem Township, Pennsylvania over the construction of a mosque (United States v. Bensalem Township, Pennsylvania). It declared that there was discrimination based on religion (*Justice Department Files Suit against Bensalem Township, Pennsylvania, over Denial of Zoning Approval for Mosque* 21 July 2016).

Furthermore, the Department of Education officials held an anti-discrimination discourse. It urged schools, colleges and universities to combat discrimination against Muslim students. They wrote a guidance letter to administrators instructing them to be proactive to all signs of discrimination from name-calling to defamatory graffiti and physical violence directed at such students. The October 2010 U.S. Department of Education Office of Civil Rights letter reads:

A school has notice of harassment if a responsible employee knew, or in the exercise of reasonable care should have known, about the harassment. In some situations, harassment may be in plain sight, widespread, or well-known to students and staff, such as harassment occurring in hallways, during academic or physical education classes, during extracurricular activities, at recess, on a school bus, or through graffiti in public areas. In these cases, the obvious signs of the harassment are sufficient to put the school on notice. In other situations, the school may become aware of misconduct, triggering an investigation that could lead to the discovery of additional incidents that, taken together, may constitute a hostile environment. (See Appendix A).

2. Rhetoric of Empowerment, Mutual Trust and Partnership

Some local governments have applied the strategy of building trust through engagement and partnership before it has been introduced on the national level. By 2003, outreach programs have been organized on the national level. Various entities of the Federal government held meetings with Muslims to discuss civil rights' concerns and grievances such as the DOJ's Civil Rights Division, the DHS's Office for Civil Rights and Civil Liberties (CRCL), and the FBI's Hate Crimes section.

Moreover, the Obama administration showed readiness at community engagement. In *Empowering Local Partners to Prevent Violent Extremism*, the White House stated, "countering radicalization to violence is frequently best achieved by

engaging and empowering individuals and groups at the local level to build resilience against violent extremism” (2). It carefully structured its Counter Violent Extremism strategy in this approach. Both the federal and local governments have engaged in counter-radicalization policies that centered on community engagement and devised policy initiatives to engage the Muslims. They have both emphasized the need to improve their respective engagement programs with Muslim community in order to increase the level of trust between its members and law enforcement. Various initiatives have reflected that. We deal with some.

First, the government was open to listening the Muslims’ requests. Indeed, it organized policy discussions in which Muslims were invited. Important figures like Senior White House adviser Valerie Jarrett, Homeland Security Secretary Janet Napolitano and Attorney General Eric H. Holder met them privately. During those meetings, they debated about civil liberties’ matters and counterterrorism policies (Elliott 2010). Some officials sent Muslim groups briefings on different issues like national security, immigration, the economy, foreign policy and health care legislation.

Moreover, the DOJ worked for an outreach to the Muslim, Arab and Sikh Communities. One of its concerns was to encourage cultural understanding of those communities and to dispel myths and misconceptions. Concretely, the department took several actions. It produced pamphlets translated into many languages, including Arabic, Urdu, and Farsi, to educate communities on civil rights protections in an effort to reassure the American Muslim community that the government would not forsake their rights in order to prevent terrorist attacks.

In addition, in coordination with the FBI, the DOJ worked to improve dialogue with American, Muslim, Sikh, and South-Asian American communities, organizations and their leaders. The Department's Civil Rights Division organized meetings in which leaders of these groups are gathered and other meetings in which top officials from various federal agencies and representatives of these communities are gathered to address civil liberties issues. The DOJ's Community Relations Service organized town and community meetings around the U.S. Particularly, it dealt with the discrimination issues against Arab Americans, Muslims, Sikhs, and South-Asian Americans that resulted from the 9/11 attacks reactions (*Fact Sheet: Justice Department Counter-Terrorism Efforts Since 9.11, 2008*).

Law enforcement agencies also emphasized the need to engage the American Muslim community in their counter-radicalization policy. At the national level, law enforcement officials provided important efforts to interact with the Muslim-Americans after 9/11. They set up connections with various national-level Muslim organizations. They looked at those organizations to assist them in communicating with their members and constituents. For example, they offered these organizations briefings that explain the framework of investigation and try to deal with concerns raised by the groups. Moreover, they stressed the need of trust. In June 2002, Mueller spoke before the American Muslim Council (AMC). He said:

I am here because we must all be in this war against terrorism together and because a sound and trusting relationship with the Muslim community can only bear the fruit of a safer nation for us all. I appreciate the help and support many in the Muslim-American communities have already given U.S., especially over the past nine

months, and I call on you, as Americans, to continue working with U.S. to defeat terror. (qtd. in Kurzman, Schanzer and Moosa 6)

Mueller noted the cooperation of American Muslims during investigations, their participation in community meetings with FBI agents, and even their readiness to provide information and to quit their jobs to become translators for the FBI (qtd. in Kurzman, Schanzer and Moosa 6).

At the local level, the FBI has also created several engagement initiatives with local Muslim communities in order to build a level of trust and foster relationships between the parties. An example is the establishment of a Specialized Community Outreach Team (SCOT) in November 2008. Special agents, analysts, and specialized persons were part of the team. Their task was to help field offices with establishing new contacts in key communities. Their first efforts targeted the Somali-American communities of Denver, Columbus, Minneapolis, San Diego, Seattle, and Washington, D.C. According to Brett Hovington, Chief of the Community Relations Unit, “these cities were selected because they were identified as the largest Somali-American communities in the United States” (*Working with Communities to Disrupt Terror Plots*).

Efforts at community engagement were provided by the local law enforcement agencies, as well. Concerning the NYPD, it set up the Community Partnership Program and its New Immigrant Outreach Unit (Community Affairs Bureau) to engage the Muslim community members (“On the Path of Pre-crime” 55). The Los Angeles Police Department (LAPD) developed relationship with Muslim communities through its Community Engagement Initiative. It strived to build up trust and partnership between Muslim communities and law enforcement. LAPD’s Deputy

Chief Michael Downing stated that the best way to fight terrorism is through engagement with the community (Garrison). The Los Angeles Sheriff's Department established a Muslim Community Affairs Unit. The unit created the Young Muslim American Leaders Advisory Council to cooperate with young Muslim leaders and to organize meetings with community members in which training and discussion on issues were provided. Moreover, the LAPD went further in its outreach activities. For instance, it took part to religious celebrations and mosque open houses and provided presentations at Islamic schools for show and tell drug recognition (*Los Angeles County Sheriff's Department Muslim Community Affairs Unit*).

B. Adverse Policy

The positive policy towards Muslims was not uniform and consistent. The U.S. government held a discourse that contradicts the non-discriminative rhetoric and took actions that erased community engagement.

1. Adversarial Rhetoric

Both houses of Congress hold congressional hearings that recommended harsher counterterrorism enforcement focusing on the Muslim community. In the House, Congressman Peter King, the Chairman of Homeland Security Committee convened a series of public hearings to examine the threat of radicalization within the American Muslim community. **King considered this targeting as coherent with the administration's policy. In the opening statement, he said:**

Despite what passes for conventional wisdom in certain circles, there is nothing radical or un-American in holding these hearings. Indeed Congressional investigations of Muslim-American radicalization is the

logical response to the repeated and urgent warnings which the Obama administration has been making in recent months. (*King Opens Committee on Homeland Security Hearing on Radicalization*, 3 March 2011)

Those hearings were held in March 2011. The first was ***The Extent of Radicalization in the American Muslim Community and that Community's Response***. In this hearing, representatives of major Muslim-American organizations were not called to testify. **The second, *The Threat of Muslim-American Radicalization in U.S. Prisons***, was a joint hearing with the Senate. **The third was *Al-Shabaab: Recruitment and Radicalization within the Muslim American Community and the Threat to the Homeland***. **The fourth was *Homegrown Terrorism: The Threat to Military Communities inside the United States***. **The fifth was *The American Muslim Response to Hearings on Radicalization within their Community***. In the Senate, Senator Joseph Lieberman, leader of the committee on Homeland Security and Governmental Affairs, held hearings on the threat of domestic radicalization and homegrown terrorism inspired by violent Islamist ideology and carried out an investigation into and a hearing on the Fort Hood attacks. (*Activities of the Committee on Homeland Security and Governmental Affairs* 31 July 2012)

