

COMMITTEE ON THE JUDICIARY

SUBCOMMITTEE ON THE CONSTITUTION

Hearing on: H. R. 963, the “See Something, Say Something Act of 2011”

**TESTIMONY OF M. ZUHDI JASSER, PRESIDENT
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2141 Rayburn House Office Building**

Subcommittee on the Constitution
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INTRODUCTION

My name is M. Zuhdi Jasser. I am the President of the American Islamic Forum for Democracy (AIFD). As a proud American citizen and a devout Muslim, I have dedicated every ounce of time available away from my family and career to advocate for a proactive national strategy against the ideology that breeds terrorism. AIFD is a think tank and an activist American Muslim organization with a mission of “building the future of Islam through the separation of mosque and state.” Terrorism is simply a tactic, a symptom of an underlying more pervasive ideology for which militancy and violence are only one means to achieve the goal of establishing an Islamic State. We believe that the underlying root cause of terrorism is the ideology of Islamism- the supremacist ideology held by those who seek the advancement of political Islam over all other forms of governance.

There are many fronts in this war of ideas between Islamists and Western secular democracies like the United States which is founded upon a Constitution that guarantees the individual rights of all under one law, with an Establishment Clause and the separation of church and state. This ideological battle is not one between Muslims and non-Muslims or between Islam and other faiths. I view this as a conflict within the Muslim consciousness between liberty and theocracy, between individualism and collectivism—much as the conflict our Founding Fathers had fought for within the Christian consciousness. So many Muslim families like mine immigrated to the United States because we are able to practice our faith more freely here than in any Muslim majority nations across the world and we want to be on the side of liberty.

THE THREAT

It is easy for us to sit here on Capitol Hill and discuss the importance of this bill in the vacuum of political discourse, but I think it is important to state clearly in this hearing that Islamist extremism whether born domestically or internationally is a significant threat to the United States.

As the Congressional Research Service demonstrated in its report *American Jihadist Terrorism: Combating a Complex Threat*, from September 11, 2001 to April 2009 there were 21 incidents of homegrown jihadist terrorist plots and attacks. From May 2009 to August 2010 there were 19 separate incidents of homegrown jihadist terrorist plots and attacks. [Appendix 1] The threat is growing exponentially and there is no reason to believe, even with the death of Usama Bin Laden, that this is going to diminish in the near future.

ENGAGED CITIZENRY

When it comes to national security and protecting our nation against the threat of terrorism, one of the most important fronts, if not the most important front, in this battle is the role of our citizenry. Acts of terror seek to instill fear in an entire nation through random unpredictable acts of violence against unarmed citizens in public places. Terrorists ultimately seek to change the political will of a populace to promote certain policies domestically or abroad.

Since terrorists do not wear uniforms and rely upon blending into a diverse population and since their primary target is other unsuspecting citizens, our primary line of defense and offense is the possibility that each and every American citizen could be an early warning system.

In fact, in July 2010, the Department of Homeland Security (DHS) led by Secretary Janet Napolitano launched the national "If You See Something, Say Something™" public *"awareness campaign of the indicators of terrorism and violent crime, to emphasize the importance of reporting suspicious activity to the proper state and local law enforcement authorities."* [Appendix 2]. The "See Something, Say Something" campaign was originally implemented by New York City's Metropolitan Transit Authority with a \$13 million DHS grant and is now an essential component of the department's strategy against terrorism. DHS has launched targeted campaigns in communities across the nation including faith based communities [Appendix 3] and at major sporting events including the NFL's 2011 Super Bowl and the 2011 Indianapolis 500.

According to Secretary Napolitano, *"We are simply asking the American people to be vigilant recognizing that our security is a shared responsibility that all of us must participate in."*¹

This is easier said than done. The sentiment and the intention of the program is well founded and essential. However, it is incumbent upon us as a society to create a climate in our nation where that is true. Just because, our security apparatuses and leaders tell us as citizens to "say something" after we "see something" does not mean it will be so. For this program to have any

¹Penny Starr, "Homeland Security Secretary Inspects Super Bowl Site, Says Fans Have 'Shared Responsibility' for Security at Game and Across the Country," *CNSNews.com*, February 4, 2011

hope in being effective, citizens cannot be thinking to themselves, “see something, stop, make sure the risk of legal exposure is limited, and then say something”.

