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Roundtable Discussion: *Opposition to Islamic and Jewish Religious Practices in Contemporary America: Overlap and Divergences, the Anti-Shari'a Movement in America*

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ROUNDTABLE DISCUSSION: *OPPOSITION TO ISLAMIC AND
JEWISH RELIGIOUS PRACTICES IN CONTEMPORARY AMERICA:
OVERLAP AND DIVERGENCES, THE ANTI-SHARI'A MOVEMENT IN
AMERICA*

SHARI'A AND HALAKHA IN AMERICA CONFERENCE

APRIL 15-16, 2013

UNIVERSITY OF ILLINOIS AT CHICAGO, COLLEGE OF LIBERAL ARTS &
SCIENCES

OPENING REMARKS:

ASTRIDA ORLE TANTILLO, Dean of the College of Liberal Arts and
Sciences; Professor of History, University of Illinois at Chicago

ROUNDTABLE PARTICIPANTS:

WAJAHAT ALI, Playwright, *The Domestic Crusaders*; Author; Con-
sultant, U.S. State Department; Co-host, *The Stream*;

LEE ANN BAMBACH, Ph.D. candidate, Emory University; and

SAMUEL FREEDMAN, Professor, Columbia University; Author;
Columnist, New York Times; former Columnist, Jerusalem Post.

DEAN TANTILLO: We welcome you to the Institute for the Humanities at the University of Illinois at Chicago. My name is Astrida Orle Tantillo. I am Dean of the College of Liberal Arts and Sciences, and it is really my pleasure to be here to open this final day of the Sharia and Halakha in America Conference. I would like to first thank the sponsors of this event, IIT Chicago-Kent College of Law, the UIC Jewish Muslim Initiative and the UIC Institute for the Humanities. I would most specifically like to thank the coordinators, UIC's Samuel Fleischacker and Junaid Quadri and Chicago-Kent's, Mark Rosen. Thank you very much for bringing this together.

I have been looking at the program and it is amazing. I have heard that yesterday's program was wonderful. I can think of very few things that are more important to discussions of liberal democracy than where religious

freedom and where law intertwines with the notions of the liberal democracy, so I am grateful that we are able to do this conference here on our campus. So we are really proud at UIC to be the home of the Jewish-Muslim initiative and all of the valuable events and collaborations we are able to do here with community groups, with other organizations, and of course today, most especially, with IIT Chicago-Kent College of Law.

We are a school with a large Muslim population in one of America's most ethnically diverse cities, and in fact, our campus is one of the most diverse in the nation. We have a faculty with strong interests in Jewish and Islamic studies, and so we are well situated at UIC to take a lead and to work with others in the area of Jewish-Muslim collaboration and initiatives.

A major component of this initiative is the interdisciplinary work brought about by the research done by our faculty and even by the discourse that is centered in our classrooms. The results of this research and discourse on this campus are then brought to a wider community through events, publications, and actions and activities within the communities, including this one, which we are especially proud to be part of. I would like to thank you for coming, and I wish you a very successful stay on our campus and a very productive conversation today. Thank you.

UNIDENTIFIED PERSON: Thank you very much Dean Tantillo. We are very grateful for UIC's support for the Jewish-Muslim initiative and for all of the help that you, the Dean's office, and your predecessors have given us over the years, which has really been terrific. We are also grateful for the support we have had from Chicago-Kent and we are proud and pleased to have worked with Chicago-Kent several times on this initiative, which was really quite wonderful. I should also mention that there was an individual gift by an alumnus, I believe of UIC, named David Gassman who contributed specifically for conferences on Jewish-Muslim relations, which has also helped with the conference.

So we will begin this morning with a slightly different format than we had yesterday—different from all of the other panels—a round table discussion. I will introduce the three participants now. They will all come up. They will all speak for about ten minutes—ten or fifteen minutes. We are not going to be strict clock-watchers here, but it is basically short introductions. They will then respond to one another somewhat. Then we will have an open discussion with the entire audience on the topic of the anti-Sharia movement in America. Unfortunately, in the—I think of this as a Lemony Snicket's conference—we have had a series of unfortunate events. And one of them was—and this is actually the saddest but I think everything is okay.

Nadia Marsuki, one of our planned speakers, was in a bike accident last Friday. Fortunately, she was wearing a helmet and she seems to be okay, but she was warned by her doctors not to fly, so is unable to be here.

However, we are lucky—we over here at least are lucky—in the last minute to have found a wonderful person to speak in her stead. Lee Ann Bambach is a Ph.D. candidate at Emory University where she is writing a dissertation about Islamic Arbitration in the United States. She received her Masters in Theology from Harvard Divinity School and her J.D. from the University of Georgia. She has clerked for Judge Sam J. Ervin III on the Fourth Circuit, and was one of the drafters of the American Bar Association's Report and Recommendation Opposing Anti-Sharia and Anti-Foreign Law Legislation. She worked with our keynote speaker last night, Michael Broyde, and Abdullahi An-Na'im on her dissertation.

We also have—I am not sure exactly what order—did we flip a coin?—we will go in. You have worked it out? Okay.

We also have Sam Freedman from the New York Times speaking. He is an award-winning author, columnist and professor. He's a columnist for the New York Times. He is a professor and writes the religion column—which I read religiously as it comes out—and a professor at Columbia University. He is also the author of six books, including *Small Victories: The Real World of a Teacher, Her Students, and their High School*, which was a finalist for the 1990 National Book Award; *The Inheritance*, which was a finalist for the 1997 Pulitzer Prize; and *Jew vs. Jew: The Struggle for the Soul of American Jewry*, which won the National Jewish Book Award for non-fiction in 2001. As I have mentioned, he was a staff reporter for the Times from 1981 to 1987, and he currently writes the *On Religion* column. He was also a regular columnist on American Jewish Issues for the Jerusalem Post from 2005 to 2009 and has contributed to numerous other publications and websites.

Wajahat Ali is a playwright whose work, *The Domestic Crusaders*, was the first major play about Muslim Americans living in post-9/11 America. McSweeney's published it in 2011. He is also an essayist, a humorist, an attorney-at-law, and writes for I think several websites for primarily goat's milk?¹ [*Laughter*] Some of the other websites I have seen [*inaudible*] . . . I'll just say numerous other websites.

Wajahat will open and then Lee Ann will speak, and then Sam. If you would all come up here, I will find a watch and raise my hand when roughly two minutes remain.

¹ Wajahat's blog is called "GOATMILK."

WAJAHAT ALI: Good morning. Salaams, Shalom, and everything in between. Thank you so much for having this conference. And thank you for allowing a non-academic like myself to, at least for two days, be in the company of academics. And thank you, academics, for tolerating me. We begin this conference with this great, heartwarming, inspiring, conversation about the Islamophobia network and the Sharia controversy that you must have heard. For those of you who have not followed the Sharia meme, there is a fear of creeping Sharia supplanting the United States Constitution with Islamic law and replacing the Stars and Stripes with Star and Crescent. I think some of you have heard of this.

However, I say Sharia has already infiltrated and conquered America. I mean the signs are everywhere. We re-elected a Muslim to the oval office, Barak Hussein Obama. Indeed, seventeen percent of 2012 registered voters think that Barack Hussein Obama prays to the Kaaba, and as such, is anti-American. First term: Obamacare. Second Term: Caliphate. We have also made strong progress in the culture war. Three years ago, we put a tiara on Miss USA, Miss Rima Fasih, who comes from—anyone? Dearborn, Michigan. And Miss Rima Fasih is otherwise known as “The Hezbollah-supporting Shiite Muslim whose bid for the pageant was financed by Islamic terrorists and immigration fraud perpetrators,”² according to blogger Debbie Schlusel.

In addition, Sharia, according to others, has crept into our supermarkets. We have placed hummus and tahini in every Whole Foods and Safeway supermarket, which is eaten, daily by suburban moms. Once you have won over suburban moms, you have won over America. We have conquered American turkeys with our ally Butterball. Thanks to the intrepid culinary detective, Pamela Geller, we have learned about the conspiratorial “Butterball cover-up of foisting halal turkeys on an unsuspecting public.”³ We have also infiltrated the most influential voice in America—the television. If you guys know about last year, we had a reality TV show called *All-American Muslim*.

