

BRENNAN CENTER FOR JUSTICE

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Committee on Homeland Security

Hearing on “The American Muslim Response
to Hearings on Radicalization Within Their Community”

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Mr. Chairman and Members of the Committee on Homeland Security:

On behalf of the Brennan Center for Justice at NYU School of Law,¹ I thank you for providing me the opportunity to present testimony this morning.

I am Faiza Patel, Co-Director of the Liberty and National Security Program at the Brennan Center. The Brennan Center is a non-partisan public policy and law institute that focuses on fundamental issues of democracy and justice. My program, in particular, works to ensure that our counterterrorism efforts are appropriately targeted to the threat we face and are consistent with our Constitutional values.

Terrorism is a serious threat to our country. Our response must be equally serious and must be driven by evidence, not assumptions and stereotypes. But this Committee’s recent hearings on radicalization do not, in my view, rest on a firm factual basis. They proceed from a premise – which is contrary to empirical evidence – that “radicalization” is prevalent among American Muslims and poses an existential threat to our country. Moreover, they adopt a view of “radicalization” that treats religious belief as a precursor to terrorism.

These empirically flawed assumptions, when given the imprimatur of a Congressional hearing, have concrete negative impacts. They undermine our safety by alienating the very communities who have helped law enforcement uncover and foil attempts at terrorism. By casting government suspicion on an entire religious community, they may have contributed to anti-Muslim sentiment among

¹ This testimony is submitted on behalf of a Center affiliated with New York University School of Law but does not purport to represent the school’s institutional views on this topic. More information about the Brennan Center’s work can be found at <http://www.brennancenter.org>.

Americans which manifests itself in polls, an increase in hate crimes and employment discrimination against Muslims, and opposition to efforts by Muslims to build mosques and community centers where they can pray and impart their faith to their children.

American Muslims' Response to Radicalization Hearings

The family of American Muslims encompasses many diverse communities. Thirty-five percent of American Muslims are African Americans whose ancestors were Muslims who came over on slave ships or who have embraced Islam. Others are immigrants from countries as varied as Kosovo and the Philippines, who have come to the United States to build better lives for themselves and their children. Some American Muslims are secular; others hold tight to their religious identity. They speak a babel of languages, from Urdu to Arabic to Swahili to French. You can find Muslims in every walk of life and every profession. Given their diversity, it is no surprise that we hear many voices responding to this committee's radicalization hearings.

But one message is heard again and again: these hearings unfairly single out American Muslims for scrutiny. No less than 74 Muslim, Arab and South Asian groups have registered this objection.² Their views represent the opinions of tens of thousands of American Muslims. Other faith communities, as well as civil rights groups of every stripe, also wrote to this committee voicing the same concern. A total of 77 such groups included these concerns as part of the record of the first hearing. They were joined by 57 Members of Congress³ and the editorial boards of newspapers across the United States.

It should come as no surprise that American Muslims feel unfairly singled out by these hearings. The hearings proceed from the assumption – which is contrary to systematically collected evidence – that “radicalization” is prevalent among American Muslims and poses an enormous threat to our country. The second – equally faulty – assumption of these hearings is that someone who is particularly devout in his or her Islamic faith is well on the way to becoming a terrorist.

Unfortunately, these errors are not harmless. They have dire consequences for our society. When members of Congress select the community of American Muslims for scrutiny as potential terrorists, it encourages all of us to view them through this lens. And there is reason for concern about the impact: polls show deep seated suspicion of Islam and Muslims; hate crimes and discrimination against Muslims are on the rise; and, around the country, Muslims seeking to build mosques and community centers have met with opposition based on fear of their faith.

The Threat of American Muslim Radicalization

The first of this series of hearings was titled “The Extent of Radicalization in the American Muslim Community.” Unfortunately, the hearing did little to systematically evaluate this very question.

To begin any discussion of this topic, one must identify what is meant by the term “radicalization.” While the term is susceptible to many interpretations, in the years since the September 11, 2001,

² See Letter from 51 advocacy organizations to John Boehner, Speaker of the U.S. House of Representatives, and Nancy Pelosi, Minority Leader of the U.S. House of Representatives (Feb. 1, 2011) (on file with author); Letter from 54 public interest organizations to the H. Comm. on Homeland Sec. (Mar. 10, 2011) (on file with author).