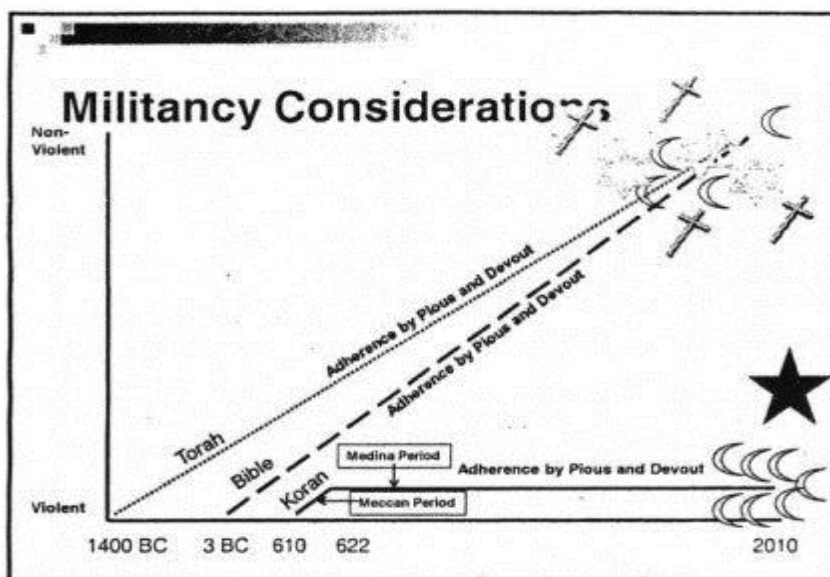
In addition, executive reports focused on the Muslim community as well. For instance, the National Counterterrorism Center made a rating system that showed the risk of turning to violent extremism. This document, issued in May 2014 by the National Counterterrorism Center, is discriminatory in that it only cites examples drawn from the Muslim community (*Countering Violent Extremism: A Guide for Practitioners and Analysts*).

2. Aggressive Activities

Domestic intelligence may be the most important part of counter-radicalization strategy. According to information given to the public, the federal government itself did not engage in collecting domestic intelligence. Law enforcement agencies were much more direct in their domestic intelligence collection activities. They adopted a preventive policing approach. The latter led to substantive practices that infringed the civil liberties of Muslims.

Federal Bureau of Investigation

First, the FBI provided training sessions that focused on Islam and described it as a violent religion. For example, during the training sessions at the Bureau's training ground in Quantico, Virginia, agents were shown several charts. The following document is one of them. Other materials are in Appendix B.



An FBI Training Document

This material used during the FBI training sessions shows that the adherents of the Torah and Bible are not likely to be violent. Concerning the followers of the *Qur'an*, it indicates that the more a Muslim adheres to his religion, the more likely he is to have a violent attitude.

In addition, during training sessions from November 2008 to at least January 2011, the FBI also used a “counterterrorism textbook” called *Terrorism and Political Islam: Origins, Ideologies, and Methods*. The FBI produced this textbook in 2008 with the collaboration of the Combating Terrorism Center at West Point. To use this textbook during training sessions was discriminatory as it contained bias towards Muslims (*Terrorism and Political Islam*).

Second, the FBI attempted to have intelligence collection activities targeting the American Muslim Community. The DOJ and the FBI implemented an approach with a revision to the *Attorney General's Guidelines for Domestic FBI Operations*. Under the old rules, FBI investigators could not initiate investigations of religious places of worship, other organizations, and individuals, without independent evidence from outside. With the FBI new guidelines, mosques and other organizations can be investigated without waiting for outside evidence. The FBI became more proactive. It used informants aggressively in investigating terror and targeted Muslims. Indeed, the FBI routinely interviewed Muslims and requested them to communicate information about their religious beliefs and behaviors of their friends and of the people they work with. Even those who willingly cooperated with the FBI since 9/11 were required to share information about their religious activities with the government. The blame for any Muslim terrorist was put even on those Muslims who were compliant with the law simply because they shared the same religion (Statement of Faiza Patel in the hearing on *The American Muslim Response to Hearings on Radicalization within*

their Community). In a briefing entitled *Federal Civil Rights Engagement with Arab and Muslim American Communities Post 9/11*, the U.S. Commission on Civil rights reported that up to 2011 the FBI charged 15,000 informants, paid them and directed them at the Muslim community (61).

An example of intelligence gathering occurred in 2003. In that year, the FBI decided to count the number of mosques in various regions of the country in order to help determine how many terrorism investigations and wiretaps were necessary in each region (ACLU Eye on the FBI).

Another example of intelligence gathering occurred from 2004 through at least 2008. During that period, the San Francisco FBI conducted a “mosque outreach” program that enabled to collect information on American Muslims’ religious beliefs and activities. The FBI classified the information as “positive intelligence” and disseminated it (“ACLU Eye on the FBI”). In this way, it disregarded federal Privacy Act as it did not inform American Muslims that it compiled intelligence and that it would record it and share it with other government agencies. In this way, American Muslims’ constitutional rights were violated.

In case of complaint by the Muslim community, the government has not been always on its side. For example, a lawsuit said the FBI sent a paid undercover informant into mosques in Orange County, California, in 2006 and 2007, to spy on Muslim worshippers as part of a counterterrorism investigation, known as “Operation Flex”. Craig Monteilh, the informant, was charged with collecting information about the congregants, taking videos, recording lectures and other events. As no one manifested suspicious or illegal behavior, no one was convicted. However, U.S.

District Judge Cormac Carney rejected the lawsuit, saying it risks divulging sensitive state secrets (qtd. in Trevor).

Third, the FBI used manipulative practices. The FBI practices were far from being ethical in that agents' job description often required entrapment rather than prevention of crime through the encouragement of terrorist plots in Muslim communities. This tactic relied on the use of agents provocateurs. Examples are numerous. For instance, in 2005, two members of a mosque in Lodi, California were convicted of giving material support to terrorist acts. Naseen Khan who served as an FBI informant gave the information (Muller 35). Another example is the case of Pakistani-American Shahed Hussain who served as an informant in Newburgh, NJ. He led to the convictions of four members of the mosque who were accused of plotting to explode two synagogues in New York City and shoot down military planes (Finn).

Fourth, the FBI used tactics described as "Al Capone" extensively towards mosques. In the American Law enforcement circle, this term refers to a technique that is used when there is not enough evidence to convict suspected persons. It consists in arresting suspected people for other offenses. As Rick Coolsaet explains in *Jihadi Terrorism and the Radicalization Challenge*, the term comes from the story of Al Capone who was arrested for tax evasion because the authorities had not enough evidence for his criminal activities (2016). Concretely, law enforcement agents targeted mosques and were looking for financial, tax and health and safety breaches as a way to counter extremism in those mosques.

New York City Police Department

Apart from the terrorist investigation program of the federal government, the one of New York City Police Department is worth mentioning. It was labeled the “Demographic unit”. Its methods of investigation and intelligence collection consisted of the infiltration of undercover agents in venues of radicalization like the mosques. Those agents pictured people who attended prayers and record sermons. The Associated Press (AP) and other journalists collected internal NYPD documents and so exposed facts about these programs. They showed that the NYPD tended to single out Muslim communities and collect information about their daily lives, in some cases without any indication of criminal activity. A large number of these operations were designed with the contribution of the CIA (Crary 2012).

In addition, the American Civil Liberties Coalition revealed the problem of law officials singling out American Muslims. It released a report in March 2013 entitled *Mapping Muslims: NYPD Spying and its Impact on American Muslims*. According to the report, the New York police “marginalized and criminalized a broad segment of American Muslims” based on their religious identity (31, 32).

In brief, as commanders-in-chief, two presidents have conducted counterterrorism measures. Though George W. Bush and Barack Obama have differed significantly in rhetoric and style, there has been relatively some continuity in their efforts. To confront homegrown terrorism, counter-radicalization policies were incorporated to the counterterrorism framework. In such respect, the different parts of the government took various measures. We show that the primary actors of the government framed and implemented policy inconsistently because they understood the issue differently. This explains why some actors were concerned about avoiding discriminatory measures while others engaged in religious profiling. We conclude that

the government did not have a unified policy towards the Muslims at the national and local levels.

Chapter five

Findings and Discussion: Deconstructing the U.S.

Government Discourse

As we have shown in the previous chapter, the U.S. government perceived a threat of homegrown terrorism and considered American Muslims as perpetrators of homegrown terrorist attacks. Based on this perception, the U.S. government designed policies towards Muslims and their places of worship. In this chapter, we assess the legitimacy of such policies. As policies are the implementation of an official discourse, we analyze the U.S. government discourse. We uncover three of the significant assumptions and equations that underlie it and assess their soundness. To this end, we identify the assumptions, first. Then, we trace their genealogy. As the discourse concerning homegrown terrorism and radicalization derives many of its assumptions from the wider terrorism discourse, we use a genealogical approach to identify these past discourses and we analyze how they have set discourse foundations, i.e.: a kind of a tradition for the idea about Muslims. At last, we assess the validity of the assumptions in the light of current data.

1. Compatibility Islam and the West

A first assumption that underlies the U.S. government discourse is that Islamic and Western norms and values are not compatible.