Anyone know about that controversy? A simple reality TV show produced by the cable network, TLC, that erupted in international controversy. So if you do not know anything about this show, *All-American Muslim*, you

2. Debbie Schlusel, *Confirmed: Islamic Terrorist Financed Miss USA Contestant*, DEBBIESCHLUSSEL.COM (May 16, 2010 5:02 PM), <http://www.debbieschlusel.com/21971/confirmed-islamic-terrorist-helped-fund-miss-michigan-usa-pageant/>.

3. Pamela Geller, *Burkaball Butterball: “Bacterial” Kosher vs Holy Halal*, PAMELAGELLER.COM (Nov. 27, 2011), <http://pamelageller.com/2011/11/burkaball-butterball-bacterial-kosher-vs-holy-halal.html/#sthash.aqVIMqfS.dpuf>.

would ask yourself, “What is this show about?” You know, is it like *Downton Abbey*? [Laughter] Is it like—thank you, I will take that. You know, is it like the *Real Housewives of Al Qaeda*? Does it show cooking tips? Jihad training grounds? What is so outrageous about this show that would cause a national and international controversy? It was so outrageous that if you guys remember—Sam Freedman wrote about this as well—Lowe’s, the retail giant, caved into what they said was enormous pressure and withdrew ads from this show citing a response from a broad spectrum of customers.

If you actually did the research, the companies actually submitted to an email campaign run by one organization by the name of Florida Family Association. This organization is an operation run by one dude with a terrible website and a huge email list by the name of David Caton, the sole employee of Florida Family Association, who has a history of boycotting corporations who sponsor shows like *Family Guy*, *Modern Family*, *Degrassi*, and worst of the worst, Disney World. And he received his talking points about the show much earlier from members of the Islamophobia network that I will highlight. For example, again, her name will come up a lot unfortunately, Pamela Geller, who wrote on her blog that the show was trying to manipulate Americans into ignoring the threat of Jihad. I did not know a reality TV show had that much power. And also, David Horowitz’s “FrontPage Magazine,” in which a writer wrote the show was stealth propaganda to promote submission to Islam through the hijab.⁴

If you guys have been following the news last week, Muslims have already infiltrated the Tennessee state capital with our “foot washing sinks.” For our ablutions before our five daily prayers—our prayers, which if you were paying attention last week, are “acts of terrorism” according to Republican North Carolina State Representative, Michele D. Presnell. Senator Bill Ketron, who brought it to national attention, uncovered the stealth addition of foot washing sinks. Legislative Administration Director, Connie Ridley, wrote in an email, “I confirmed with the facility administrator for the State Capitol Complex that the floor-level sink installed in the men’s restroom outside the House Chamber is for housekeeping use. It is, in layman’s terms, a mop sink.”⁵ Mop sink, foot-washing sink. To-may-toe, to-mah-toe. Humus, Hamas. That stuff is ridiculous.

4. Daniel Greenfield, *All-American Muslim: A Programmed Deception*, FRONTPAGE MAG (Nov. 14, 2011), <http://www.frontpagemag.com/2011/dgreenfield/all-american-muslim-a-programmed-deception/>.

5. Doug Stanglin, *Lawmakers Assured that Sink is for mops, Not Muslims*, USA TODAY, Mar. 26, 2013, <http://www.usatoday.com/story/news/nation/2013/03/26/tennessee-muslims-lawmakers-sharia-law-mops-sink-state-capitol/2020617/>.

One last one—the crème de la crème. Our infiltration of the international boy band sensation, One Direction, featuring—if you have daughters, you know this—featuring Zayn Malik who is a Muslim—and this is proof and I quote, “boy-band jihad mega-pop star pimping Islam on your daughters,”⁶ by blogger Debbie Schlussel. Now this is ridiculous, and we should laugh, and we have laughed; however, each one of these examples that I have given has been cited by members of the Islamophobia network, who are very much responsible for the fictitious Sharia threat of proof that Sharia has infiltrated different parts of America.

In fact, if you guys pay attention from last year, nearly every single major Republican presidential candidate of 2012 ran on the anti-Sharia meme. I will give you the names of the people who did it openly: Rick Santorum, Tim Pawlenty, Newt Gingrich, Herman Cain, and Michelle Bachman. The manufactured, fictitious Sharia threat is about as threatening as uncovering the unicorn or Big Foot. Yet, thirty-one states in the past two years have introduced what we call the anti-Sharia bill, or a version of the anti-Sharia bill.

Specifically, there have been seventy-eight bills, which seek to restrict the religious freedoms of Muslims, and as we will find out in this conversation, it affects not only Muslims, but also essentially all Americans. Many of them, unfortunately, have been given support by mainstream Republican leaders. Sixty-two of these seventy-eight bills were based on the model template that was written by attorney David Yerushalmi entitled *American Law for American Courts*. I am going to talk about that in the four minutes I have left. He is also the private attorney of Pamela Geller and Frank Gaffney. I will be talking about Frank. Six states have passed one version of this bill. This includes Louisiana, Oklahoma, Tennessee, Arizona, South Dakota, and Kansas.

So the question should be, “How did this all start?” We have to go back to 2009 and a New Jersey family court judge. The judge denied a restraining order by a woman who said she was forced to have non-consensual sex with her Moroccan husband. Judge Joseph Charles Jr. said he did not believe the man “had a criminal desire to or an intent to sexually assault his wife”⁷ because he was acting in a way that was “consistent with his practices.” The judge, for those of you who are attorneys, was clearly in

6. Debbie Schlussel, *Boy Band Jihad: Mega Pop Star Pimping Islam on Your Daughters*, DEBBIESCHLUSSEL.COM (June 6, 2012 3:52 PM), <http://www.debbieschlussel.com/50331/mega-pop-star-pimping-islam-on-your-daughters/>.

7. Maxim Lott, *Advocates of Anti-Shariah Measures Alarmed by Judge's Ruling*, FOX NEWS (Aug. 5, 2010), <http://www.foxnews.com/us/2010/08/05/advocates-anti-shariah-measures-alarmed-judges-ruling/>.

error. And thankfully within two months, the appellate court overturned the decision. So that's great, wonderful. The U.S. law and court system works. Hooray. Release, exhale, awesome.

Not so fast, because the Islamophobia industry uses that as its smoking gun proof of Sharia infiltration. Fast-forward to 2010. We go to Oklahoma. State Representative Rex Duncan introduced State Question 755 also known as the "Save Our State Constitutional Amendment." For those of you who do not know, you should be asking yourself, "Save our state from what?" Good question. This was about the measure barring "state courts from considering international or Islamic law when deciding cases."⁸ The proposed constitutional amendment had really good timing because it coincided with the manufactured controversy over the Park 51 building in New York City in the spring and summer of 2010, which as we remember was dubbed the Ground Zero mosque controversy, which was neither at Ground Zero, nor a mosque.

And the same way that controversy was mainstreamed, the anti-Sharia was mainstreamed and we will talk about it in the discussion just to save time. The leading anti-Muslim grassroots organization, Act for America, launched a \$45,000 grassroots campaign in Oklahoma in 2010 to urge voters to support State Question 755. It also sponsored a one-minute radio ad that ran across the nation to warn against Sharia. Seventy percent of Oklahoma voters voted to ban this non-existent threat. However, a federal judge quickly blocked the law for violating the Establishment Clause of the First Amendment and for blatantly targeting the Muslim community.

In January 2012, an appellate court confirmed the ruling that prevented the voter-approved state constitutional amendment from taking effect. Specifically, in the opinion, the court pointed out that proponents of the law admitted to not knowing of a single instance in which Oklahoma courts applied Sharia law or the legal precepts of another country. An elected official who supported the anti-Sharia bill admitted that he could not find any evidence of Sharia "creeping into the state." Yet here we are in 2013 and thirty-one states are still talking about this. So there was a genesis to this fear mongering created by a very few people.