³ See Letter from Members of Congress to Peter King, Chairman, H. Comm. on Homeland Sec. (Mar. 9, 2011), *available at* <http://www.stark.house.gov/images/stories/112/letters/starkdingellletter.pdf>.

attacks it is generally used to denote a process by which Muslims in the West become terrorists. It has both an ideological component and a criminal one.

The ideological component is, in essence, the adoption of “radical” ideas, which encompass a range of beliefs from a conservative understanding of Islam to objections to the wars in Iraq and Afghanistan to the view that violence is justified in furtherance of religious, political, or social goals. Obviously, some American Muslims do espouse “radical” ideas, just like some people from every religious faith as well as some who do not espouse any religion. But leaving aside, for a moment, the question of whether “radical” views can be used to predict terrorist violence, do we have any evidence indicating that “radical” ideas are at all common among American Muslim communities? On the basis of empirical evidence, the answer is a resounding no.

Polling by the Pew Research Center shows that vast majorities of American Muslims have consistently held the view that suicide bombing and other forms of violence against civilians are never justified.⁴ Another recent poll, this one by Gallup, shows that American Muslims are *most* likely among all religious groups in the United States to hold the view that attacks on civilians by individuals or small groups are never justified.⁵ At least 7 in 10 American adults from all major religious groups agree that such attacks are never justified, but Muslim Americans are most opposed, with nearly 9 in 10 rejecting such attacks.⁶ Both polls show that American Muslims generally hold a “very unfavorable” view of al Qaeda,⁷ and fully 92 percent think that Muslims living in the United States do not sympathize with the al Qaeda terrorist organization.⁸ This empirical research supports the conclusion of a 2010 RAND Corporation report that individuals turning toward violence would find little support in American Muslim communities: “They are not Mao’s guerillas swimming a friendly sea.”⁹

The criminal component of radicalization consists of actions in furtherance of a terrorist attack and can include activities such as recruitment, operational planning, and, ultimately, execution. Of course, any terrorist attack that is planned or executed on U.S. soil is a matter of great concern. But when we examine the extent to which American Muslims have actually been involved in terrorist attacks, we find that the numbers are by no means indicative of a wave of terrorist violence. A February 2012 report by the Triangle Center on Terrorism and Homeland Security shows a total of 193 prosecutions of American Muslims for violent terrorist plots since 9/11, an average of just under 20 per year.¹⁰ There were no deaths in the United States resulting from terrorism by American Muslims last year.¹¹ According to the report, after a spike in 2009, terrorist plots decreased in both

⁴ PEW RESEARCH CTR., MUSLIM AMERICANS: NO SIGNS OF GROWTH IN ALIENATION OR SUPPORT FOR EXTREMISM 30 (August 2011) [hereinafter “PEW POLL”], available at <http://www.people-press.org/files/2011/08/muslim-american-report.pdf>.

⁵ GALLUP CTR. FOR MUSLIM STUDIES, *Religious Perceptions in America: With an In-Depth Analysis of U.S. Attitudes Toward Muslims and Islam* 4 [hereinafter “GALLUP POLL”], available at <http://www.gallup.com/se/148805/Muslim-Americans-Faith-Freedom-Future.aspx>.

⁶ GALLUP POLL, *supra* note 5, at 31.

⁷ PEW POLL, *supra* note 4, at 4; GALLUP POLL, *supra* note 5, at 32.

⁸ GALLUP POLL, *supra* note 5, at 32.

⁹ BRIAN MICHAEL JENKINS, RAND CORP., WOULD BE WARRIORS: INCIDENTS OF JIHADIST TERRORIST RADICALIZATION IN THE UNITED STATES SINCE SEPTEMBER 11, 2001 5 (2010), available at http://www.rand.org/pubs/occasional_papers/2010/RAND_OP292.pdf.