A. Official Discourse: Constructing Muslims as the ‘Other’ and as the Enemy

In the post-9/11 environment, the official discourse tended to construct the Western world as ‘Self’ and represent the Muslims as the ‘Other’ and the enemy. This construction is generally referred as the ‘Us’ versus ‘Them’ paradigm. Under the Bush administration, foreign policy was framed on the narrative of “War on Terror” in which liberal western democracies were fighting the “Axis of Evil”. It pictured Americans as the “innocent victims” and the aggressors as “evil perpetrators”. That provided the foundation for the labeling of Islam as ‘evil’. Then, at home, there was a construction of an “Enemy within”. The Americans perceived U.S. Muslims as a potential threat. They considered them as the enemy in the Global War on Terror and expected them to prove their loyalty.

Admittedly, under the Obama administration, an effort was made to avoid sticking to this construction. Reflecting such an effort are President Obama’s statements in his Cairo speech on 4 June 2009. He said:

the sweeping change brought by modernity and globalization led many Muslims to view the West as hostile to the traditions of Islam...The attacks of September 11th, 2001 and the continued efforts of these extremists to engage in violence against civilians has led some in my country to view Islam as inevitably hostile not only to America and Western countries, but also to human rights. This has bred more fear and mistrust. (“The President Speech in Cairo: A New Beginning”)

However, the Counter Violent Extremism policy framed under Obama’s administration still considered the Muslims as the ‘Other’. The president discursively

constructed ‘the Self’ as a “facilitator, convener, and source of information,” and ‘the Muslim Other’ as one who could “readily identify problems as they emerge” (*Empowering Local Partners* 3). For the sake of political correctness, the President not only constructed the Muslim ‘Other’ as partner but also he avoided to refer to him as Muslim but as “local”. The ‘local partner’ narrative was indirectly contributing to the ‘Othering’ process.

B. Genealogy

The Othering process or ‘Us’ versus ‘Them’ paradigm rests on the creation of social group categories. It is commonly made through an emphasis on differing characteristics such as race, ethnicity, and religion. Generally, it victimizes a minority group on the basis that their culture represents a threat to the rest of society.

The Othering process made by the U.S. government discourse used and extended Orientalist constructs. To trace back the genealogical roots of the Orientalist cultural discourse, we draw on Professor Edward W. Said’s understanding of orientalism. Said defined orientalism as “a way of coming to terms with the orient that is based on the Orient’s special place in European Western experience” (*Orientalism* 1). He studied the ideas that became embedded in Western culture. He showed that the development and use of representations of the Orient in the European context were not faithful to the “natural depictions of the Orient” (21). These representations or rather mis-representations, considered as objective in the Westerners’ mind, had developed into stereotypes. The West had made the Orient its “Other”. In a similar process, the West made the Muslims the ‘Other’.

The Western countries produced false descriptions of Islamic cultures. They considered themselves culturally and intellectually superior over Islamic cultures. They based their representation of Muslims and Islam on preconceived stereotypes devoid of justification. To refer to this western tendency to anti-Muslim sentiment, Said had not used the term 'Islamophobia' but helped a lot in the awareness of the phenomenon.

In the U.S.A., in addition to be made the 'Other', Muslims were depicted as the enemy. After the collapse of the former Soviet Union in the early 1990s, the U.S.A. generated a new enemy frontier. The need of an enemy was necessary for the Americans to claim their superiority. While thought to be allies against Communism, Muslims were re-imagined during that period as enemy. The underlying allegation is that there is incompatibility between the West and Islam.

The academia adopted this idea through rhetoric of "clash of civilizations". This expression stems from a 1990 article published in *The Atlantic Monthly* by Bernard Lewis, then professor of history at Princeton University ("The Roots of Muslim Rage"). In this article, B. Lewis claimed that the clash was rooted in the "classical Islamic view" whereby two opposing forces divided the world: the House of Peace (Islam) and the House of War. Such view leads to consider any civilization outside Islam as the enemy. B. Lewis's "The Roots of Muslim Rage" appealed strongly to Professor Samuel Huntington. In 1993, he published his hypothesis of the clash of civilizations ("The Clash of Civilizations?"). For him, the conflict that existed between the West and the Communist bloc is then between civilizations.

Media coverage and the society had popularized the viewpoint that Islam as a religion and as a culture was incompatible with western values. They manifested an

intensive tendency at demonizing Islam. Then, the U.S. government promoted this demonization of Islam to nurture a politics of fear that legitimated the expansion of security measures.

With the 9/11 events, Islam and Muslims had been “othered” even more. There was a renewal of interest for the idea of a “clash of civilizations” between Islam and the West. The neoconservatives intensified this discourse. For them, terrorism was a product of Islamic culture. As they hold many of the offices related to counter-terrorism in the early years of the War on Terror - for example, B. Lewis was a key advisor on the Middle East to the Bush administration - their discourse had contributed to the adoption of Islamophobic measures.

Other events that occurred in the West after 9/11 further intensified Americans’ fear of Muslims and Islam. These include, among others, the 2004 murder of Theo Van Gogh in the Netherlands, the 2004 Madrid train bombing and the 2005 attacks on London’s train system.

In an article entitled “The Othering of Muslims: Discourses of Radicalization in the New York Times, 1969-2014”, Derek Sliva shows that radicalization discourses in the news media are not new but that media conceptualizations of radicalization have shifted to focus mainly on Islam. In addition, he argues that the construct of radicalization enters as an indicator of the conflict West/ East and that the way the media is reporting discursively news contributes in making the Muslims as the other to the West.

C. Assessment

The assumption that makes Muslims ‘the Other’ can be rejected on several grounds.

1. Theological Arguments: Compatibility of Islamic Teachings and Western Values

The Othering process is based on the allegation that there is an incompatibility between the U.S. and Islam. To assess this, we take three core American values, namely democracy, freedom, and justice. We see whether they are compatible with Islam’s true teaching. First, for the outset, Islam has always advocated a democratic form of government. Indeed, some Islamic principles are in tune with a democratic system. One of those principles promotes dialogue, consultation, and community consensus. It holds that the decisions are the most appropriate ones when they are made jointly and after discussions of issues. The *surat* “Ash-Shura”, meaning consultation, of the Holy *Qur’an* clearly shows the endorsement of a democratic government. In many ways, this type of governance is a model of democratic process:

And those who answer the Call of their Lord [i.e. to believe that He is the only One Lord (*Allah*), and to worship none but Him Alone], and perform *As-Salat* (*Iqamat-as-Salat*), and who (conduct) their affairs by mutual consultation, and who spend of what We have bestowed on them. (42: 38)

And those who, when an oppressive wrong is done to them, take revenge. (42:39)

Second, freedom is a valued principle in Islam. The idea that Islam restricts freedom comes from the cases of some countries where the political regimes confuse

the religion of Islam with oppressive political and dictatorial rule. Islam's teachings uphold personal freedoms. Islam guarantees even freedom of religion. The *surat Al-Ghashiah* states that there shall be no compulsion in religion:

You are not a dictator over them – (88:22)

Save the one who turns away and disbelieves. (88:23)

Third, the *Qur'an* stresses absolute justice on more than one occasion. A significant illustration is the verse "Allah loves the just" (49:10). Another one is the verse in the *surat "Al-An'am"*:

And come not near to the orphan's property, except to improve it, until he (or she) attains the age of full strength; and give full measure and full weight with justice. We burden not any person, but that which he can bear. And whenever you give your word i.e. judge between men or give evidence), say the truth even if a near relative is concerned, and fulfil the Covenant of Allah. This He commands you, that you may remember. (6:152)

Then, great advancements in such values have been made following Islamic injunctions during the Islamic Golden Age from the eighth to the thirteenth century. Therefore, to "Other" Muslims on the basis that Islamic and Western norms and values are not compatible is an unfounded allegation. Such view stresses differences between Islam and Western culture and disregards similarities between them.

2. Scholars' Arguments

Several scholars do not see an incompatibility between the West and Islam. Said Nursi, a theologian, took an aspect of the West, namely modernity and

considered that Islam and modernity were not necessarily mutually exclusive. In *The Words*, he stated on several occasions that Islam was a middle way. For him, Islam was a path of moderation and not of extremism (2008). Nursi influenced Fethullah Gulen, a Turkish Muslim thinker. The latter argued that there was a “middle way” in Islam that reconciled tradition and modernity. For him, a true Muslim was the one who took such way (Yucel 10).

Other scholars try to counter the ‘Us vs. Them’ rhetoric by reconciling the two parts. Professor Tariq Ramadan urged Muslims to change their perception of the West. According to him, Western democracy should be viewed as “a model respecting our principles, rather than seeing it as ‘anti-Islamic’” (qtd. in Mirjam Dittrich 4). In his speech entitled “The Quranic concept of jihad and how do we rise above its misinterpretations,” he said, “It’s not us -versus-them; it’s us with the shared values against the people who don’t respect our values” (1 Feb. 2015).