In addition to my goat milking, I also was the—it is an honorable profession. [*Laughter*] I also was the lead author of this document, an investigative report that we spent six months on entitled, *Fear, Inc.: Roots of the*

⁸ Tim Talley, *U.S. Judge Permanently Bans Oklahoma Islamic Law Vote*, NEWSOK, Aug. 15, 2013, <http://newsok.com/u.s.-judge-permanently-bans-oklahoma-islamic-law-vote/article/3872460>.

Islamophobia Network in America.⁹ We released it on Google. Just type in “Fear, Incorporated.” I did this with Center for American Progress. It was released August 2011. And it is an investigative report about how we exposed seven funders who have given in excess of 43 million dollars over nearly ten years to a small, interconnected, and almost incestuous network of individuals, think tanks, and grass roots groups, and some religious right personalities, to promote these divisive, anti-Muslim memes.

Before we go on, I think I should give the definition of Islamophobia that we have covered, especially the type of Islamophobia that we have witnessed post the 9/11 tragedy in America. The definition that we came up with is the following: Islamophobia is an exaggerated fear, hatred, and hostility towards Islam and Muslims that is perpetuated by negative stereotypes resulting in bias, discrimination—and this is the key part—marginalization and exclusion of Muslims from America’s social, political, and civic life.¹⁰

Therefore, for the first time we have dissected and exposed the network, categorized it, named the names, traced the funding and the money, and showed the genesis of several once-fringe memes that have now gone mainstream. Nod your head if you have heard the following: President Obama is a Muslim; Sharia is a threat to America; mosques are Trojan horses; and radical Islam has infiltrated America. Apparently, there is no such thing as moderate Islam; traditional Islam is radical Islam. What is most damaging for Americans—practicing Muslims cannot be loyal Americans. Anyone heard at least one or two of these? This is very sad; everyone is nodding his or her heads.

The threat of creeping Sharia is wholly manufactured by certain individuals and organizations that have the rich history of fear mongering, hysteria, and dubious associations. And I want to quickly break down how this happens. So the Islamophobia network has five categories. I will not go into all of them in detail, I promise. We doing okay so far? Okay. Five categories. Everything always begins with the money. The first group is what we call the money trail. We have identified seven funders. The money primarily goes to the second part, which we called the nerve center of Islamophobia, “scholars” and policy experts that often originate from D.C. and think tanks. They are the ones who create the memes. Then the question should be “who cares, they are just memes. How are they spread?” The

9. Wajahat Ali et al., *Fear, Inc.: The Roots of the Islamophobia Network in America*, CTR. FOR AMER. PROGRESS (2011), available at <http://cdn.americanprogress.org/wp-content/uploads/issues/2011/08/pdf/islamophobia.pdf>.

10. *Id.* at 9.

third group is what we call the grassroots organization, and unfortunately, they are members of the religious right. The memes spread through these constituencies which also use news media, which goes to the fourth group, the media megaphone—not just traditional news—there is a news channel in particular that is very responsible. On the count of three, let's take a guess. One . . . two . . . three!

AUDIENCE MEMBER: CNN!

WAJAHAT ALI: Dr. Renaud wants to be a smartass [*laughter*]. It is Fox News, thank you. And do not “mis-underestimate” new media—blogs, online radio. It has been critical. After it gets mainstreamed internationally with a media megaphone; these memes literally end up as talking points verbatim in the mouths of politicians, and I just gave you an example of the 2012 republican candidates. I am not going to mention the seven funders. We listed them, but the money then goes to the nerve center and I want to talk about the nerve center real quick.

The architect of the current anti-Sharia legislation we have uncovered as attorney David Yerushalmi. Are people familiar with Mr. Yerushalmi? Most people are nodding their head. The Anti-Defamation League (ADL) has written of Mr. Yerushalmi: “He has a record of anti-Muslim, anti-immigrant, and anti-black bigotry.”¹¹ A 2006 article on Mr. Yerushalmi even went so far as to claim: “Muslim civilization is at war with Judeo-Christian civilization The Muslim peoples, those committed to Islam as we know it today, are our enemies.”¹² Despite this, he has been invited by elected officials to give expert testimony on Sharia. He has appeared on mainstream press outlets, such as NPR, to talk about Sharia even though he is not a scholar of Islam, Islamic law, or a master of Arabic.

He also happens to be the attorney of Pamela Geller and the attorney of Pamela Geller and Robert Spencer's hate group “Stop Islamization of America,” which has now evolved into being the “Stop Islamization of Nations.” It is cited as a hate group by the Southern Poverty Law Center and cited by the ADL as promoting a radical anti-Islam agenda. We will talk about this in our conversation, but they are also behind the manufac-

11. Eli Clifton, *EXCLUSIVE: Class Materials From Military's Anti-Islam Class Repeatedly Cite Islamophobic Authors*, THINK PROGRESS (May 14, 2012), <http://thinkprogress.org/security/2012/05/14/482667/exclusive-islamophobia-network-cited-liberally-in-military-anti-islam-class-materials/>.

12. *Mapping Sharia Project Goes Beyond Islamophobia – III*, AMER. MUSLIM PERSPECTIVE, http://www.amperspective.com/?page_id=1430 (last visited Nov. 18, 2014).

tured controversy of the Ground Zero mosque. And I really keep saying that it is manufactured. And I think we should talk about how it was manufactured in the panel discussion because that same template about how a non-issue became a local issue, became a national issue, became an international issue—the same way they did that playbook—is at play with the Sharia controversy.

Mr. Yerushalmi is also the founder of the think tank SANE—S-A-N-E, not making this up—Society of Americans for National Existence, which in 2007 proposed legislation to make adherence to Sharia a felony punishable by twenty years in prison. In 2007, his organization initiated the project: “Mapping Sharia in America: Knowing the Enemy” campaign.

What, two minutes? I cannot even say my name in two minutes. I will try to finish. Sorry for going so long. Give me five. Can I do five? [*Laughter*] Sorry. In the press release, they said the campaign would test the proposition that Sharia amounts to a criminal conspiracy to overthrow the U.S. government.

Equating Sharia with criminality, Yerushalmi further proposed legislation to make adherence to Sharia a felony. This includes a Muslim woman who is wearing the hijab, like you in the back. That would be a felony under this definition. His major ally and funder is Mr. Frank Gaffney who is the founder of the think tank Center for Security Policy. I want to give a great quote by Frank Gaffney: “A mosque that is used to promote a seditious program, which is what Sharia is . . . that is not a protected religious practice, that is, in fact sedition.”¹³ Despite this, he concedes, “I do not know much about Sharia, but I have talked a lot about that as a threat.” And he has made \$300,000 in 2010.

In 2010, and this is key, the Center for Security Policy (CSP) released a 170 page report called *Shariah, the Threat to America*,¹⁴ which mislabels Sharia as the preeminent totalitarian threat to America and the legal military political doctrine that seeks to supplant the Constitution. It was also co-written by David Yerushalmi. It is designed to provide a comprehensive and articulate second opinion on the official characterizations and assessments of this threat as put forth by the U.S. government. Specifically, they define Sharia in a static, ahistorical, unscholarly way in which no practicing Muslim would ever recognize.

13. Matt Duss, *Gaffney Accuses Observant US Muslims Of 'Sedition'*, THINK PROGRESS (Dec. 30, 2010), <http://thinkprogress.org/security/2010/12/30/176440/gaffney-muslims/>.

14. See CTR. FOR SEC. POL'Y, SHARIAH, THE THREAT TO AMERICA (2010), available at [http://www.centerforsecuritypolicy.org/upload/wysiwyg/article%20pdfs/Shariah%20-%20The%20Threat%20to%20America%20\(Team%20B%20Report\)%2009142010.pdf](http://www.centerforsecuritypolicy.org/upload/wysiwyg/article%20pdfs/Shariah%20-%20The%20Threat%20to%20America%20(Team%20B%20Report)%2009142010.pdf).