As an American Muslim who has been active daily in publicly ‘seeing something’ and ‘saying something’, in order to drive forward the public conversation about the threat and the reforms needed, I am very familiar with the public pitfalls and obstacles before citizens who choose to take public action against radicalism. I have been personally threatened with lawsuits in the United Kingdom by a international organization practicing a form of libel tourism to keep me from questioning Islamist finance operations. While there is other legislation to protect American organizations from libel tourism the tactics of intimidation against free speech and reporting are the same.

I hope this committee understands or can come to understand the importance of giving our citizens the legal protection they need so that we can begin to peel away reasons for any pauses between when we “see something” and “say something” to law enforcement. Similarly, on behalf of law enforcement in order that our law enforcement in good faith be able to act appropriately on any of their own leads or leads from concerned vigilant citizens, they also need to be protected from fear of endless litigation or “lawfare” as it has been dubbed by counterterrorism analysts. Qualified immunity is an essential component for both groups. Without protecting law enforcement, the concerns of citizens may often go unheeded by law enforcement because of fear of litigation.

OBSTACLES TO REPORTING

Secretary Napolitano’s entire “See Something, Say Something” campaign is dependent upon an unencumbered reporting process from citizens and law enforcement. Let us not fool ourselves. There are many obstacles that do encumber free reporting by our population. Qualified immunity is absolutely necessary in order to begin to remove obstacles. Without it, many, if not, most citizens will be paralyzed legally by fear of retribution. This culture of fear has become the prevailing politically correct culture in response to the threat of Islamist terrorism. You should be aware of the following obstacles to free reporting from citizens and action from law enforcement.

1. Fear of being labeled ‘bigoted’, ‘anti-Muslim’, or ‘Islamophobic’ (not politically correct)
2. Fear of legal reprisals exacted by groups which use costly legal intimidation to stifle individual reporting as well as civic or public engagement.
3. Fear of being inaccurate over calling out behaviors of concern. Most citizens are not trained in counterterrorism, ‘concerning behaviors’ or what to report or not report. But “See Something, Say Something” demands they not be concerned about expertise. H.R. 963 does not supersede the protections of the constitution and trained law enforcement will still follow normal procedures to protect the accused.
4. Fear of inaccurately ‘stigmatizing’ the individual whose behavior they report.
5. As the terror threat continues to exponentially increase, the need for increased government resources and the call for further protections from government are only

increasing. Civil libertarians are appropriately concerned that we never “sacrifice liberty for security”. So if we are to try to do our best to keep government out of our personal lives and still keep our nation safe, then we need to be able to rely more on our citizen reporting system. Those who feel that a legally protected “See something, Say something” program will infringe upon the rights of citizens offer no other solutions. If any groups are protesting against government monitoring of mosques, informants, etc. then the only alternative is to protect those citizens and law enforcement that act upon concerning behaviors.

6. Intimidation works not only due to the fear of the suit itself, but fear of financial ruin from the time and cost of lawsuits related to simply reporting suspicious activities. The groups that intimidate are able to do so because they are so well funded and backed compared to the average American citizen or reformist Muslim groups like AIFD.

We cannot allow all of these obstacles to paralyze our nation against the growing threat of Islamist inspired terrorism. These fears are retarding any type of open, pushback, and reform, against the ideologies of jihadism. So many people ask- where are the voices of moderate Islam openly countering the ideologies that fuel radical and political Islam? They are often silenced by the obstacles noted above. Limited immunity will not be a panacea. Certainly some of these obstacles will need broad based cultural change in the United States in addition to thoughtful, deep reforms.

This qualified immunity is necessary and is a demonstrably successful approach (admittedly a first step) toward improving the likely engagement of our citizenry in our counterterrorism efforts.

Let me operationalize this discussion for you with some real life scenarios:

CASE STUDIES

Case 1: “The Ft. Hood Massacre”

Background

Imagine for a minute, an Army psychiatrist scheduled to give a lecture on Post Traumatic Stress Disorder (PTSD) to other physicians instead gives a talk entitled *Is the War on Terror a War on Islam: An Islamic Perspective?*² Major Nidal Malik Hasan did just this in August of 2007.