Still other scholars reject the West-Islam dichotomy. According to them, it compares what cannot be compared, namely a religion (Islam) with a region or a society (the West). As German researchers Jochen Hippler and Andrea Lueg advanced: “[They] do not compare like with like: Christianity with Islam, or the realities of Europe with those of the Middle East” (qtd. in Shadid and Koningsveld 176).

More and more experts claim that the threat of Islam to the West is a myth. In *Islam and the Myth of Confrontation*, Professor of International Relations Fred Halliday, considers the Islamic threat to the West to be an illusion. He wrote, “The very concept of an ‘Islamic’ threat is itself a chimera, and to talk of some enduring, transhistorical conflict between the ‘Islamic’ and ‘Western’ worlds is nonsense”

(113). According to him, there was no challenge. He supported his view with some arguments. First, there was no unified Islamic threat as there was no internal coherence among the Islamic states. Then, they were economically and military weaker than the West. He concluded by stating that the enmity of the West towards Islam and Muslims was a form of racism and called it anti-Muslimism.

3. Empirical Data

Muslims in U.S.A. provided efforts to fight the Othering process they experienced. They manifested a willingness to be integrated in the U.S. society and to make their religion be part of the mainstream. Some of their actions and initiatives showed efforts at interfaith participation, cultural engagement, and civic activism. The activities of the youth programs were an illustration. In February 2010, the first Purple Hijab Day took place in the U.S.A. Then, it became international and annual. During such an event, women don purple headscarves. Muslim students' associations organized the nationwide Ramadan Fast-a-Thon on campuses across the country. During such an occasion, non-Muslims are invited to join their Muslim classmates in fasting, in sharing a special meal to break the fast (*iftar*) and in accompanying prayers, as is the case of Vanderbilt University. In addition, Muslim college students devised ways to reach out to their local communities as a whole. Georgetown University's Muslim Chaplaincy, for example, offered a "Muslim Alternative Spring Break" trip for the first time in March 2012. During that trip, selected undergraduate students led by their campus Imam travelled to Parkersburg, West Virginia for charity and interfaith activities. Professionals organized other programs aiming at American Muslim youth. Examples are IMAN's Takin' it to the Streets, Patel's Interfaith Youth

Core (IFYC), and the Muslim Public Service Network (MPSN) (Haddad and Harb 491).

Muslims joined other groups that worked for interfaith cooperation. One of them was the Clergy Beyond Borders (CBB) in which Muslim clerics joined with Jewish and Christian American clerics. In September 2011, they proceeded to an 18-city tour of the United States to fight increasing religious intolerance that was caused by the 9/11 events (In the News- Clergy Beyond Borders online).

Other Muslim-based organizations had supported interfaith engagement. For example, the United Muslims of America (UMA) devoted a whole part to interfaith activism in its website. It stated that the UMA considered:

America as one nation, endeavoring to create one family through interfaith understanding. We promote racial and religious harmony through religious institutions, projecting an image of America as a world leader who stands up for the human rights for all communities.
(qtd. in Haddad and Harb 489)

Moreover, through the message of the mosque leaders, mosques were open to the idea of involvement in the American society. Indeed, there was a strong willingness on the part of these mosque leaders to encourage worshippers to engage in American society, including in its politics. Most of them expressed the view that Muslims should participate in American public life. According to Professor Ihsan Bagby and his colleagues, already in 2000, when 416 mosques were interviewed, 77 percent of the mosque leaders “strongly agree” that Muslims should participate in American “institutions,” and 72 percent “strongly agree” that Muslims should participate in the “political process” (*Mosque in America* 32). Ten years later, when

524 mosques were interviewed, over 98 percent of mosque leaders agreed that Muslims should be involved in American institutions; and 91 percent agreed that Muslims should be involved in politics (4).

Finally, the development of American Muslim organizations that fit into the American cultural environment rather than stand against it proved that the incompatibility West/Islam is based on an unfounded prejudice towards Islam and its followers.

II. Correlation Religiosity and Political Violence

The second assumption that underlies the U.S. government discourse is the equation between Islam and violence.

A. Official Discourse: Muslims Prone to Radicalization and Violence

After the attacks of 9/11, the U.S. government associated Islam and violence. This narrative implied that Muslims were prone to radicalization and violence. Concretely, the U.S. policymakers did not state openly that Muslims were violent but by qualifying as “peaceful” and “non-violent” Muslims who had not taken the path to violence, they implicitly considered that the ordinary state was violence. This was the case of both George W. Bush and Barack Obama. For instance, in the *National Strategy* of 2006, Bush used “peaceful” Muslims to refer to those who were not using violence. During Obama’s presidency, Muslims were still viewed as suspects and certain Islamic traditions were considered conducive to extremism. Because of a concern for political correctness, the association of Muslims and Islam with violence was more subtle under his administration. An analysis of the CVE shows that it

situated the source of terrorism, in general, and homegrown terrorism, in particular, within Islamic extremism.

U.S. law enforcement agents tended to consider any form of civil, political activism among Muslims as extremism and so as an indicator of radicalization that leads to terrorism. The policy was based on the religious conveyor belt model of radicalization. Even if academia rejected this model, the U.S. government embraced such a theory and still looked at religious signs as indicators for radicalization.

Moreover, as we have seen in the previous chapter, since the 2001 terrorist attacks, the FBI provided training sessions that presented Muslims as agents of aggression. During those sessions, it used instructional material that characterized Muslims as prone to violence or terrorism. This explains why Muslims were suspected and scrutinized just because of their religious identity.

B. Genealogy

To trace the genealogy of this discourse we go back to the time when terrorism had been associated with religion. This construction was made through the emergence of Islamic terrorism discourse. To have a global perspective, we look at William F. Shughart II's analysis of the modern history of terrorism. He studied the different groups that were given the label of terrorism and made a classification. According to him, three categories of violent actions were labeled terrorism. The first appeared after the end of World War II; separatism motivated it. The second was present from around 1960s until 1989; anti-Western views motivated it. The third took place after the Cold War. In this case, terrorism evolved into a religion-based violence (Shughart

8). In fact, it started to take shape before the end of the war. Some Muslim groups fought against the oppression of the rulers and other Muslim groups supported them in their resistance. Examples of turbulent events across the Middle East throughout the 1970s and 1980s were the Munich Massacre and Iranian Hostage Crisis. They involved a high number of victims and a risk for interests of the West. To make their resistance effective, these groups were fighting in the name of Islam. This made terrorism evolve from political violence to religion-based violence.

The discourse centralized on Islam as it was considered the source of that violence. This discourse presumed causal link between religion and violence and implied that violence was inherent to Muslim societies. The roots of such discourse are found in the same ideas described in the previous section, namely those of Huntington. He claimed that Islam is violent. In his work, he stated, “Islam has bloody borders” (“Clash of Civilizations?” 34).

Then, the actions of violence involving Muslims were mediatized and provoked a rapid expansion in neo-Orientalist scholarship. For example, American scholar Mark Juergensmeyer made an interpretation of the phenomenon of terrorism in its relation with religion in *Terror in the Mind of God: The Global Rise of Religious Violence* (2003). He identified ‘Islamic Terrorism’ as a specific mode of political violence that was increasingly taking on a new transnational character (146).

C. Assessment

The assumption that equates Islam with violence can be rejected on several grounds.

1. Theological Arguments

Islam as a religion does not promote violence, on the contrary. First, the *Qur'an* preaches peace. It stresses dialogue, moderation, not violence and radicalism. It prohibits aggression and allows fighting only in self-defense. Several Quranic verses expound this clearly. For example, the *Surat At-Tawba* gives the directions how to interact with the enemy or unbelievers. One of the verses says, “If your enemy inclines toward peace, then you too should seek peace and put your trust in God” (8:61). Another example is the *Surat Al-Mumtahina*:

God forbids you not respecting those who have not fought against you for religion’s sake, and who have not driven you forth from your homes, that ye should act righteously and justly towards them; verily, God loves the just! (60:8)

God repeats, “do not aggress”, multiple times. Only if attacked, one is permitted to fight back. If the other party refrains from aggression and offers peace, Muslims are told to stop fighting. It prohibits aggression and allows fighting only in self-defense.