And also what they do is they mislabel this word *taqiyya*, and I want to spend 20 seconds talking about it. They mislabel *taqiyya* as religiously mandated lying. In essence, they say that Islam encourages Muslims to lie and be deceptive. If you ask most Muslims what *taqiyya* is, most Muslims will think *taqiyya* is a new taco released by Taco Bell with extra guacamole [laughter]. Most people have no idea. *Taqiyya* is an Arabic word, which allowed Muslims to hide one's faith in order to protect your life and family. It is very similar to the concept in the Jewish faith. It does not say you are allowed to lie, but look how insidious it is. It says that every practicing Muslim lies. So, according to them, there is no such thing as a "good Muslim," you cannot trust the good Muslim because they are practicing *taqiyya*.

In 2011, Mr. Yerushalmi developed a template for the current anti-Sharia legislation—I am ending now, I promise, in a minute—entitled *American Law for American Courts* at the behest of the self-proclaimed non-partisan advocacy group, American Public Policy Alliance. The organization claims one of the greatest threats to America and American values today comes from "foreign laws and foreign legal doctrines, including Islamic Sharia law that has been infiltrating our court system."¹⁵ Lee Ann is going to go into more detail about how this has shown up in Tennessee and Arizona. The American Bar Association reviewed this and they call this entire movement an anti-Sharia initiative. They said many of the legislators sponsoring the anti-Sharia initiatives in other states are using the model legislation drafted by David Yerushalmi.

The bill, if passed, would prevent Muslim-American communities from having the same rights and access to courts as any other religious community in America. The fact that they have taken out the words Islamic Law—because if you guys remember in Oklahoma in 2010, they realized it would not pass Constitutional muster, so they replaced it with foreign law or religious law—has now concerned business communities and Jewish-American, Catholic-American, and Muslim-American communities. If this is implemented, it infringes on all of our rights. And I am going to end on this, I promise, he also helped co-author Frank Gaffney's 2011 report *Sharia Law in American State Courts: An Assessment of State Appellate Court Cases*, which evaluated what they said was fifty appellate court cases from twenty-three states that proved Sharia had infiltrated the U.S. court system. The ACLU thoroughly debunked the findings of this 2011 report in their own 2011 report, *Nothing to Fear*, and concluded that the CSP report pro-

15. *American Law for American Courts*, AMER. PUB. POL'Y ALLIANCE, <http://publicpolicyalliance.org/legislation/american-laws-for-american-courts/> (last visited Nov. 18, 2014).

moted a “[m]ythical ‘Sharia [t]hreat.’”¹⁶ They rejected Mr. Yerushalmi’s unsubstantiated claims of Sharia infiltration as “wrong” and said it was “based both on misinformation and a misunderstanding of how our judicial system works.”¹⁷

However, the ACLU suggested an insidious purpose behind this entire movement to criminalize Sharia. Prohibiting U.S. courts to consider Sharia serves only one purpose: to bar Muslims from having the same rights and access to courts as any other religious individuals. Therefore, by defining Sharia as a problem and as a totalitarian threat, we are now to assume that all adherence to Sharia, which is essentially any practicing Muslim, is deemed a threat to America. This casts suspicion on all observant Muslims as a potential fifth column. Politically and culturally, this inaccurate framing allows people to believe that Islam, and subsequently all Muslims, are not only utterly incompatible with America’s political, civic, and social life, but they are also a continuing, hostile threat. In the conversation, I will talk about how the grassroots groups, the media groups, and the political groups have mainstreamed this and I would like to talk about how this actually has, ironically, served as a major national security threat to American citizens. Thank you for giving me the time. I am sorry for going over; I am finished.

[*Applause*]

LEE ANN BAMBACH: I want to talk a little bit about the evolution of these laws and the various guises that they have appeared in. Early iterations were very broad and have two prongs to them. It is not just Sharia or religious law; they also attack foreign and/or international law. Now there is a difference, actually, between foreign law and international law, but that gets lost in the shuffle here, especially, for example in Oklahoma’s “Save our State” Amendment. That one, as we talked about, specifically prohibited Sharia law and specifically prohibited the courts from considering international law and foreign law, or even the law of another state if it included Sharia law.

Foreign law is the law of another country, so if you have a business contract with a French company, and you specify that you want French law to apply to that contract—which is called a choice of law clause and very

16. *Nothing to Fear: Debunking the Mythical “Sharia Threat” to Our Judicial System*, ACLU (May 2011), https://www.aclu.org/files/assets/Nothing_To_Fear_Report_FINAL_MAY_2011.pdf.

17. *Id.* at 1.

common in business—that would not have been allowable under Oklahoma law had this amendment been put into effect. International law includes treaties and international norms of law that may influence opinions. For example, there are a number of court decisions that have considered international law. On the one side there is the 2008 Supreme Court decision *Medellin v. Texas*,¹⁸ where the Supreme Court decided it was not bound by the International Court of Justice's judgment to stay the execution of a Mexican national. This says that we do not have to listen to the International Court of Justice, and we can do what we want to according to our own U.S. laws.

On the flipside, in 2010, the Supreme Court of the United States reached a decision in *Graham v. Florida*,¹⁹ where they referred—they did not base their decision on it, but they referred to—international opinion against convicting and sentencing juveniles to life in prison without parole. So because of such cases there is this real fear of international legal norms coming into the U.S. system and this feeling on the part of some people that we should put up a wall; we should not look at what anybody else is doing. There also is a fear of foreign law, laws of other countries. We should put up a wall and not let that in either. Then there is this fear of Sharia, which is what Wajahat talked about. So a lot of these are combined in a lot of these legislative efforts and it definitely all appeared in the Oklahoma amendment.

We know that the Oklahoma amendment was struck down. It was struck down purely on First Amendment grounds, but it could have been struck down on a whole host of other constitutional grounds. You have the Contracts Clause. States cannot pass laws impairing the obligation of contract, but with a law prohibiting Sharia law or foreign law, you cannot freely contract your choice of law. That would have been a problem. The Full Faith and Credit Clause would have been another problem, as under this provision they were not going to look at judgments from other states if those states' laws somehow included Sharia law, although it was very unclear what that really meant. And it would have violated the Supremacy Clause as well, because it may have interfered with the observance of certain treaties. That is against the Supremacy Clause. So with the Oklahoma amendment you have a fear among Muslims and other religious people, but it also engendered a fear among others, including the business community,

18. *Medellin v. Texas*, 552 U.S. 491 (2008).

19. *Graham v. Florida*, 560 U.S. 48 (2010).

that this was really going to handicap them in any international trade and put them at a real competitive disadvantage.

Since the Oklahoma amendment ultimately was found not to pass constitutional muster because it singled out Sharia, then the next attempt was to broaden it to not just include Sharia, but religious law more broadly. For example, there was an Arizona bill introduced in 2011 that did two things: it opposed implementing or incorporating laws of foreign countries or foreign bodies in any state judicial decision, and barred courts from using any religious sectarian law. So here, it was not just Sharia, but also any religious sectarian law. And they helpfully described what was included: it would include Sharia law, Canon law, Halakha or Karma [*laughter*]. I am not sure you *can* bar karma from a court, but I guess it is worth a try [*laughter*]. However, even here you have the same problems. Even though you are not singling out Sharia law, by specifying religious law at all you are still conflicting with the First Amendment. It is still bad for businesses. It still runs afoul of other constitutional amendments.

A slightly different approach was taken in Tennessee, which is one of my favorite laws just because it was *so* egregious . . . and it was introduced by Senator Bill Ketrone, the one who uncovered the stealth foot washing sinks. The bill he introduced in Tennessee was really an anti-terrorism bill. It was ostensibly designed to criminalize material support for terrorism, and it ultimately passed with generic language regarding material support for terrorism. But as it first appeared, it targeted only “Sharia organizations” that provided material support for terrorism. The bill itself had a whole introduction about Sharia, and the language in many cases was lifted straight from the *Shariah: The Threat to America* report. It stated that Islam was a military, political, and fascist totalitarian system. It included wording that said that the observance of Sharia is *prima facie* evidence of a desire to overthrow the government. So if you are eating a Halal turkey for Thanksgiving, you are trying to overthrow the government. It was just ludicrous.