¹⁰ CHARLES KURZMAN, TRIANGLE CTR. ON TERRORISM AND HOMELAND SEC., MUSLIM-AMERICAN TERRORISM IN THE DECADE SINCE 9/11 1 (2012), available at http://sanford.duke.edu/centers/tcths/documents/Kurzman_Muslim-American_Terrorism_in_the_Decade_Since_9_11.pdf.

¹¹ Adam Serwer, *House GOP to Hold Hearings on Its Hearings on Muslim Radicals in the US*, MOTHER JONES, <http://www.motherjones.com/politics/2012/06/peter-king-muslim-hearings-about-hearings> (last visited June 18, 2012).

2010 and 2011.¹² As the Triangle Center report explains:

Threats remain: violent plots have not dwindled to zero, and revolutionary Islamist organizations overseas continue to call for Muslim-Americans to engage in violence. However, the number of Muslim-Americans who have responded to these calls continues to be tiny, when compared with the population of more than 2 million Muslims in the United States and when compared with the total level of violence in the United States, which was on track to register 14,000 murders in 2011.¹³

Empirical research is borne out by the evaluations of law enforcement professionals who deal with these issues on a day-to-day basis. In testimony before this very committee last month, National Counterterrorism Center Director Michael Leiter said that the prevalence of violent extremists in American Muslim communities was “absolutely tiny . . . a minute percentage” of American Muslims.¹⁴ And, as Ranking Member Thompson noted in an op-ed last year, local law enforcement agencies that were asked to identify terrorist groups in their jurisdictions placed Muslim extremists fairly low on the list, behind Neo-Nazis, environmental extremists, and anti-tax groups.¹⁵

In contrast to the empirical research and law enforcement experts, the voices expressing concern about radicalization have relied on anecdotes and subjective impressions. These anecdotes and expressions are powerful and understandably give us pause, but they are not substitutes for sound, fact based analysis.

Using Religion as a Proxy for Terrorism

Violence and crime – whether inspired by an ideology or not – are properly a subject for government concern. But these hearings are not focused on violence or crime. Rather, they focus on how American Muslim beliefs (the “ideological” aspect of radicalization) threaten our national security. They perpetuate the notion that it is what American Muslims *believe* that leads to terrorism. This view is encapsulated in the “religious conveyor belt” theory, which posits that there is a consistent path that leads American Muslims who harbor grievances against our society or who suffer from a personal crisis to become more religious, then to adopt “radical” beliefs, and finally to commit acts of terrorism.¹⁶

But, as the Brennan Center’s report, *Rethinking Radicalization*, demonstrates, the process by which people turn to violence is exceedingly complex – a fact that is recognized by social scientists, psychologists, counterterrorism experts, security agencies, and the Department of Defense.¹⁷ An in-depth empirical study by the United Kingdom’s security service (MI5), for example, found there was no typical profile of the British terrorist and that the process by which people came to

¹² KURZMAN, *supra* note 10, at 2.

¹³ *Id.*

¹⁴ *Understanding the Homeland Threat Landscape—Considerations for the 112th Congress: Hearing Before the H. Comm. on Homeland Sec.*, 112th Cong. 52-53 (2011) (testimony of Michael Leiter, Director, National Counterterrorism Center), *available at* <http://www.gpo.gov/fdsys/pkg/CHRG-112hhrg72212/pdf/CHRG-112hhrg72212.pdf>.

¹⁵ BENNIE THOMPSON, *Homegrown Terrorists Are Not Just Muslims*, POLITICO, <http://www.politico.com/news/stories/0111/48239.html> (last visited June 18, 2012).

¹⁶ See FAIZA PATEL, BRENNAN CTR. FOR JUSTICE, *RETHINKING RADICALIZATION* 14 - 18 (2011), *available at* http://brennan.3cdn.net/f737600b433d98d25e_6pm6beukt.pdf.