Second, Prophet Mohammed (PBUH) set up a tradition of peace through his sayings and deeds. The Prophet said there is no excuse for committing unjust acts:

Do not be people without minds of your own, saying that if others treat you well you will treat them well, and that if they do wrong you will do wrong to them. Instead, accustom yourselves to do good if people do good and not to do wrong (even) if they do evil.” (as narrated by Abdullah ibn Umar and transmitted by Al-Timidhi, Hadith 1325)

Third, Abu Bakr and the successive caliphates and reigning dynasties preserved Islam's early tradition of peace. Abu Bakr said:

I command you not to do ten things, do not kill women, do not kill children, do not kill the elderly, do not destroy trees, do not destroy properties, do not slaughter animals unless it is for food, neither flood or set fire to palm trees, avoid extremism, and do not act cowardly or weak. (qtd. in Sahih Al-Bukhari)

2. Scholars' Arguments

Several reports and researches have rejected the religiosity-terrorism connection. For example, the British MI5 service carried empirical studies and published a report entitled *Behavioural Social Unit Operational Briefing Note: Understanding Radicalization and Violent Extremism in the UK* (2007). It found that generally those who were drawn in terrorism had not a regular observance of their faith and lack religious literacy. On the contrary, a well-established religious identity was a protection against violent radicalization

Other researchers have rejected specifically the connection Islam and radicalization. To date, several prominent terrorism experts, including Marc Sageman, Quintan Wiktorowicz, and Randy Borum came up with empirically validated models that pointed out the lack of direct proportionality between Islam and radicalization. For instance, Wiktorowicz stated that the persons that were most likely to embrace radical Islam or to join an extremist group were those who had not a sound basis in the religion and were not very religious (*Radical Islam Rising* 4).

In addition, Professor Tufyal Choudhury from the Department for Communities and Local Government, UK studied the role of Muslim identity politics

in radicalization. He made a review of five hundred cases and found that “a *lack* of religious literacy and education appears to be a common feature among those that are drawn to [terrorist] groups.” Indeed, there is evidence that “a well-established religious identity actually protects against violent radicalization” (*Role of Muslim Identity Politics in Radicalization* 6).

Third, Faiza Patel argued that there was no evidence that observing the Muslim faith drove to terrorism. In a hearing held in June 2012, Faiza Patel said, “The facts tell us that it is not possible to draw a straight line from espousing “radical” ideas to committing a terrorist attack and that being a religious Muslim does not make one more or less likely to become a terrorist” (*The American Muslim Response to Hearings on Radicalization*).

3. Empirical Data

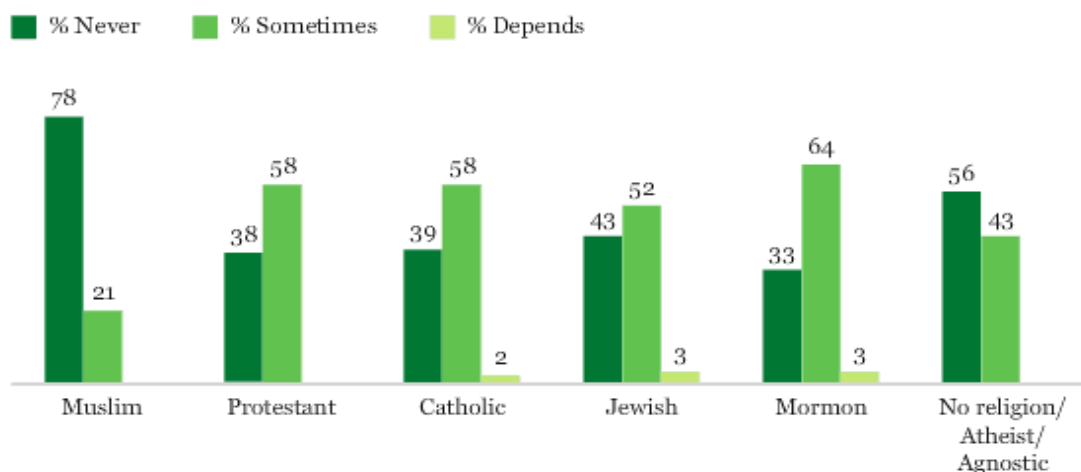
There is no empirical evidence indicating that American Muslim communities hold radical ideas. In fact, Muslims in general stand against violence. Polls show that Muslims in the U.S.A. do not support violence. We give the findings of two reliable polls, namely the Gallup and the Pew Research Center polls. In 2010, Gallup asked two questions: “Is targeting and killing civilians by the military justified?” and “Is targeting and killing by individuals or small groups justified?” These questions were asked to U.S. Muslims, Protestants, Catholics and Jews. For the first question, American Muslims were the only religious group that a majority opposed targeting and killing civilians by the military. For the second, they were the religious group that resolutely opposed targeting and killing by individuals or small groups.

The following tables show these polls:

Table 1

Polls about different U.S. religious groups' attitudes towards violence

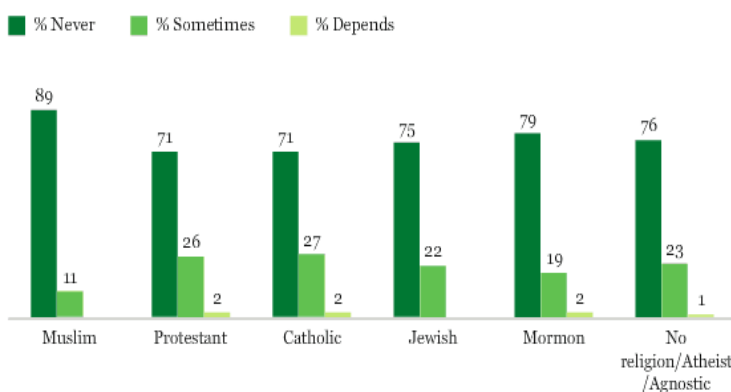
Some people think that for the military to target and kill civilians is sometimes justified, while others think that kind of violence is never justified. Which is your opinion?



Surveys conducted via Muslim American polls from Feb. 10-March 11, 2010, and Oct. 1-21, 2010.

GALLUP

Some people think that for an individual person or a small group of persons to target and kill civilians is sometimes justified, while others think that kind of violence is never justified. Which is your opinion?



Surveys conducted via Muslim American polls from Feb. 10-March 11, 2010, and Oct. 1-21, 2010.

GALLUP

Source: Abu Dhabi Gallup Center. *Muslim Americans: Faith, Freedom, and the Future* (2011). Print.

The Pew research Center carried two surveys, one in 2007 entitled *Middle Class and Mostly Mainstream* and another in 2011 entitled *Muslim Americans: No signs of Growth in Alienation or Support for Extremism*. Both surveys showed that in general American Muslims rejected extremism.

Table 2

Polls about U.S Muslims' Attitude Towards Violence

Overwhelming Majority Say Suicide Bombing Never Justified

Suicide bombing/other violence against civilians is justified to defend Islam from its enemies...

	Often	Some-times	Rarely	Never	DK
U.S. Muslims	%	%	%	%	%
2011	1	7	5	81	6=100
2007	1	7	5	78	9=100
<i>Muslims in ...</i>					
Palestinian terr.	31	37	10	19	3=100
Egypt	12	16	34	38	1=100
Lebanon	12	23	25	39	0=100
Jordan	4	9	31	55	2=100
Turkey	2	5	14	60	19=100
Indonesia	2	8	11	77	2=100
Pakistan	3	2	3	85	6=100

PEW RESEARCH CENTER 2011 Muslim American Survey, Q90.
Muslim countries' results from Spring 2011 surveys by the Pew Global Attitudes Project. Figures may not add to 100% because of rounding.

Source: Pew Research Center's Forum on Religion and Public Life. *Muslim*

Americans: No Signs of Growth in Alienation or Support for Extremism. August 2011.

Print.

Table 3

Polls about U.S. Muslims' concern about and support to Islamic extremism

	U.S. Muslims	Foreign born		Native born	
		All	Mideast/ N. Africa	All	Black
<i>Concern about possible rise of Islamic extremism in the U.S.?</i>	%	%	%	%	%
Very/Somewhat	60	53	52	73	78
Not too/Not at all	35	40	40	26	21
Don't know	<u>5</u>	<u>7</u>	<u>8</u>	<u>1</u>	<u>1</u>
	100	100	100	100	100
<i>How much support for extremism among Muslims in the U.S.?</i>					
Great deal/Fair amount	21	15	13	32	40
Not too much/None at all	64	66	67	63	53
Don't know	<u>15</u>	<u>19</u>	<u>20</u>	<u>5</u>	<u>7</u>
	100	100	100	100	100
<i>Suicide bombing can be justified ...</i>					
Often/Sometimes	8	7	9	11	16
Rarely/Never	86	84	79	88	84
Don't know	<u>6</u>	<u>9</u>	<u>12</u>	<u>1</u>	<u>0</u>
	100	100	100	100	100
<i>View of al Qaeda</i>					
Very unfavorable	70	75	75	62	56
Somewhat unfavorable	11	9	8	15	21
Favorable	5	3	2	10	11
Don't know	<u>14</u>	<u>14</u>	<u>15</u>	<u>13</u>	<u>12</u>
	100	100	100	100	100

PEW RESEARCH CENTER 2011 Muslim American Survey. Q76, Q90, Q93, Q98.
 Figures may not add to 100% because of rounding.