*“Hasan’s presentation was so controversial that the instructor had to stop it after just two minutes when the class erupted in protest to Hasan’s views.”*³

² Nidal Hasan as presented by Joseph I Lieberman, Chairman and Susan Collins, Ranking Member, *Ticking Time Bomb: Counterterrorism Lessons from the U.S. Government’s Failure to Prevent the Fort Hood Attack*, (United States Senate Committee on Homeland Security, February 2011), 29

³ Joseph I Lieberman, Chairman and Susan Collins, Ranking Member, *Ticking Time Bomb: Counterterrorism Lessons from the U.S. Government’s Failure to Prevent the Fort Hood Attack*, (United States Senate Committee on Homeland Security, February 2011), 29

According to several accounts Hasan's presentation "*justified suicide bombings, offered a defense of Osama bin Laden and argued anger at the United States is justifiable.*"

This is just one of three presentations that Hasan pursued while a fellow at the Uniformed Services University of Health Science (USUHS) where he focused on justifying violent Islamist extremism. Further he was noted to breach boundaries with patients proselytizing them about Islam. His fellow doctors have recounted how they were repeatedly harangued by Hasan about religion and that he openly claimed to be a "Muslim first and American second."

Other officers reported that Hasan said "*his religion took precedence over the U.S. Constitution he swore to support and defend as a U.S. military officer.*"⁴

*The doctors, however, claimed they were too afraid of being punished by the Army for discrimination or other reasons if they reported Hasan.*⁵

An officer cited ignorance and political correctness as driving a fear of discrimination complaints prompted people to look the other way. Hasan's evaluations mentioned nothing about his extreme religious views and he was not disciplined. He came off "as a star officer recommended for promotion to major, whose research on violent Islamist extremism would assist U.S. counterterrorism efforts."⁶

Even the Pentagon's brass, after reviewing, seeing, and dissecting the anatomy of an Islamist radical could not get themselves to mention the perpetrator's name, his theo-political ideology (Islamism), or any religiously charged terms like jihad, Islam, salafism, Islamism, or Muslim in their entire 84 page after action report, entitled, "*Protecting the Force: Lessons from Fort Hood*". For the life of me, as a Muslim who loves my faith and is dedicated to reform against Islamism, I cannot understand how our nation can develop a strategy against an enemy whose ideology and characteristics we cannot even identify because of a fear of litigation, a fear of being called bigots, or a fear of being wrong about the nuances of a theo-political ideology.

While we are legitimately focused on trying to get our citizens on the front lines to report anything suspicious, when even our military's finest cannot get themselves past a culture of fear to identify the threat after the comfort of months of analysis, we have a vulnerability against terrorism that needs urgent repair. We cannot deny that fear of being labeled 'bigots', anti-Muslim, or Islamophobic drove the glaring omissions of Hasan's military colleagues. These omissions are not harmless.

As a physician, a former lieutenant commander in the U.S. Navy, and former chief resident at the National Naval Medical Center at Bethesda, I can also speak to the fact that physicians in training are being trained in the practice of medicine and not anti-Islamist counterterrorism, counter-radicalism and counter-insurgency. Yet the after-action report did call out Dr. Hasan's commanders for allowing him to move up the chain of command. Hasan's superiors are medical

⁴ Joseph I Lieberman, Chairman and Susan Collins, Ranking Member, *Ticking Time Bomb: Counterterrorism Lessons from the U.S. Government's Failure to Prevent the Fort Hood Attack*, (United States Senate Committee on Homeland Security, February 2011), 30

⁵ Nick Allen, "[Fort Hood gunman had told US military colleagues that infidels should have their throats cut.](#)" *The Telegraph (UK)*, Nov. 8, 2009.

⁶ "[Senate Fort Hood Report Blasts Defense Timidity.](#)" *IPT News*, February 3, 2011.

professionals trained to evaluate his abilities as a physician and a psychiatrist. As we have all heard, his commanders were seriously concerned about his actions and the role his seemingly radicalized faith played in his everyday interactions with patients. Had they brought those concerns to his review process, they would have been vilified as Islamaphobes. Even had Hasan's superiors appropriately identified his behaviors, a military discharge is light years down the path of administrative counseling and punishment he would have received. Which begs the question, would a demoted Hasan have been any less of a threat? Immunity protection for Hasan's colleagues would have gone a long way towards beginning to change the environment that prevented anyone from saying anything about his actions, statements, and behaviors.