¹⁷ *Id.* at 8-10.

embrace violence was complex. It emphasized that there is no single pathway to extremism and that all those studied “had taken strikingly different journeys to violent extremist activity.”¹⁸ Fourteen years of research conducted at the Rand Corporation similarly suggests that “no single pathway towards terrorism exists, making it somewhat difficult to identify overarching patterns in how and why individuals are susceptible to terrorist recruitment.”¹⁹ The 2010 report by the U.S. Department of Defense on Fort Hood likewise emphasized that it is notoriously difficult to predict violent behavior of any sort. “Identifying potentially dangerous people before they act is difficult. Examinations after the fact show that people who commit violence usually have one or more risk factors for violence. Few people in the population who have risk factors, however, actually [commit violent acts].”²⁰

The Department of Homeland Security (DHS) and the National Counterterrorism Center (NCTC) are the federal government’s lead agencies to combat radicalization. These expert agencies have made public statements that recognize the complexity of the radicalization process. DHS Secretary Jane Napolitano has acknowledged that “there is much we do not know about how individuals come to adopt violent extremist beliefs.”²¹ In 2010, 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’ is still immature,” and rejected the notion that there are overt signs of radicalization.²² The NCTC, for its part, has specifically repudiated the view that there is a “model that can predict” whether a person will radicalize, mobilize, and commit violence.²³

In fact, the religiosity-terrorism connection is refuted by empirical research. The British MI5 Study, for example, found that “[f]ar from being religious zealots, a large number of those involved in terrorism do not practise their faith regularly. Many lack religious literacy and could actually be regarded as religious novices.”²⁴ Another researcher’s review of five hundred cases found that “a *lack* of religious literacy and education appears to be a common feature among those that are drawn to [terrorist] groups.”²⁵ Indeed, there is evidence that “a well-established religious identity actually protects against violent radicalization.”²⁶

Despite this wealth of empirical and social science research finding no connection between religiosity and a propensity for terrorist violence, and despite the evidence that support for terrorism

¹⁸ While the analysis itself is not available, a major British newspaper, the *Guardian*, reported extensively on its contents. See Alan Travis, *The Making of an Extremist*, *GUARDIAN*, Aug. 20, 2008, <http://www.guardian.co.uk/uk/2008/aug/20/uksecurity.terrorism>.

¹⁹ *Violent Extremism: How Are People Moved from Constitutionally-Protected Thought to Acts of Terrorism?: Hearing Before the Subcomm. on Intelligence, Info. Sharing, and Terrorism Risk Assessment of H. Comm. on Homeland Sec.*, 111th Cong. 3 (2009) (testimony of Kim Cragin, RAND Corp.), available at <http://hsc-democrats.house.gov/SiteDocuments/20091215100448-24149.pdf>.

²⁰ REPORT OF THE DEPT. OF DEFENSE INDEPENDENT REVIEW, PROTECTING THE FORCE: LESSONS FROM FORT HOOD, App. D (Jan. 2010), available at http://www.defense.gov/pubs/pdfs/DOD-ProtectingTheForce-Web_Security_HR_13jan10.pdf.

²¹ *Nine Years After 9/11: Confronting the Terrorist Threat to the Homeland: Hearing Before the S. Comm. on Homeland Sec. & Gov’tal Affairs*, 111th Cong. 8 (2010) (statement for the record by Janet A. Napolitano, Secretary, U.S. Dep’t of Homeland Sec.), available at <http://www.hsgac.senate.gov/download/2010-09-22-napolitano-testimony-revised>.

²² Homeland Sec. Advisory Council, Countering Violent Extremism (CVE) Working Group 5-6 (2010), available at http://www.dhs.gov/xlibrary/assets/hsac_cve_working_group_recommendations.pdf.

²³ Nat’l Counterterrorism Ctr., Radicalization and Mobilization Dynamics Framework, <http://www.nctc.gov/site/technical/radicalization.html> (last visited June 18, 2012).

²⁴ See Alan Travis, *MI5 Report Challenges Views on Terrorism in Britain*, *GUARDIAN*, Aug. 20, 2008, <http://www.guardian.co.uk/uk/2008/aug/20/uksecurity.terrorism1>.

²⁵ TUFYAL CHOUDHURY, DEPT. FOR COMMUNITIES AND LOCAL GOV’T, THE ROLE OF MUSLIM IDENTITY POLITICS IN RADICALIZATION (A STUDY IN PROGRESS) 21 (2007) (emphasis added), available at <http://www.communities.gov.uk/documents/communities/pdf/452628.pdf>.