Source: Pew Research Center's Forum on Religion and Public Life. *Muslim*

Americans: No Signs of Growth in Alienation or Support for Extremism. August 2011.

Print.

Some scholars measured homegrown terrorism cases involving American Muslims. They studied the scope of their actual involvement in terrorist attacks. Most of them claimed that there was an overestimation. One of the academic publications, a report entitled *Muslim-American Terrorism in the Decade Since 9/11* written by Charles Kurzman, professor and member from the Triangle Center on Terrorism and

Homeland Security, concluded that the numbers were not sign of a surge of terrorist violence by Muslims. According to the report, there was a decrease in the number of American Muslims accused of involvement in plots or attacks (20 in 2011, 26 in 2010 and 47 in 2009). In addition, the report stated that there was no murder in 2011 that resulted from extremist violence by Muslims in the United States.

Charles Kurzman's 2014 report, entitled *Muslim-American Terrorism in 2013*, showed also a steady decline over the previous decade in suspects and perpetrators of terrorist attacks in the United States. Another report, *Muslim Americans Involvement with Violent Extremism, 2016* showed a decrease of 40 percent in the number of Muslims associated with violent extremism in 2016, as compared with the previous year.

Like Charles Kurzman, Risa Brooks argued that the scope of the threat is minim. In her analysis "Muslim 'Homegrown' Terrorism in the United States: How Serious is the Threat?" she concluded:

Muslim homegrown terrorism does not at present appear to constitute a serious threat to [Americans] welfare. Nor is there a significant analytical or evidentiary basis for anticipating that it will become one in the near future. It does not appear that Muslim Americans are increasingly motivated or capable of engaging in terrorist attacks against their fellow citizens and residents. (10)

The study from the Southern Poverty Law Center mentioned previously showed that the overestimation of cases involving Muslims is a matter of focus. It found that since 9/11 more people had been killed in America by non-Islamic domestic terrorists than by jihadists.

Reporter Scott Shane made the same conclusion. In an article published in *The New York Times* in 2015, he highlighted that since 9/11, “nearly twice as many people have been killed by white supremacists, anti-government fanatics and other non-Muslim extremists than by radical Muslims”. He based himself on a count by New America, a think tank (“Homegrown Extremists Tied to Deadlier Toll than Jihadists in U.S. Since 9/11”).

Furthermore, these empirical research results were borne out by the evaluations of law enforcement professionals who deal with these issues on a day-to-day basis. In a hearing, *Understanding the Homeland Threat Landscape—Considerations for the 112th Congress*, before the House Committee on Homeland Security hold in 2011, Michael Leiter, the Director National Counterterrorism Center, stated that violence extremism concerned a small percentage of the American Muslim group (52).

Even local law enforcement agencies have a more balanced understanding of the nature of the threat. In the hearing *The American Muslim Response to Hearings on Radicalization*, Patel reported the findings of Congressman Thompson. He reported that when local law enforcement agencies classified the terrorists groups found in their jurisdictions, Muslim extremists are placed 11th out of 18. Neo-Nazis, environmental extremists, and anti-tax groups were more prevalent. (4)

The results of a survey conducted by Charles Kurzman and David Schanzer with the Police Executive Research Forum in 2014 aimed to measure al-Qaeda inspired extremism confirmed such statement. According to the findings, local law enforcement agencies do not perceive radicalized Muslims to be a severe threat locally, i. e.: in their own jurisdictions in comparison with the one coming from anti-

government extremism. (*Law Enforcement Assessment*). It showed that the threat was a product of the official narrative.

III. The Role of Muslims' Places of Worship

The U.S. government discourse is based on a third assumption that figures Muslims' Places of Worship as venue of radicalization.

A. Official Discourse: Muslims' Places of Worship as a Venue of Radicalization

First, Representative Peter King's remarks about Muslims' places of worship delivered in February during an interview made the latter ones appear as a venue of radicalization in the U.S. government discourse. To Sean Hannity, his interviewer, King said, "You could say that 80%, 85% of the mosques in this country are controlled by Islamic fundamentalists" (qtd. in Ruether 87). In 2007, he said, "Unfortunately, we have too many mosques in this country" ("Rep. Peter King: There are 'too many mosques in this country'").

Then, the Congressional narratives contributed largely in figuring mosques as a venue for radicalization. Under King, then chairman of the House Committee on Homeland Security, a series of hearings were held about radicalization in the American Muslim community. Among other purposes, King aimed at proving that mosques play a role in the radicalization process.

Before the hearing, King called for persons that showed anti-Muslim bias to participate and provide information. Some of them dropped like Ayaan Hirsi Ali, known for his extreme anti-Muslim rhetoric. Those he named effectively were not

chosen to hold sober and objective hearings. For example, Zuhdi Jasser, President and Founder of American Islamic Forum for Democracy, stated:

I think if you look at Nidal Hasan, he didn't become radical overnight. If you look at his resume, it is frighteningly similar to mine. Yet something happened in him over years. Over years. You can't just blame Awlaki. Awlaki himself, before he became a radicalizer, was being radicalized somewhere, and he was giving sermons in mosques in Denver and San Diego and Northern Virginia.
(Compilation of Hearings on Islamist Radicalization 35)

B. Genealogy

Some publications have shaped the belief that mosques are a place where recruitment and radicalization take place. One of them is the Freedom House's Center for Religious Freedom's publication. It claimed that mosques played a role in the radicalization process through the literature available in mosques. According to the report published in 2005, Saudi publications conveying extremist ideology are used as reading and educational materials in some American mosques (*Saudi Publications on Hate Ideology 1*).

Another one is Professor of Law Kenneth Lasson's publication. He argued that mosques play a role in the radicalization process through the rhetoric in the mosques. In "Incitement in the Mosques: Testing the Limits of Free Speech and Religious Liberty," he showed that there was incitement in mosques even in the U.S.A. through inflammatory rhetoric and speech (2005 p 27).

Still another one is Marc Sageman's publication. In his book *Understanding Terror Networks*, he argued that the main elements in the process of radicalization were the roles of friendship, kinship, and social networks. According to him, mosques provided such elements. He wrote:

These mosques served many functions in the transformation of young alienated Muslims into Salafi mujahedin. A mosque was an ideal place to meet familiar people, namely fellow Muslims – an important desire in upwardly and geographically mobile young men who missed the community of their friends and family. Friendship groups formed around the mosques....each new group became a “bunch of guys,” transforming its members into potential mujahedin [holy warrior], actively seeking to join the global jihad. (115)

C. Assessment

The alleged role of Muslims' places of worship in the radicalization process that leads to terrorism is not justified by clear evidence. Rather data show the positive role that Muslims' places of worship are playing. Mosques are a cohesive agent for the Muslim group and within the society as whole.

Community cohesion is a rather recent concept. It has been coined in the aftermath of the riots that occurred in England in 2001. According to the definition accepted by the United Kingdom government, community cohesion enables “different groups of people to get on well together.” Integration is considered as a “key contributor” to community cohesion (*The Government's Response to the Commission*

on Integration and Cohesion). For the purpose of this study, community cohesion is defined as the process by which members of a group or a society yearn for a community with mutual respect, trust and a sense of belonging and provide efforts to achieve this end.

Since community cohesion with the American society cannot be achieved if community cohesion among the Muslim group is not primarily guaranteed, we provide facts about ways mosques are promoting community cohesion among the Muslim group, first. Then, we show how the mosques have a very productive role in building bridges between Muslims and non-Muslims in the United States and how they participate in community cohesion in the American society.

1. Theological Arguments

The mosques are a cohesive agent through their religious teachings. To grasp fully the role of religious teachings, we have to acknowledge first the role of religion in any society. According to the functionalists, religion along with its norms and values creates cohesion and unity. The functionalist approach copes with the etymology of the word religion: the latter comes from the Latin ‘religare’ that means ‘to bind’ (Livesey 293).

Concerning Islam, it works even more as a unifying force because its principles themselves are in favor of community building. The mosque is the vehicle of this unifying message. To begin with, Islam preaches for a connection in a transnational sense. Society in Islam is described and characterized as the Ummah (or Islamic nation). This concept transcends national borders, color, and race and assumes a common identity and a level of solidarity among all Muslims regardless of where they live. This led some scholars like Sulayman S. Nyang, Yvonne Y. Haddad and

Lori Peek to support the view that a “transcendent identity” has developed among the Muslims in the United States (qtd. in Barreto 13). Thus, Muslims living in the United States are referred as Muslim Americans or American Muslims despite the ethnic, cultural and linguistic varieties that exist among them.