In his testimony before the US Senate Committee on Homeland Security, General Jack Keane, USA, Retired summed the situation up perfectly when he stated

“It should not be an act of moral courage for a soldier to identify a fellow soldier who is displaying extremist behavior, it should be an obligation.” [Appendix 4]

As an American Muslim, I am most fearful that our entrenched mindset of victimization and political correctness is precluding members of our military and our citizenry from meeting this obligation. H.R. 963 is an important step in rectifying this problem.

Outcome

On November 5, 2009, Major Nidal Hasan killed 13 service members and Ft. Hood personnel and injured 43 more. It is the most significant example of terrorism on US soil since the September 11, 2001 attacks.

Case 2: “The Flying Imams”

Background

In November 2006, a group of six imams were to travel on US Airways flight 300 from Minneapolis, MN to Phoenix, AZ following a conference of the North American Imams Federation.

During the boarding process, several passengers expressed concerns over the actions of the Imams. In the boarding area three of the Imams conducted prayers at the departure gate rather than in the airport chapel or quietly in their seats. Passengers also reported that the group made comments regarding “Allah” and “Saddam.” On the plane, several of the Imams held loud conversations in Arabic and requested apparently unnecessary seat-belt extenders—which can be used as weapons. Finally some of the Imams conducted a post-boarding seating switch.

Several passengers expressed their worries to the crew confidentially with small notes. The crew had the Imams removed from the flight for rescreening. The pilot and Minneapolis law enforcement eventually made the decision to remove the Imams from the flight and detain them for questioning.⁷

⁷ Bob Van Sternberg and Pamela Miller, “Nov. 22, 2006: Uproar follows imams' detention”, *Minneapolis Star Tribune*, November 21, 2006

The airport episode appeared pre-planned, the American equivalent of the manufactured Danish cartoon controversy, in which Danish Islamists, who hoped to benefit from polarization, exaggerated victimization and sought a pretext for crisis.⁸ Immediately upon arriving in Phoenix after this incident, Omar Shahin, president of the North American Imams Federation and a prominent Phoenix imam, told the Council on American-Islamic Relations (CAIR, an Islamist advocacy group) in a conference call *"Terrorism is not our problem it's their problem."*⁹

On March 12, 2007, the imams, CAIR, and attorney Omar Mohammedi, a former president of CAIR's New York chapter, filed suit not only against the airline and the Minneapolis Metropolitan Airports Commission but also against the anonymous "John Doe" passengers who alerted the crew to the imams' suspicious behavior.¹⁰

Congress passed legislation to protect the "John Doe" passengers in the Flying Imams case and the imams and their handlers at CAIR quickly dropped the suit against the John Doe passengers. HR 963 expands that immunity to all Americans. In the debate over the legislation Congressman Pearce said vigilant citizens are the most useful weapon in the war on terror.¹¹

A former federal air marshal expressed the fear that the situation *"will make crews and passengers in the future second-guess reporting these events, thus compromising the aircraft's security out of fear of being labeled a dogmatist or a bigot, or being sued,"* and that *"Instilling politically correct fears into the minds of airline passengers is nothing less than psychological terrorism."*¹²

Outcome

The case of *Ahmed Shqairat v. U.S. Airways Group* concluded in the Minnesota federal district court before Judge Ann Montgomery. The parties arrived at a settlement of the case on October 20, 2009 in a court-supervised conference. The amounts paid by the defendants remain confidential.¹³

Case 3: "The Fort Dix Six"

Background

The case of the Fort Dix Six is a victory for citizen reporting and should be heralded by DHS when discussing the "See Something, Say Something" campaign as an example of why it is important to report something suspicious.

In 2007, a teenage clerk at Circuit City in Mount Laurel, NJ was asked by two men to transfer a videotape to a DVD. When the teenager and another employee went into the back room and started the process of transferring the tape, they found themselves watching several men in *"fundamentalist attire"* and shooting *"big, f-ing guns,"* the teen later told co-workers. The teen

⁸ Pernille Ammitzbøll and Lorenzo Vidino, *"After the Danish Cartoon Controversy," Middle East Quarterly*, Winter 2007, pp. 3-11.