²⁶ *Id.*

and actual involvement in terrorist activity are extremely rare among American Muslims, these hearings continue to unfairly focus on one faith and one community. This focus belies the promise of our Constitution that all Americans, regardless of race, religion or ethnicity, will be treated equally by our government. Looking at facts, rather than relying on assumptions and stereotypes, will allow us to put the threat of terrorism in the proper perspective and put an end to unfounded insinuations about American Muslim communities.

Impact of Hearings on American Muslims

The Committee's hearings are also counterproductive. They drive a wedge between American Muslims who have traditionally been staunch allies in fighting terrorism and law enforcement agencies. Starting in the days immediately after the September 11 attacks, American Muslims have unreservedly condemned terrorism.²⁷ They have provided information on about 35 percent of the terrorist plots that have been foiled in the last decade.²⁸ Top law enforcement officials have stressed over and over again that the cooperation of American Muslims is critical to our ability to fight terrorism.²⁹ The Attorney General of the United States has characterized their cooperation as "absolutely essential in identifying, and preventing, terrorist threats."³⁰ As the head of the country's second largest police department, Sheriff Leroy Baca, testified before this Committee:

It is counterproductive to building trust when individuals or groups claim that Islam supports terrorism....Police leaders must have the trust and understanding of all communities who are represented in their jurisdictions. The Muslim Community is no less or more important than others.... Simply put, police need public participation, and to accomplish that, strategies such as public-trust policing need to be a priority in our Nation."³¹

It is not only the notion that Muslims are all potential terrorists that alienates the American Muslim community. It is also the notion of "cooperation" that several witnesses at these hearings seem to embrace. Even those Muslim Americans who are admittedly law-abiding citizens are essentially being told that they are responsible for any Muslim terrorists in their midst, simply because they share a religion. Moreover, because the "religious conveyor belt" theory interprets signs of religiosity as potential indicators of a terrorist trajectory, Muslims in this country increasingly are being asked

²⁷ One prominent organization, the Islamic Society of North America, published a statement against terrorism that was signed by 45 Islamic organizations and mosques, 44 academics, 8 think tanks, and a number of other groups. ISLAMIC SOCIETY OF NORTH AMERICA, AGAINST TERRORISM AND RELIGIOUS EXTREMISM: MUSLIM POSITION AND RESPONSIBILITIES, (2005), *available at* <http://www.isna.net/assets/FCNA/AT-Fatwa.pdf>. Another group maintains a website that includes a number of American Muslim statements condemning terrorism. *Statement by Muslim Individuals and Groups Condemning Terrorist Attacks*, RELIGIOUSTOLERANCE.ORG, <http://www.religioustolerance.org/islatwa.htm> (last visited June 18, 2012).

²⁸ See, e.g., KURZMAN, *supra* note 10, at 7; KEVIN STROM ET AL., INST. FOR HOMELAND SEC. SOLUTIONS, BUILDING ON CLUES: EXAMINING SUCCESSES AND FAILURES IN DETECTING U.S. TERRORIST PLOTS, 1999-2009 19 (2010), *available at* http://sites.duke.edu/ihss/files/2011/12/Building_on_Clues_Strom.pdf.

²⁹ *Eight Years After 9/11: Confronting the Terrorist Threat to the Homeland: Hearing Before the S. Comm. on Homeland Sec. and Gov'tal Affairs*, 111th Cong. 6 (2009) (statement for the record by Robert S. Mueller, III, Dir., Fed. Bureau of Investigation) ("[T]he FBI understands that protecting America requires the cooperation and understanding of the public. The FBI has an extensive outreach program to Muslim, South Asian, and Sikh communities to address concerns and develop trust about the FBI and federal efforts to protect the Homeland."), *available at* <http://www.hsgac.senate.gov/download/2009-09-30-mueller-testimony>.

³⁰ Eric Holder, U.S. Att'y Gen., Speech at Muslim Advocates' Annual Dinner (Dec. 10, 2010), *available at* <http://www.justice.gov/iso/opa/ag/speeches/2010/ag-speech-1012191.html>.