However, it was clear by singling out Sharia, the legislation was never going to pass, and in any case, such language was unnecessary. You can just strip that whole language about Sharia and Islam away and pass a reasonable law outlawing support for terrorism, and that is indeed what ended up happening. So it quickly became clear that if a bill includes language explicitly referring to Sharia specifically, or even religious law more generally, it is never going to pass constitutional muster. You are never going to get these laws passed and, even if you do, they will just end up being struck down in court, as was the case in Oklahoma. Therefore, the proponents of such bills changed tactics and adopted facially neutral versions of this law

that does not talk about religion at all. Largely, the model for these newer model bills is what we talked about before: the American Public Policy Alliance's, *American Laws for American Courts*, model legislation. And this, too, has undergone various iterations.

While the language of the legislation itself is facially neutral, that is, it does not mention Sharia or even religion at all, the American Public Policy Alliance's website page that touts this law specifically states that it was crafted because of the threat of foreign laws, especially Sharia, and the specter of it somehow creeping into the court system. It also includes a lot of lofty language about the necessity for protecting individual's constitutional rights, especially that of women and children.

There are two main provisions in the model legislation and then over the years—the last two years—they have added specific carve-outs as well in order to overcome arguments against this legislation, especially concerns by the business community and others about the law's possible impact. The first provision of the model law is designed to protect citizens from the application of foreign law where doing so would violate their constitutional rights. You cannot violate someone's constitutional rights anyway, so this does not make any sense—this provision is unnecessary. You cannot apply a foreign law that is going to violate constitutional rights. In addition, you always have state law that is above you. For example, you cannot apply foreign law when doing so would violate state criminal laws. This is just a total non-issue and that whole part of the law is just unnecessary.

The second provision says a court cannot consider any law or legal tradition that would not grant parties the same fundamental rights as in the U.S. Constitution. Now, this is tricky, and it is not clear what this means. If French law does not provide *all* the same protections as the U.S. Constitution, does that mean we cannot apply French law? At all? There are a lot of legal systems in this world that do not have the same protections we enjoy regarding freedom of press, due process, freedom of religion, etc. Islamic law, Jewish law, and many religious laws do not provide equal protection for women. It seems that according to the strict language of the model law, the mere fact that somewhere in this legal tradition there is something that is not totally equal to the rights accorded under the United States Constitution would mean that the whole legal tradition or legal system would need to be thrown out. It is not clear if that is the case, or how this would be interpreted. It is a very strange, poorly worded provision that can have, and, as I will point out in just a second, has already had a bad impact on people's lives.

So the concerns we talked about earlier about international law, treaties, and business contracts have resulted in specific exceptions to the application of these two provisions. A number of carve-outs have been added towards the end of the model legislation. According to these carve outs, the model law should not apply to Native American courts. It should not apply to corporations. So all business corporations, limited liability partnerships, etc., are now excluded from this law, which is the way the proponents of such laws have addressed the concerns that the business community has raised. It now also excludes religious organizations for ecclesiastical matters such as the hiring and firing of clergy and church membership issues. And the model law now says it's not to be interpreted to conflict with U.S. treaties. So it started out big, and it has been narrowed down and narrowed down until all that is really left of it is a veiled, but very targeted, attack on religious law that, according to the wording on the website, is designed only to include Sharia. However, as a practical matter it will include all kinds of religious law, including Jewish law, in its grasp.

So what is the practical effect? There have not been very many cases after these laws have been passed. Currently they have been passed in six states, I believe. However, Kansas is a good example because in that state, there were two divorce cases, one before the law was passed and one after the law was passed, which provide a good contrast.

In 2010, there was a divorce case, *Hamdeh v. Hamdeh*.²⁰ And if you go to the American Public Policy Alliance's website for this bill, this case is touted as one of the reasons why we need this law, to protect women—to protect women's rights. Because in that case, a couple met in Lebanon, they were married there and the wife came to the United States. Things went sour, and the husband argued that the Islamic marriage contract meant that the wife was only entitled to \$5,000 deferred mahr, or bridal payment, as her entire divorce settlement.

This is painted as terrible for women; denying women the rights that they would have under the U.S. legal system. However, the website or the supporters of such bills do not talk about what the actual outcome of the case was, only that the husband argued for this. Just like the husband in New Jersey argued that his religious beliefs would allow him to rape his wife. They cherry-pick parts of cases, rather than the ultimate outcomes, to imply that somehow additional legislation is needed to protect these poor, defenseless Muslim women.

20. *Current Kansas Court Case Shows Need for American Laws for American Courts Legislation*, AM. PUB. POL'Y ALLIANCE (May 9, 2012), <http://publicpolicyalliance.org/2012/05/current-kansas-court-case-shows-need-for-american-laws-for-american-courts-legislation/>.

After the legislation passed in Kansas there was another divorce case involving the Soleimanis. The Soleimanis were married, I believe, in Iran. It was a short marriage and there were allegations of domestic abuse. And the wife, in this case, asked the court to enforce the marriage contract. And the court said, “Oh no, we cannot do that, in part because we have this ‘American Law for American Courts’ law now and we do not think that that would be allowed.” So the wife, as a result, did not get the deferred mahr agreed on in the marriage contract, which in that case would have been \$677,000. In this case, the wife was basically cheated out of what would have been her legal right otherwise, with the judge explicitly referring to this law. So this law did not protect her. It did the exact opposite.

Ultimately, these laws are really distorting a system that was working fine to begin with. So the laws are unnecessary; the courts already have the tools to deal with them, and I would say that these laws are basically a red herring. All they are doing is serving to demonize Muslims, but saying we are not against Muslims, we are just against Sharia. This implies that Muslims are fine . . . so long as they do not do anything actually related to Sharia. This is what I call “the only good Muslim is a bad Muslim” paradox.

[*Laughter and applause*]

SAM FREEDMAN: As a religion journalist, I have written a fair amount about some of the issues, particularly what Wajahat addressed, and so I do not want to be redundant, although we will be able to include some of this during the Q&A. So rather my purpose here is to provide a contrast, which is to look at how issues of Jewish religious law played out in the public sector, which I think really provides a significant difference and shows how these issues are sometimes painful to those who are involved in them. They stand in real contra-distinction to what Wajahat and Lee Ann have described—disputes about Muslim religious laws—which are actually stalking horses or Trojan horses for Islamophobia.

If you want to push a baby carriage, carry your prayer shawl in its bag, or carry a bag of crackers or cheerios for your child—you cannot if you are fully observant unless you are inside your house or symbolically inside the extension of your house, which is the purpose of an *eruv*. An *eruv* is basically a piece of thin wire, something like fishing line or very small, generally only visible to the naked eye, wire that will be strung tree to tree or light bulb to light bulb over a certain agreed upon area. In part of the Muslim world, where walled cities were the norm, you did not have to string up wire because the wall served ritualistically the same purpose. So this was

sort of the problem of modernity and particularly the North American and West European idiom. It has also become the way of an Orthodox Jewish population feeling confident enough to take some of its ritual concerns and needs into the discussion of public policy. Because up to the 1920s, I think there were only three *eruvim* in all of North America. It has been primarily in the past decade where there has been a more confident Orthodox Jewish population in the United States, Canada, and Western Europe—when that population felt confident enough, secure enough, not living in fear of being attacked, where they were having to avoid going to the local municipality and say, “May we put up this symbolic border around our community?” And it is very important because, not only is it vital for individual Orthodox, or even if you’re a conservative Jew as well, in building a community, in creating community institutions, you are not going to have an effective communal life, an effective synagogue life, if people cannot carry within the *eruv*. Moreover, I will just add that there are some ultra-Orthodox who still do not believe that the *eruv* is theologically correct. But largely it is accepted as an Orthodox norm.