⁹ M. Zuhdi Jasser, MD, *"Exposing the 'Flying Imams'." Middle East Quarterly*, Winter 2008.

¹⁰ M. Zuhdi Jasser, MD, *"Exposing the 'Flying Imams'." Middle East Quarterly*, Winter 2008.

¹¹ "John Doe' protection to get floor vote," *Washington Times*, July 25, 2007

¹² "Marshals Decry imams' charges," *Washington Times*, November 29, 2006

¹³ Scott W. Johnson, *"The Flying Imams Win - and the rest of us lose." The Weekly Standard*, Nov 9, 2009

frantically told his coworker what he had witnessed. And then he said, “I don’t know what to do. Should I call someone or is that being racist?”¹⁴

As you can see from his quote, the fear of appearing to be a racist made this teenager doubt what action he should take. Luckily, he overcame that doubt and contacted law enforcement.

Outcome

16 months after the teenage clerk reported the video the FBI arrested a group of terrorists who became known as the “Fort Dix Six.” At the time the FBI believed the “Fort Dix Six” were finalizing their plans for an assault on Fort Dix. The group was convicted on December 22, 2008. The case of the Fort Dix Six demonstrates that just one individual “Seeing Something and Saying Something” can save lives.

Case 4: Islamist Civil Rights group discourages direct reporting to law enforcement

Background

Melanie Alturk, an attorney for the Michigan chapter of the Council on American Islamic Relations (CAIR) was correct in her video¹⁵ released in July of 2009 when she stated that “*Thwarting potential acts of political extremism is an Islamic obligation and a failure to do so places the entire community at risk.*” But that was a final cursory comment in a message where she and her organization do not instruct American Muslims to go directly to the FBI or Homeland Security but instead state that their “civil rights organization”, an organization with whom the FBI has severed all relationships¹⁶ with should be the gateway for all reporting of suspicious activity. She stated,

If you are approached by an individual asking you about organizations such as Al Qaeda or Jaish Mohammedi or asking you to make comments relating to jihad against America, committing acts of violence against civilians, encouraging the visitation of extreme websites, or any other suspicious activity, please do the following. Contact the imam or mosque president immediately. Leadership should write down the date and time the incident occurred, the parties involved and a detailed description of the individuals soliciting the statements. Mosque leadership should [then] contact CAIR-Michigan’s office immediately so we can document the incident thoroughly. CAIR-Michigan will then proceed to contact the appropriate law enforcement agency. As a community we have an obligation to not only protect the image of Islam and Muslims but also to keep our country safe. The majority of individuals contacted are youth and new converts. Therefore we urge parents to discuss with their children the un-Islamic and unlawful nature of extremism. Urge them to contact mosque leadership immediately if anyone suspicious contacts them. Thwarting potential acts of political extremism is an Islamic obligation and a failure to do so places the entire community at risk. If you have any information please visit our website: www.cairmichigan.org.

¹⁴ Jana Winter, “Clerk Rings Up N.J. Jihad Clerks,” *The New York Post*, May 13, 2007.

¹⁵ “Solicited by Extremists? Report Extremist Activity.” CAIR Michigan, YouTube posting by Michigan CAIR, July 1, 2009.

¹⁶ Mary Jacoby, “FBI cuts off CAIR over Hamas questions,” *IPT News*, January 29, 2009

Thus, this heavy-handed Islamist organization which uses its financial, media, governmental, and legal muscle to intimidate some concerned citizens as they did in the “flying imam case” not only uses the legal system to intimidate, but its legal advice to Muslims is to paradoxically use them as a gateway for the reporting of suspicious activity to law enforcement. Nothing speaks to the need to protect American citizens and law enforcement more from unnecessary litigation than this evidence that civil rights attorneys are unnecessarily inserting themselves in the “See Something, Say Something” process. This CAIR directive demonstrates the blatant attempts by groups like this at legitimizing their own existence by creating situations where law enforcement both fears them as well as depends upon them for information on suspicious activity. Limited liability protection will break this vicious cycle.

Muslims and non-Muslims alike need to know that they have limited immunity protection and can go directly to law enforcement without any concerns for reprisals and without fearing Islamist intimidation groups like CAIR or Muslim Advocates. Their filtering of the reporting process puts inappropriate, unqualified layers between the witness and law enforcement which can never be in the best interest of national security.