³¹ *Compilation of Hearings on Islamist Radicalization—Volume I: Hearing Before the H. Comm. on Homeland Sec.*, 112th Cong. 73-74 (2011) (testimony of Leroy Baca, Sheriff, Los Angeles County), *available at* <http://www.gpo.gov/fdsys/pkg/CHRG-112hhrg72541/pdf/CHRG-112hhrg72541.pdf>.

to report on the religious beliefs and behaviors of their friends and colleagues.³² Understandably, American Muslims who are more than willing to provide information about potential criminal activity, and who have in fact done so routinely since 9/11, are offended by the idea that they must share information about their prayers and religious observances with the government.

The hearings also drive a wedge between Muslims and their fellow Americans. When members of Congress hold hearings about the “radicalization” of American Muslims and expressly place an entire community under the spotlight, it sends the message to all Americans that the government views this community as a security threat. And the public appears to be receiving this message loud and clear.

Since 2010, we have seen a rapid acceleration in divisive anti-Muslim sentiment, rhetoric and activities. Recent polling shows that anti-Muslim sentiment is increasing among the American public. A 2011 survey found that 45 percent of Americans believe that the values of Islam are at odds with the American way of life.³³ Another study reports that a majority of Americans (53 percent) say their opinion of Islam is unfavorable, and a startling 43 percent admit to feeling at least “a little” prejudice toward Muslims (more than twice the number who say the same about Christians, Jews, or Buddhists).³⁴

These negative opinions play out in how American Muslims are treated. Recently released FBI statistics show that in 2010, anti-Islamic hate crimes in the United States rose by almost 50 percent over the previous year.³⁵ Data from the Equal Employment Opportunity Commission (EEOC) show dramatic increases in complaints of anti-Muslim bias in the workplace.³⁶ Muslims are approximately two percent of the American population, yet, according to the most recent data, complaints about anti-Muslim bias accounted for 25 percent of the total number of complaints received by the EEOC.³⁷

Perhaps nowhere are anti-Muslim biases more evident than in the increased hostility towards mosques and Islamic centers. The protests against plans to build a Muslim community center near the site of the World Trade Center in New York are well known. But they are only the tip of the iceberg. From Murfreesboro, Tennessee, to Bridgewater, New Jersey, the efforts of Muslims to find a place to come together to pray have faced significant obstacles. The Murfreesboro mosque faced a lawsuit alleging that it was not entitled to the protection of the federal law that ensures localities do not discriminate against houses of worship. The reason: Islam is not a religion entitled to

³² See Patel, *supra* note 16, at 18, 22.

³³ ROBERT P. JONES & DANIEL COX, PUBLIC RELIGION RESEARCH INST. OLD ALIGNMENTS, EMERGING FAULT LINES: RELIGION IN THE 2010 ELECTION AND BEYOND 17 (2010), *available at* <http://publicreligion.org/site/wp-content/uploads/2011/06/2010-Post-election-American-Values-Survey-Report.pdf>.

³⁴ ABU DHABI GALLUP CENTER, RELIGIOUS PERCEPTIONS IN AMERICA: WITH AN IN-DEPTH ANALYSIS OF U.S. ATTITUDES TOWARD MUSLIMS AND ISLAM 7 (2009), *available at* http://www.gallup.com/file/se/ms/153434/WorldReligion_Report_en-US_final.pdf.

³⁵ *Compare Hate Crime Statistics 2010*, FED. BUREAU OF INVESTIGATION, *available at* <http://www.fbi.gov/about-us/cjis/ucr/hate-crime/2010/tables/table-1-incidents-offenses-victims-and-known-offenders-by-bias-motivation-2010.xls> (last visited June 19, 2012) *with Hate Crime Statistics 2009*, FED. BUREAU OF INVESTIGATION, *available at* http://www2.fbi.gov/ucr/hc2009/data/table_01.html (last visited June 19, 2012).

³⁶ U.S. DEP'T OF JUSTICE, CONFRONTING DISCRIMINATION IN THE POST-9/11 ERA: CHALLENGES AND OPPORTUNITIES TEN YEARS LATER 9 (2011), *available at* http://www.justice.gov/crt/publications/post911/post911summit_report_2012-04.pdf.