Then, as the major source of inspiration in the development of ideas and practices in Islam, the *Qur'an*, the Muslims' holy book, promotes great unity among the followers of Islam. *Surat Al-Mouminoun* says, “[a]nd indeed this, your religion, is one religion, and I am your Lord, so fear Me” (23:52). Therefore, because they follow the same religion, the Muslims must be united and submit to God.

In addition, Prophet Mohammed (PBUH) set up a tradition of unity through his sayings and deeds. He talked frequently about the importance of one united community. Several *hadiths* - narrations of the sayings, the deeds, and the teachings of the prophet (PBUH) – reflect this willingness at unifying the Muslims. Nu`man bin Bashir (May *Allah* be pleased with them) reported: Messenger of *Allah* (PBUH) said, “The believers in their mutual kindness, compassion and sympathy are just like one body. When one of the limbs suffers, the whole body responds to it with wakefulness and fever” (qtd. in Sahih Al-Bukhari).

Ibn'Umar (may *Allah* be pleased with them) reported: the Messenger of *Allah* (PBUH) said:

A Muslim is a brother of (another) Muslim, he neither wrongs him nor does hand him over to one who does him wrong. If anyone fulfills his brother's needs, Allah will fulfill his needs; if one relieves a Muslim of his troubles, Allah will relieve his troubles on the Day of Resurrection;

and if anyone covers up a Muslim (his sins), Allah will cover him up (his sins) on the Resurrection Day. (qtd. in *Riyad us-Saliheen* 244)

In these ways, the commonality of Islam and its preaching of unity for the Muslim group play a role in the latter's process of community cohesion. Imams transmit this strong message and make it resonate in mosques.

In addition, the religious teachings provided by these institutions promote community cohesion within the American society, as a whole. Through the teachings of Islam, mosques preach tolerance. Indeed, the *Qur'an* supports and acknowledges differences between people but the latter differences are used neither to judge human worth nor to divide between people:

Oh humankind! Behold, We have created you all from one male and one female, and have made you into nations and tribes, so that you might come to know one another. Verily the most noble of you in the sight of God is the one who is the most deeply conscious of God.

(*Surat a-Hujurat* 49: 13)

2. Empirical Data

In addition to the religious teachings, the activities provided by the mosques contribute to form a close-knit community. Generally, places of worship or religious organizations contribute significantly and positively to community formation. Charles Hirschman in "The Role of Religion in the Origins and Adaptation of Immigrant Groups in the United States" (2004) showed how places of worship provided social, spiritual and economic assistance and played somehow the role of the traditional

extended family. Like other places of worship, mosques perform such function through the different activities they offer.

The main activity, namely the holding of the *Salat* (daily prayers), is promoting community cohesion. Among the 524 mosques interviewed by Ihsan Bagby in 2011, more than three quarters (77 percent) of mosques conducted all five daily prayers (*American Mosque* 4). Moreover, the fact that in Islam, it is meritorious for Muslims to pray together and that group prayer is mandatory at least on Fridays enables to attain a sense of belongingness for Muslims even if they do not personally know anyone in their congregation.

Moreover, prayers on Fridays play a role in community cohesion because of the use of the English language in the *Jum'ah Khutbah* (the speech held on Friday prayer). Indeed, 97 percent of the 524 mosques interviewed in 2011 use English as the main language, or one of the main languages, for the message of the *Jum'ah Khutbah*. Therefore, instead of creating tensions among language groups and between generations of immigrants, mosques in America have found an alternative for unity in the Muslim group with a common language. Through the messages delivered in English, mosques foster community cohesion with the American society as well. Indeed, the use of English is a clear sign of a willingness and readiness to build bridges with the American society. Moreover, a typical pattern in mosques where Arabic is used (the other language most used) is that one part of the *Khutbah* is given in Arabic and in the second part an English translation is presented (*American Mosque* 6).

Furthermore, thanks to the other various services they provide throughout the United States, mosques serve as a pole around which the Muslim group is galvanized.

For instance, 93 percent of the 524 mosques interviewed in 2011 had some type of “regular community gatherings.” The gatherings could be a monthly or weekly “pot luck or a quarterly gathering to discuss particular issues” (*American Mosque* 7). In addition, other services like women programs, youth activities, team sports and community services activities were offered by the interviewed mosques (*American Mosque* 8).

Apart from these activities, mosques provide education, a key factor for community cohesion within the Muslim group. Approximately 19 percent of the 524 mosques interviewed in 2011 indicated that they had a full-time school (*American Mosque* 9). Among the other educational programs were weekend schools for children, Islamic studies and Arabic language classes, *Qur'an* memorization classes and regular khatirahs (short religious talks, usually given immediately after a prayer) (*American Mosque* 6).

Moreover, various interfaith services favor better interfaith understanding, a key element for community cohesion. Many mosques organize and allocate some budget for such activities as open houses, education about Islamic beliefs and practices in the schools and other public contexts. Already, during the year 2000, a majority of the 416 mosques interviewed had done each of the following activities: visit a school or church to present Islam, contact the media or a political leader and participate in interfaith dialogue (*The Mosque in America: A National Portrait* 4). Some have had a politician visit the mosque, wrote or called a political leader, or participated in an interfaith social service project (*Mosque in America* 39). Ten years later, almost two-thirds 63 percent of the 524 mosques interviewed conducted an open house for their non-Muslim neighbors. In addition, over 79 percent of them had been involved in an interfaith program. (*American Mosque* 9).

Furthermore, voter registration activities have also increased significantly. In 2000, only 24 percent of the 416 mosques interviewed conducted a voter registration or voter education program but in 2011, the percentage was up to 36 percent of the 524 mosques interviewed. In addition, mosques allowed more organizations to come in to do voter registration drives – in 2000 only 8 percent of the 416 mosques allowed other groups to conduct voter registration, and in 2011, 12 percent of the 524 mosques opened their doors to other organizations (*American Mosque* 10). These activities reflect Muslims' willingness at civic and political integration and so at community cohesion.

An analysis of the results indicate that the overall rhetoric and activities in mosques in the U.S.A. are about peace and moderation. Indeed, data shows that mosques are not factors for radicalization. Through the religious teachings given and the activities organized there, the mosques work as cohesive agents with the Muslim group and with the American society as a whole. They benefit local communities, irrespective of faith. American mosques are far from being bedrock of disagreements and extremism but rather a cell for unity and cohesion.

We conclude that U.S. responses to the alleged threat of homegrown terrorism are informed by flawed assumptions that have little or no evidentiary basis. Because the U.S. framed policies based on these unsound allegations, those policies are deemed faulty.

General Conclusion

The overriding purpose of this study was to assess the legitimacy of the U.S. government response to homegrown terrorism. More precisely, it aimed at evaluating whether the infringements on Muslims' rights caused by counter-radicalization measures were warranted.

To accomplish this objective, it became necessary to reach some prerequisite goals. Considering philosophical and legal materials about the scope of the power of the government on freedoms when security is at stake assumed a high degree of importance during the theoretical chapter of this dissertation. A conceptual analysis of government and notions that were related to it like authority and legitimacy had been carried. In addition, a study of classical thinkers' ideas gave a perspective on the reasons of its formation. We explained that classical thinkers referred to the state of nature as the hypothetical conditions of what the lives of people might have been like before societies came into existence. Under such respect, conflicts arose because people are self-interested. The state of nature engendered a state of insecurity. The authority either absolute or limited would put an end to it.

Given that government was not part of this state of nature, it needed to be accepted. We adopted the social contract theory to understand the legitimacy of the authority over the individual. In such theory, the consent of the governed is an essential element. The use of state power is only justified and lawful when consented to by the people or society over which that political power is exercised.

In addition, this study highlighted debates that existed on the scope of power of that authority. The power problem was even more acute when there were security interests clashing with the value of freedom. We showed that thinkers were divided on the issue. Some classical thinkers considered the relation government's purpose of maintaining order and freedom of people as a conflictual situation. Others thought that freedoms and security were not exclusive and that they were linked. In much the same way, contemporary thinkers were divided. Some supported the first position. They were advocates of the trade-off thesis. Others challenged the validity of the metaphor of balance.

In addition, we pointed out that for a government to work properly, it needed two elements. One was authority, the right and power to enforce decisions. The other was legitimacy, the acceptance of that authority by the people. In a democratic system, this legitimacy could be achieved only if the government acted properly and did not abuse its power. Whenever there was an excessive use of power, it should be justified. We described how several democratic devices protected American citizens and how the U.S. government was accountable to the population to a great extent. Indeed, a legal framework that protect freedom exists in the U.S.A.. Various devices protect the freedoms of people, namely the separation of powers, the Bill of Rights and later amendments.