Outcome

This type of control separates, deepens, and instills fear in American Muslims and insidiously discourages them from cooperating with law enforcement. It basically tells them that if they see suspicious activity, they should first mention it to a civil rights group who will make sure there was no ‘civil rights infringement’ and then the duty to report to Homeland Security will be fulfilled. Alturk’s assertion and the general assertion by groups like CAIR or Muslim Advocates that Muslims for example should only speak to law enforcement if they are accompanied by an attorney insinuates that law enforcement will more often than not default to discriminatory practices in its dealings with American Muslims. These groups propagate their own existence by fueling a culture of fear among Muslims from the government and among non-Muslims or reformist Muslims from civil litigation. Their raison d’etre is fueling American Muslim victimology in a way that separates American Muslims from the general population and most importantly creates a large chasm between the “see something” and “say something” upon which our Department of Homeland depends.

Case 5: Times Square bomber

Background

The case of Faisal Shahzad is the tale of a traitorous radical and alert citizens. Reports are that Aliou Niassé, a Senegalese Muslim, first noticed and pointed out the suspicious smoke coming from the vehicle. Then Lance Orton, a T-shirt vendor called the police, and Officers Wayne Rhatigan and Pam Duffy responded swiftly. Aliou Niassé and Lance Orton understood their obligation to report the potentially catastrophic danger to the people in Times Square.

Faisal Shahzad’s attack on Times Square, had it been successful would have killed and injured thousands of people. Mr. Niassé and Mr. Orton’s quick reactions and notification of police of smoke coming from a parked SUV could have literally been the difference between life and death. They had no way of knowing that Shahzad’s bomb would not detonate. They saw

something, said something and police were able to clear the area quickly and protect New Yorkers.

Outcome

Shahzad a naturalized US citizen betrayed the oath that he swore to the United States to become what he described as a “Muslim soldier”. His citizenship was a prize for the al Qaeda and Pakistani Taliban who gave him weapons training and taught him to make bombs. It can be argued that his activities in the weeks and months leading to the attack in Times Square should have flagged him for various branches within the security and counterterrorism apparatus, but in the end it was observant citizens who knew what did and did not belong on the block that successfully stopped harm from falling on the people.

Orton said it best when he answered a final media question by stating, “See Something, Say Something!”¹⁷

QUALIFIED IMMUNITY IS NECESSARY

The fulcrum of this program is a Nationwide Suspicion Activity Reporting (SAR) Initiative based upon information from citizens and private groups that allows our government to possibly connect the dots that we cannot on our own. But if we have fear and if we live in a culture of political correctness that will not happen.

Detractors to H.R. 963 have said that it is an invitation to report activities or people that look different? This is an erroneous conclusion that presupposes that law enforcement and counterterrorism officials will abandon their steadfast commitment to the Constitution. H.R. 963 removes obstacles to the general public coming forward, it does not remove the burden of proof and the rules of due process from the state.

The threat of Islamist inspired terror is a protean domestic threat that tests the very fabric of our nation. If we give government and homeland security too much power we risk compromising the very freedoms, our families came to this country to enjoy. The act of terrorism is a random violent attack upon unarmed civilians that is wholly intended to reap fear and chaos upon free and open societies so that the will of the people changes and their policies change. In the case of Islamists, it is to get liberty minded western democracies out of the way of the ascendancy of Islamism domestically and globally. There is nothing militant Islamists would want more than to see us change our legal foundations by targeting Muslim minorities (who, by the way, hold within them the primary solution to countering radical Islam), and ebbing away their freedoms so that theocratic and militant Islamism can reign ascendant.

The Islamists use our open system to operate freely and under the radar, recruiting individuals that do not fit any profile, propagating their jihadist ideas in cyberspace and wherever possible in various enclaves.

¹⁷ Michael Schmidt, “T-Shirt Vendor Takes On New Persona: Reluctant Hero of Times Square,” *The New York Times*, May 2, 2010.

The balancing act for our nation is knowing how to use the tools of our free society to keep our communities safe from what are unpredictable, seemingly random acts of terrorism.

Limited immunity protection for reporting citizens offers just the right balance.