³⁷ MUSLIM ADVOCATES, LOSING LIBERTY: THE STATE OF FREEDOM 10 YEARS AFTER THE PATRIOT ACT 30 (2011), *available at* http://www.muslimadvocates.org/Losing_Liberty_The_State_of_Freedom_10_Years_After_the_PATRIOT_Act.pdf

protection.³⁸ In Bridgewater, New Jersey, the Muslim community searched for years for a site to establish a mosque. They found and purchased a site and worked with township officials to develop a plan for the Al Falah mosque. But after vocal protests from the community, the municipality rushed through changes to its zoning laws effectively preventing the building of the mosque.³⁹

The Justice Department's analysis of cases under the Religious Land Use and Institutionalized Persons Act (RLUIPA), the federal law that ensures that localities do not discriminate against houses of worship, shows that while Muslims make up only three-fifths of a percent of the American population, some 7 percent of the RLUIPA cases investigated by the Justice Department involved mosques.⁴⁰ The report found that "nearly a decade after the attacks of September 11, 2001, Muslim Americans continue to struggle for acceptance in many communities, and still face discrimination." Indeed, the report indicated that this type of discrimination was on the rise, noting that almost half of the matters involving possible discrimination against Muslims that it had monitored since September 11 were opened during or after May 2010.⁴¹

Some members of Congress appear to recognize the faulty premises underlying these hearings, as well as their negative effects on our security and on our relations with American Muslims, and have spoken out against them. I want to take a moment to commend them, particularly Ranking Member Thompson, for their tireless efforts to ensure that Muslims are treated as part of the fabric of American life. I am here today to ask others on this Committee and in this Congress to follow these members' lead and to reject the flawed and divisive approach represented by this Committee's recent hearings.

Conclusion

When anti-Muslim sentiment was displayed in the immediate aftermath of September 11, it might have been understood (although not excused) as a reaction to the devastation of those attacks. More than a decade later, such biases must be examined in the context of government actions that perpetuate fear of American Muslims. These hearings send the message that Muslims pose an inherent threat to our country. That message has been heard, and its consequences are borne by American Muslims as they go about their everyday lives. But that message is not based on a rational evaluation of the threat facing us or how it should be addressed.

Our national security is a serious matter and requires us to look at facts rather than rely on assumptions. The facts tell us that terrorism by American Muslims in the name of Islam is real threat but not a widely prevalent one. The facts tell us that American Muslims are happy to be in this country and condemn terrorism and al Qaeda by enormous margins. 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.

³⁸ Amended Complaint at 8-9 *Estes v. Rutherford County Regional Planning Commission*, No. 10-cv-1443 (Chancery Ct. for Rutherford County at Murfreesboro), 2010, *available at* <http://www.tennessean.com/assets/pdf/DN164188917.PDF>.

³⁹ First Amended Complaint at 2-5, *Al-Falah Ctr. v. Bridgewater*, No. 3:11-cv-02397-JAP-LHG (D.N.J. May 18, 2011) *available at* http://brennan.3cdn.net/5c247a3d1e2be02ce8_f1m6bowv6.pdf.

⁴⁰ U.S. DEP'T OF JUSTICE, REPORT ON THE TENTH ANNIVERSARY OF THE RELIGIOUS LAND USE AND INSTITUTIONALIZED PERSONS ACT 6 (2010), *available at* http://www.justice.gov/crt/rluipa_report_092210.pdf.

⁴¹ *Id.* at 12.

We also know what works to combat terrorism. Research shows that more than 80 percent of plots were solved through rigorous, old-fashioned police work, and that is what we should be stressing.⁴² We should investigate individual behavior that suggests potential criminality, not entire religious communities. Empirical research, as well as the expert opinion of law enforcement officials from around the country, shows that American Muslims are vital partners in preventing terrorism. We should build on these relationships of trust to foster true partnerships, not tear them down by casting suspicion on an entire community.

And let us not forget that all Americans – Muslims, Jews, Christians, Buddhists, Hindus, and atheists alike – are committed to the security of our country and our country will be safest when we all work together toward this goal.

⁴² STROM, *supra* note 28, at 12.