Furthermore, we highlighted how on several occasions, the government expanded the scope of its power to confront some phenomena that have been considered as threats to the security of the country. A trade-off between order and freedom had been operated. Efforts were made to enhance security at the expense of the liberties of Americans. We gave various examples. Early in the history of the republic, during the context of the French revolution, the Alien and Sedition Acts of

1798 was passed. Later, during the different wars, either, the civil war, the two world wars, the cold war, and the war on terrorism, restrictions for the sake of security continued to take place.

In some cases, the real scope or measurement of the threat was not always proportional to the means deployed. To justify restrictions, public fear was manipulated. The U.S. used to generate an illusion of an enemy or to intensify the power of a rival. We noticed that the different administrations exploited fear to add new prerogatives to the government.

Related to that effort, it became necessary to take a historical perspective on religious pluralism and to show how Muslims and their places of worship became part of it. This was in the second chapter. As the rights of religious groups have been defined throughout American history, we went back to the colonial period. We showed that religious freedom, as a value was not brought with the colonizers but had to be established.

We noticed that a dual atmosphere existed for the development of religious freedom. Some forces enabled religious uniformity to exist and to develop. Indeed, some legislations in some colonies hindered religious freedom and presented signs of establishment. Other factors like the philosophical ideas, the geographical setting, the mother country policy of salutary neglect and the examples and successful experiments of some colonies that promoted religious freedom balanced the tendency of religious uniformity. We showed that the institutionalization of religious freedom started to proceed after the birth of the new nation but met some difficulty because of some dualism during these formative years as far as religious matters were concerned. Indeed, in spite of some constitutional achievements, there were still some signs of

establishment state sponsored religion in some area at the national and local levels that hampered the flourishing of religious freedom. We proved that such dual environment had been put an end with the consolidation of religious freedom through later legislations. Thus, the legal framework responded to the reality of diversity of religion and promoted religious pluralism. This did not mean that minorities had not experienced persecution. Indeed, it existed.

Moreover, we studied the Muslims as one of the religious groups in such pluralist environment. We provided current data that pointed on the difficulty of speaking of a group given its diversity especially in terms of ethnicities, nationalities and other parameters. Nevertheless, because of the common creed, they had been studied as one entity in the research. A historical study showed that they were present in the U.S.A. for a long time and that by the beginning of the twentieth century they became more visible as they started to establish places of worship.

To provide for an understanding of U.S. policy to confront homegrown terrorism, it was important to present how the U.S. government constructed it as a security concern. This was in the third chapter. To study the discourse on homegrown terrorism a study of the preexisting discourse on terrorism was necessary. We highlighted how the diffuse nature of the term made defining it an issue. Nevertheless, common elements could be identified and were found in the conceptualization of the U.S. discourse.

Then, we showed that homegrown terrorism has been identified as a national security challenge in the United States of America by 2007. We studied the official narrative and writings of academia and highlighted some variations in terminology and some vagueness as to the conceptual boundaries of homegrown terrorism with

domestic terrorism. In addition, we presented radicalization as one of the causes of homegrown terrorism and showed how diffuse the term radicalization was as well. We found that this made the discourse on homegrown terrorism even more acute and led to variations as far as its patterns and driving forces were concerned. Our study revealed that the lack of consensus in defining the term led to a problem of measurement of the scope of the phenomenon and that some scholars put even the threat into perspective. Our analysis concluded that the phenomenon of homegrown terrorism was not understood uniformly.

Once these fundamental steps were achieved, this research was able to go forward. In the fourth chapter, the counter radicalization policies designed to confront homegrown terrorism had been presented. The U.S. government incorporated those programs to the preexisting counterterrorism framework. After an identification and analysis of the measures and initiatives taken by the major government players in the domestic counter-radicalization policy, we found that that they were countervailing visions of counter-radicalization between the entities of the government. Thus, the U.S. government policy towards the American Muslims when confronting homegrown terrorism was dual and not unified because the different entities understood the issue differently. This dualism was presented and the areas of discrimination against American Muslims were highlighted. Indeed, we showed that while some entities of the government had an apparent positive policy based on an anti-discriminatory rhetoric, others presented an adverse policy based on an adversarial rhetoric and aggressive activities towards Muslims.

In the last chapter, we deconstructed the discourse on which the U.S. government's policies were based. We put into perspective key assumptions and the equations on which the previously mentioned discourse was based. The results of the

study revealed that the U.S. government actions towards Muslims might not be warranted because they were based on faulty assumptions and mistaken deductions.

Concerning considering the Muslims as the ‘Other’, our findings revealed that this Othering process was overlooking commonality between the Western values and Islamic ones. Indeed, some of the core American values, namely democracy, freedom, and justice are compatible with Islam’s true teaching. Moreover, Muslims in the U.S.A. showed a willingness to be integrated in the U.S. society.

Concerning viewing Muslims as prone to violence, our findings showed that they stand against violence. We used the data of reliable polls that showed that Muslims in the U.S.A. did not support violent behavior. In addition, we argued that no empirical evidence indicating that American Muslim communities promoted extremism. Overall, they did not hold radical ideas.

Concerning the role of mosques, our findings highlighted the positive role that played mosques in the American society in spite of the unwelcoming environment. We provided facts about ways mosques were blurring the lines of a diverse community as well as bridging the difference between Muslims and non-Muslims in the United States. We concluded that the role mosques were playing was not as radicalization incubators but as agents of community-cohesion.

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Appendices

Appendix A:

Excerpt from the October 2010 letter from U.S. Assistant Secretary of Education Russlynn Ali

In all cases, schools should have well-publicized policies prohibiting harassment and procedures for reporting and resolving complaints that will alert the school to incidents of harassment. When responding to harassment, a school must take immediate and appropriate action to investigate or otherwise determine what occurred. The specific steps in a school's investigation will vary depending upon the nature of the allegations, the source of the complaint, the age of the student or students, involved, the size and administrative structure of the school, and other factors. In all cases, however, the inquiry should be prompt, thorough, and impartial. If an investigation reveals that discriminatory harassment has occurred, a school must take prompt and appropriate steps reasonably calculated to end the harassment, eliminate any hostile environment and its effects, and prevent the harassment from recurring. These duties are a school's responsibility even if the misconduct is also covered by an anti-bullying policy, regardless of whether a student has complained, asked the school to take action, or identified the harassment as a form of discrimination. Appropriate steps to end harassment may include separating the accused harasser and the target, providing counseling for the target and/or harasser, or taking disciplinary action against the harasser. These steps should not penalize the student who was harassed. For example, any separation of the target from an alleged

harasser should be designed to minimize the burden on the target's educational program (*e.g.*, not requiring the target to change his or her class schedule). In addition, depending on the extent of the harassment, the school may need to provide training or other interventions not only for the perpetrators, but also for the larger school community, to ensure that all students, their families, and school staff can recognize harassment if it recurs and know how to respond. A school also may be required to provide additional services to the student who was harassed in order to address the effects of the harassment, particularly if the school initially delays in responding or responds inappropriately or inadequately to information about harassment. An effective response also may need to include the issuance of new policies against harassment and new procedures by which students, parents, and employees may report allegations of harassment (or wide dissemination of existing policies and procedures), as well as wide distribution of the contact information for the district's Title IX and Section 504/Title II coordinators. 24 Resources in addressing the needs of diversity in student population are identified in Appendix C of this guide. Finally, a school should take steps to stop further harassment and prevent any retaliation against the person who made the complaint (or was the subject of the harassment) or against those who provided information as witnesses. At a minimum, the school's responsibilities include making sure that the harassed students and their families know how to report any subsequent problems, conducting follow-up inquiries to see if there have been any new incidents or any instances of retaliation, and responding promptly and appropriately to address continuing or new problems. When responding to incidents of misconduct, schools should keep in mind the following: The label Used to describe an incident (*e.g.*, bullying, hazing, teasing) does not determine how a school is obligated to respond. Rather, the nature of the conduct itself must be

assessed for civil rights implications. So, for example, if the abusive behavior is on the basis of race, color, national origin, sex, or disability, and creates a hostile environment, a school is obligated to respond in accordance with the applicable federal civil rights statutes and regulations enforced by OCR. When the behavior implicates the civil rights laws, school administrators should look beyond simply disciplining the perpetrators. While disciplining the perpetrators is likely a necessary step, it often is insufficient. A school's responsibility is to eliminate the hostile environment created by the harassment, address its effects, and take steps to ensure that harassment does not recur. Put differently, the unique effects of discriminatory harassment may demand a different response than would other types of bullying.

Appendix B:

FBI Training Documents

8/24/2011