Yet those of us working in counter-radicalization- not only immediate prevention of acts of terror like the Times Square incident where Faisal Shahzad came to knowledge of others hours before his act but how about months before or years before as could have been possible in the Nidal Hasan case? We need to lift the veil of denial in our nation and our communities. The vast majority of Muslims are peaceful and do not seek us harm. While the vast majority of Muslims are also central to the solution against radical Islam, in order to get to those solutions ***we need to remove obstacles that have prevented the implementation of pragmatic strategies in countering those individuals and groups that present concerning activities requiring the attention of counterterrorism experts.***

Islamism's militancy or violence is only one small aspect of their entire theo-political movement domestically and globally. A larger component of Islamism (political Islam) includes the attempt to collectivize Muslims as a political unit, requesting special privileges and accommodations not afforded all citizens but unique to Muslims by virtue of certain clerical interpretations of faith practice (or shar'iah- Islamic jurisprudence). The frontlines of this battle will not be fought in the field or by the military and homeland security. The frontlines of this ideological battle will often be in the courtroom and more importantly before the courtroom in the wider culture of fear of litigation and reprisals.

CONCLUSION

In conclusion, the most vital thing we need to do right now is to understand that while we view Lance Orton¹⁸ and Aliou Niasse, as *heroes*, the Islamists who inspire, enable and protect terrorists view them as *villains*. Every one of the passengers on the flight from Minnesota to Phoenix that carried the "Flying Imams" were Lance Ortons, too - yet they were named in a lawsuit by CAIR. Bret Stephens asked in the February 16, 2010 *Wall Street Journal*, "Suppose that on Nov. 4, 2009- the day before he would open fire on his fellow soldiers at Fort Hood, killing 13 and wounding 30- Major Nidal Malik Hasan had been arrested by military police and charged with intent to commit acts of terrorism. Where would his case stand today?"¹⁹ With context to any of those who may have reported him, would they have been accused of bigotry and sued for discrimination? Bret Stephens continues,

In 2003, Capt. James Yee, a Muslim chaplain serving in Guantanamo, was arrested on suspicion of sedition and espionage. Eventually the charges were dropped, officially because of "national security concerns that would arise from the release of the evidence." The political fallout was swift. Sens. Ted Kennedy and Carl Levin demanded a full investigation. "This incident," wrote one terminally outraged blogger, "is particularly noxious at a time when we need to reassure patriotic Muslim-Americans that they are not going to come under clouds

¹⁸ Barry Paddock "[Heroic Times Square T-shirt vendor Lance Orton just 'an average guy'](#)," by, *NY Daily News*, May 4, 2010

¹⁹ Bret Stephens "Major Hasan: the Counterlife" *Wall Street Journal*, February 16, 2010.

of suspicion for their faith or their identity—especially Muslims who are actually serving this country in uniform." Capt. Yee went on to write a book and cast a nominating ballot for Barack Obama at the Democratic National Convention. In another life, something similar may have been Maj. Hasan's fate. In another life, eight officers could be under a cloud for casting aspersions on him based only on his identity and beliefs. In another life, too, 13 men and women would be with us today. That they are not reflects more than the failure of eight fall guys. It is a failure, by people far more senior, to heed a more fundamental military command. It's called "Know thy Enemy."

The cottage industry of victimization to which Capt. Yee took his story and the silence of Dr. Hasan's colleagues both speak to the same culture of fear of intimidation of political correctness that dominates our nation and obstructs Secretary Napolitano's instruction to "See Something, Say Something." At the minimum, we need to ensure that for any courageous Americans with enough courage to raise a concern to law enforcement and for the courageous law enforcement who chase down those concerns they at least know that they have the protections of H.R. 963's limited immunity protection."

For every Lance Orton - whether he's a street vendor, or an Army psychiatrist, or anyone in between - can rest assured that if he or she sees something that seems suspicious, and they say something directly to law enforcement, they will have significant protections from a potentially ruinous civil lawsuit. And we need to ensure that Islamist groups and other obstructionist groups know that no matter how much money and resources they have, they will no longer be able to target and try to intimidate, endanger and financially ruin any American who dares to speak out when they see something suspicious.

We owe it to the Lance Ortons among us, and we owe it to ourselves, and our Founding Fathers, to afford them every legal protection we can.