In any case, in some of these efforts to get municipal approval for an *eruv*, there has been controversy. There are three in the U.S. that I want to point out. One in Palo Alto, California; one in West Hampton Beach, New York; and one in Tenafly, New Jersey. What instantly distinguishes these kinds of battles from what you have heard from the other speakers is that there has been no organized outside demagoguery on this issue. There is nothing equivalent to a nerve center.

The other significant difference is that the opposition has generally come from other Jews. These have been Jew versus Jew controversies. What has been fascinating is looking at the non-Jews in these communities scratching their heads and asking, “Will you guys figure it out and let us know what we are really supposed to do?”—because, mainly, they do not want to look anti-Semitic. These controversies are really arenas in which the struggle in which the observant and less-observant Jew plays out. It is not accidental in that all three examples I cite are communities whose Jewish population skews towards less observant. The more affluent, more prosperous, more outwardly mobile parts of the Jewish community, tend to be un-affiliated or affiliated with the reform or conservative movement. Orthodox Jews, we can generalize, tend to stay in city neighborhoods, tend to stay near city institutions which they can walk to, and tend to be poorer partly because of family size. It has only been in the last several decades, with the advent of the modern Orthodox movement, in which you have Orthodox Jews going into professions—becoming lawyers, doctors, and

professors in non-Jewish areas—and developing the same desire to have a bigger house, to have a nice yard, to move out of the city and to move into these suburbs, which brings them then into conflict over the communal norms with non-Orthodox Jews who preceded them.

Thus, the language that attaches itself to these *eruv* controversies is, “I do not want to be coerced.” And, a sense of fear that stores that are owned by Jews who are not observant will be pressured into closing on the Sabbath; that public school systems that have thrived with a lot of Jewish students and with a lot of Jewish taxpayers willing to pay high public school taxes will suffer as more Orthodox Jews move in and send their kids to day schools and, without the enlightened self-interest of having kids at public school, will not vote as readily for school tax referenda. I think that is the one legitimate piece of this but that alone does not explain the vitriol, which is about other things. So as you look at Palo Alto, some of the major opponents include an actual notable Jewish Scholar, Joel Beinin, of Stanford University and the leading attorney, Mitchell Zimmerman, who we may surmise was a “member of the tribe.” In West Hampton, again, some of the leading opponents of the *eruv* there have been Jews. There have been three different federal lawsuits; one of those was brought by a group called “Jewish People for the Betterment of West Hampton Beach.” In Tenafly, the initial vote to refuse to put up the *eruv*, which was later overturned by the judiciary, was a unanimous vote, but two members of the counsel were Jewish. And the non-Jewish members were completely looking to the Jewish members for the cue. So this could not be more different than what has happened with these devious anti-Sharia controversies. The effect of the way these are felt by Orthodox Jews is similar in the sense they feel an effort is being made to make the community unlivable.

And in fact, I sometimes say that these battles brought by less observant Jews over the *eruv* are the contemporary equivalent of the restrictive covenant with which non-Jews used to keep Jews out of the neighborhood. If you do not want the *eruv* to go up you are de facto creating a restrictive covenant against Orthodox Jews.

Let me quickly go through the other examples. Another controversy that has flared up in New York specifically is over a procedure called *metzitzah b'peh*. Now, we know as Jews and Muslims [the tradition] to circumcise a newborn male. In certain very fervently Orthodox circles, there is also the belief that religious law requires some of the blood from the male penis after the circumcision to be extracted by the *mohel*—by the man that has done the circumcision. And this has led to anywhere from a total of twelve or fourteen cases of infants in New York dying from having

contracted herpes. I have seen one estimate of fifteen in a year that has not been ratified by the New York Department of Health. But in any case, it has been a significant public health problem, which already makes it very different from these anti-Sharia efforts or refusal to recognize international law efforts, which have no public health application whatsoever. And so, in New York City there was an extensive debate about what the public policy response and public health response ought to be. And ultimately, what I thought was a very diplomatic solution was that the N.Y. City Department of Health requires families to sign a waiver, basically acknowledging the risks of this procedure and saying, “We want to do it anyways”—so an informed consent. I think you could have very easily made a case to outlaw it entirely because the newborn has no way of giving consent and the newborn is the one who is at risk. A small faction of the Orthodox Jewish world, which makes it an even smaller faction of the total Jewish community in New York, went to court to oppose this. First of all, they lost in court. But also they were opposed on this not only by non-Orthodox Jews but also by Orthodox Jews whose religious leaders and whose decisors of Halakha have said that there is not a textual basis, there is not a basis in rabbinic law for doing this procedure—so again very different.

And then the last example, which is the one that bears maybe a bit of parallel to what we talked about earlier, were the efforts in California, one in Santa Monica and one in San Francisco, to pass laws that would have outlawed circumcision altogether. And these are largely driven, although they have included some prominent Jewish people—I think they are largely driven by both, I would say a somewhat misguided application of children’s rights—but more than that, by a very ascendant atheists movement in this country, which sees any role of religion in the public square as being anathema and that movement has become much more willing to assert itself in ways such as this. And in San Francisco, they actually had a circumcision ban on the November 2011 ballot, but a judge later struck it. In Santa Monica, they never got enough signatures. And the whole issue for California ultimately was settled when the state legislature passed a law that would bar municipalities from banning the practice of circumcision, and Jerry Brown signed that. But I think here is the only example in which you had an attempt to demonize religious practice—to make it atavistic or to portray this atavistic superstitious cruel act to children, and to drum up a groundswell of public opinion on that basis.

I think one of the things that really helped fight back against it in these cases, aside from the fact that it created an instant alliance of Jews and Muslims, so which immediately meant it could not be used to pillory just

one community, is that there were strong public health arguments in favor of circumcision. And in fact at the very time that this controversy was flaring, the American Academy of Pediatrics came out with its most recent report on circumcision and said that the health benefits outweigh the health risks, particularly in terms of HIV and other sexually transmitted diseases being more likely to be acquired by a male who has not had a circumcision. And also, we have not seen anything like this flare up anywhere else in the country, nor has there been any kind of organized effort to transplant this in the way that we have seen the anti-Sharia issue popping up in state after state after state. So that is the very instructive contrast from the Jewish side of the tracks, and I think that it shows something that we can aspire to, someday, for American Muslims as well, which is that dispute and discord about the application of religious practice in the public sphere can take place without being something else—without fronting for something prejudice. Unfortunately, as you have heard, we are a long way in terms of the American Muslim idiom, a long way away from that.

LEE ANN BAMBACH: So, a lot of the rhetoric aimed against Muslims today really echoes stuff that was used against Catholics earlier in the century and, not as much but some, against Jews. How do you feel that the Jewish community got to the point where it is now, and what do you think it will take Muslims to get there?

SAM FREEDMAN: That is a good question. One reason, maybe, that bigotry did not attach itself to Jews in the same way that it did to Catholics, is that the bigotry against Jews—first of all I am a believer in American exceptionalism as far as the Jewish experience, and even at the worst moments here there has been nothing for Jews parallel to what they experienced in virtually all the countries in Europe. So even during the Henry Ford and Lindbergh eras, even during the pretty restrictive covenants, it is not comparable. But one reason we were not singled out as Catholics is that Jews were very much part of the public school system and also because, in spite of the fevered imaginations of anti-Semites and the protocols of the Elders of Zion, Judaism as a non-hierarchical religion, as a religion that is multivalent and doesn't have a single head Jew in charge, was not vulnerable to the same kind of misportrayal as American Catholicism was because, if you look back at, say, at the vicious rhetoric used against Al Smith when he ran for president in 1928, which is the exact analog that Barack Obama has had to deal, with the exception that Obama isn't Muslim But it was all about the Vatican running the country and it was very much about

Catholics being portrayed as aliens partly because they created a Catholic school system for themselves. But why have they done that? Partly as a bulwark against forced Protestantization in the public schools. So then, one of the reasons Jews were not subject to the same kind of prejudice was that they did not set up public institutions the same. Another reason is that there was not one person you could point to as the evil puppeteer in the way you could point to the Pope as being, you know, the fifth column incarnate.

LEE ANN BAMBACH: It is interesting because there is no—except for certain brands of Shia Islam—there is no hierarchy like that.

SAM FREEDMAN: Right, the [*inaudible*] is as multivalent as Judaism. I think that Jews, and this is a complicated reality, also, if you learned the language of white studies, Jews became white. Jews were, in the binary American view of race, ambiguous, at least for the first couple of generations, particularly in the American South. Were they white? Were they black? What were they? And over time, that is where we have done well in this country; that is where we have become more precedent in the public life; that is where we have given aspects of our religious culture as well as aspects of our popular culture, to be part of the country. We have really impregnated it and in turn been embraced by it. You know, literally loved by those of interfaith marriage. That has whitened us. That has whitened us in the white studies scheme of things. Just like the Irish and Italians were whitened. And, using that white studies archetype, Muslims have not become white yet. And I am not recommending it. I do not think it should be required. For anyone—Jews, Italians, or anyone else. But, as a fact of American life, that seems to be the case. It is also—I think that there was never a concerted effort—the Jews never had to face being the military and national security enemies of the United States. The anti-Jewish discourse never took exactly that role, and that is a very hard negative to disprove. How do you prove that you are not the gremlin on the wing of the American public?

LEE ANN BAMBACH: Especially when you are seen as lying because of [*inaudible*, as Bambach and Freedman talk over each other. Freedman then turns the discussion over to Wajahat Ali].

WAJAHAT ALI: There is so much to unpack. But I mean the question of being absorbed into Whiteness, and thus being “mainstream”, is a problem for American Muslims, where two-thirds come from an immigrant

background, and it is the most diverse religious community in America in terms of racial make-up.

LEE ANN BAMBACH: And the largest group is African American.

WAJAHAT ALI: Well, close, close. I mean trying to, just for technical purposes, it is like thirty percent African American, thirty percent South Asian, they say about twenty-five to thirty percent Arab-American, and then the great miscellaneous. But you know the question then assumes, “What is going to happen in the twenty-first century now that we are a minority/majority country? Will that shift the landscape and make us mainstream in a country, which has now elected a bi-racial president?” And this is a tension; this is a tension within the community. As far as the narrative goes, I think you made a good point that in terms of American Muslims, despite coming here on the Columbus ships, one-third of the slaves were brought over here against their will; they were Muslim. So we have been here since the beginning of the country. Our narratives run deep in the American soil. And yet, it’s 2013, and I would say the American Muslim narratives are anchored in prejudicial stasis around national security. So the concept of the good Muslim versus the bad Muslim is always colored by national security, in the sense that the good Muslim is one who is helping law enforcement, and/or one of the good guys, and who is not one of them—the terrorists? And that’s it. Your entire utility, as an American, as an American Muslim, anchors around what you are doing to help national security, which is very de-humanizing and humiliating, and robs us of the great achievements that we have made especially in the last fifteen to twenty years in academia, in law, in media—which we are still lacking. And I think—there is something I always tell people—to learn from our “tribe from another mother”—is that Jewish-American communities really did something that I think has really benefitted their community and America in the fact that they’ve become cultural contributors. Especially, when it comes to media, especially when it comes to pop culture, especially when it comes to academia, and when it comes to political life. There was a fantastic study that came out in 2002. It was a statistic that said in 2002, ninety percent of American Muslim professionals were part of—what I call the holy trinity. They were either doctors, engineers, or the catchall business [meaning businessmen or in business].

SAM FREEDMAN: We make Muslim immigrant parents cry at Columbia’s Journalism School graduation [*laughter*].

WAJAHAT ALI: And so, you know it is something that we have learned from, and the last ten years Actually, you know, there is something about that. You know, 9/11, the two towers fell, a moment of tragedy and crisis, also forces communities to have introspection. And I think we have seen the emergence of these, proactive, I would say progressive, Muslim communities grow up making some of the same in-roads, learning from Jewish American communities. That this is how, you not only—you know, you have a multi-hyphenated identity. You cannot just cut off your Muslim hand. You know, cut off your American hand. People are like, “I’m Muslim, I’m American, there’s no conflict.” But, it is a sense of—I think this implicit contract that someone talked about yesterday—we belong to this country, this country belongs to us, and we share narratives with the Jews.

SAM FREEDMAN: Can I just add one thing? I think what makes this especially tragic is that things were trending in the immigrant absorption model right up to September 11th. And actually, what is worse is that it was not the immediate aftermath as much as it was the concerted politicization by [*inaudible*] folks after [*inaudible*]. But if you think about where we were in the 2000 election when both parties were vying for Muslim voters. Newt Gingrich, who maybe changed totally, put a Muslim prayer in the U.S. Capitol. When you saw Muslim American athletes; these could be heroes today to kids growing up worshipping star athletes. So things were really heading in the direction, probably not as fast as it happened for Jews and Catholics but in that direction, and the tragedy is that it’s been so reversed.

WAJAHAT ALI: As far as the research goes . . . what they say is that two of the underlying root causes of Islamophobia, they say is the following: ignorance. There was a *Time*’s study done about two years ago that said that sixty-two percent of Americans say they do not know a Muslim. So number one is ignorance, and that is important because it is not malice. Most of the studies show that Americans do not have a malignant heart towards Muslims. They mostly say, “I just do not know Muslims.” The second part: they say what they do learn about Muslims and Islam they get from the media and media misperceptions, and specifically, sensationalized media reports. The American Sociological Review came out with a study about three months ago that said that the major discourse about Islam in the media, especially in the past ten years, has been shaped by many of the people that I have unfortunately mentioned from the Islamophobia Industry. And the mainstream media has kind of plugged on these anchors. And

what we have also seen as the trends that have caused a recent spike of Islamophobia in the last ten years, I just want to mention them, is the 9/11 tragedy, the election of Barack Hussein Obama, the 2010 ground-zero mosque controversy, which caused a recent spike, a huge spike, according to the Southern Poverty Law Center. The anti-Sharia meme has also been globalized. And also what people are saying is that this country is becoming a minority/majority country. This is huge, and also some of these factors . . . and also the sixth one, and a very important one, which is also the factor leading to the exponential rise in anti-government, anti-immigrant hate groups in the past five years, is the economic collapse, over the past four to five years. That has made for a very volatile, if you will, cultural space, with the ignorance and the media misperception exploited by some of the people. And I think that explains why, [*speaking to Sam Freedman*] what you were just saying, there has been this resurgence.

AUDIENCE QUESTIONS AND COMMENTS

AUDIENCE MEMBER 1: I just wanted to pick up on that last kind of list of factors and maybe push back Sam, on some of the things you just said. Maybe like ten months ago amid the recent *eruv* controversy, I wrote a piece for the *L.A. Times*, just a normal op-ed, I thought not much of it. And then I got a call later that week from somebody at the *L.A. Times* saying they had received so many phone calls against my pro-*eruv* article that they wanted me to write a follow-up, kind of responding to critics. And I was kind of taken aback by that because I thought what I had written was kind of straightforward; it was like what every case had ever said. And the pushback wasn't just local [i.e. in Los Angeles]. It was national pushback. So I think that is right, although I guess more national than local.

And then what you kind of touched on at the end about the circumcision stuff, the way in which it is funded—largely, by MGMbill.org, a national organization that has its own model legislation, that it tries to push on the federal and state levels. And part of it makes me wonder if, I feel like in part of that debate there is an LGBT component, resistance to hetero-normativity and, part of that, kind of pushing some of the anti-circumcision which gets bound up in some other issues. And I guess here is what I am really wondering: maybe some of those factors that Wajahat mentioned should make us think that it is not just that we are going to have two different paradigms: a Jewish paradigm where it is kind of internal and local, and an Islamic paradigm where it's going to be national and invidious. But that maybe we are, it is kind of a sad thing to think about, but we are seeing the trend with the tide, that kind of Islamic model as to how

minority groups are treated in the United States, maybe is going to tip and we are going to start seeing more and more resistance not to just Islamic initiatives, but Jewish initiatives, maybe the way in which even the Islamophobia and the anti-Sharia legislation is now incorporating Jewish law and other things. So that is going to be the new paradigm that faces minority religions in the United States. And I would love for you all to tell me something really happy about why I am wrong.

LEE ANN BAMBACH: Well I do think that Jews and other religions are getting caught up in this anti-Sharia hysteria. I think Canada was a perfect example. Jews had used arbitration with no problem and nobody said anything. And then when there was talk about doing it by Muslims, they just said, "Ok, nobody can do it." So I do not know what the Jewish community is doing [in Canada], and it would be interesting to see whether they are still doing arbitrations. But I see it primarily fueled by fear of Islam and there is a little bit of this secular backlash against religion as a whole, but I do not think that is a huge part of anything.

SAM FREEDMAN: Yeah I just think that, again, I really do not see what you are describing as a resurgent anti-Semitism. I think, if there is a cutting edge, it is what Lee Ann just described, it is more of a very vigorous, assertive atheism that really has not been part of the American public language in quite this way for a long time, if ever, that sees anything that brings religion into the public square as objectionable. And, you know, as someone whose been through both the civil and religious divorce, and had a religious re-marriage, of course it would horrify me if someone would say, "How dare New York state law incorporate Sam Freedman's divorce decree that the [*inaudible*] is given to the ex-wife." That is such an ordinary, prosaic way of civil law acknowledging a parallel track of religious law. But if the fight happens against that, I do not think it is driven by anti-Semitism. I think it is driven by anti-religion, period. In fact, in the religious sphere, you know we are looking at the fiftieth anniversary of Vatican II [i.e. The Second Vatican Council] this year, which is the paradigm shift in Jewish-Catholic relations in this country. The end of decide totally remade relations between, not just at the level of elites, but also at the grass-roots level between Jews and Catholics. And while I find Christian Scientism—because of its expansionist view of the land of Israel and Palestine—very problematic, on a more cultural level, there's been a de facto Vatican II experience for evangelical Christians in this country, who I think in many ways have given up, or down-played, their supersessionist or millennialist

way of looking at Jews, and see Jews as part of a religious continuum rather than as deviants who need to be replaced. And I think that Jews and Muslims in some ways are pit in conflict against each other in this country, which is terrible. In some ways, they become allies and see parallels among themselves. So I do not see it as, you know, we are [i.e. the Jews] lacking with religious folk trying to stigmatize us as Jews. We might be dealing with, again, very secular folk who would find any [*inaudible*] and even when I described my divorce [hypothetical, discussed above], as objectionable. Well I will just stop there.

AUDIENCE MEMBER 1: I would actually love if you said a little bit more about well, I am sorry, I just wanted to hear—I completely agree that this is not anti-Semitic and more now looking more like anti-religion. I'm just curious if any of you, kind of, just to follow up about a bit on that piece if you have something to say on where we are headed.

WAJAHAT ALI: I want to actually talk about some good news, only in the sense that, I do believe that it is, I mean Chris Hedges [journalist] described it as the rise of this militant atheism as a new fundamentalism in a book about four years ago. And I do not know if you guys have been following conversations specifically, but Glenn Greenwald in *The Guardian* and Nathan Lean in *Salon*, about two weeks ago, wrote these two pieces calling out the henchmen of atheism that have been really, kind of, resurgent. And the articles that went viral, specifically [were on] Richard Dawkins, Sam Harris, and the late Christopher Hitchens. And I think there is something about the rise of militant atheism that is uniting religious communities of shared values. And I think also that—this is why I wanted to say some good news—this is unfortunately the fact that this anti-Sharia legislation has united in the past two years “cousins from other mothers,” if you will. I will give three quick examples of why I think that we are on a trend towards something good. Because I do hope that the Islamophobia tide has reached its highest peak and is receding. In Florida last year, the Sharia bill was introduced, and it was in large part, thanks to Jewish-American communities and the rabbis of the communities who stood up with the Muslim-American communities and leveraged their support, that the bill died in Florida. As far as the cultural spaces go, about twelve to thirteen years ago, no influential, pop-culture personality really went [out] of their way to back Muslims. Now I give the example of the Florida Family Association's petition against the show *All-American Muslim* [a reality show on TLC cancelled after one season]. But there was a petition against

that petition that said Lowe's [the home improvement store and originally a sponsor of the show] should not cower to bigotry and fear. And that was signed by, and I mean this is not like a joke, it was signed by gay blogger, Perez Hilton; Rabbi Mark Schneider; William Donahue of the Catholic League [For Religious and Civil Rights]—really a friend of Muslims [*sarcasm*] but stood up for this—Megan McCain; hip-hop mogul, Russell Simmons; and Susan Sarandon. And when it comes to the activism space, [to the audience] have you guys been following “Stop Islamization of America” metro ads for the past four or five months, in New York and D.C.? Everyone knows what I am talking about? Pam Geller and Robert Spencer have come out with these very inflammatory ads: “In the war between the civilized man and the savage, support the civilized man, support Israel.”²¹ And the other one is, they have a photo of the two burning towers, and next to it they take a chronic quote out of context, saying, “Attack them where you find them.” Well, right next to those ads in New York, very similar aesthetic ads, it is almost like a duplicative copy, were taken out proactively by the Sojourners and Rabbis for Human Rights to show that this should not be happening in America, and this is poisoning the communal well.

I also think in the political space, some good news is that, even though Michelle Bachmann won, she narrowly won. But Allen West—and I am giving these names [because] these people work in concert with the people that I mentioned in the Islamophobia industry—Allen West called Frank Gaffney his mentor, and Michelle Bachmann supported the 2010, *Shariah: The Threat to America* [report]. She did a press release for it. Allen West lost, and your own elected official here, Joe Walsh from Illinois—you guys remember what he did last year? [He] went to a city council meeting and said [paraphrasing], “These Muslim neighbors here, they are out to kill you.” He lost. And, I think, what we are seeing is a trend now, hopefully, towards some shared values. And I think, ironically, that the Sharia legislation, as Lee Ann has said, in its current manifestation, should really give pause and concern to religious communities. And we have seen Muslims and Jewish groups come together in places like Florida. And I hope that it is a trend. You know, I cannot give you a specific answer as to the rise of this militant atheism, but it is on the rise. And I am very curious to see how religious communities keep uniting in concert. I hope I gave you an answer.

21. *Anti-Muslim Subway Posters Prompt NYPD to Increase Security in Stations*, HUFFINGTON POST (Sept. 25, 2012), http://www.huffingtonpost.com/2012/09/25/anti-muslim-subway-posters-nypd-increase-security_n_1912239.html.

AUDIENCE MEMBER 2: I was just going to make a point that I think Sam really made in his closing remarks. But I think that, really, the situation of Muslims in the United States is very different compared to other minorities because of the national security dimension. If you go back to—someone did a story on the Murfreesboro mosque controversy. And they were interviewing this otherwise very sweet middle-class woman in Murfreesboro about her objections to the mosque, and at the end she goes [paraphrasing] “It’s the religion of our enemies. We are in all of these places fighting them, so why are we going to put up a mosque here?” And I think that is a, you know, however illogical or irrational, it is very visceral. And, it is a very hard thing to—first I think it is impossible to mind. I think it would be very, very silly for Muslims in the United States to ignore the fact that the United States is fighting, and for the near future will be fighting, numerous wars in Muslim countries. And that is the way it is going to be, I think, for my lifetime unfortunately. And I think that is going to have a dramatic impact on Muslim rights in the United States.

Anyway, the second thing I want to point out is that I do not want to lump this all on right-wing nuts. I mean, the right-wing nuts are right-wing nuts, and they are despicable. Unfortunately, in this case, the federal government is really taking a leap, in my opinion. You go back to 1996 legislation criminalizing material support to terrorism. If you go and look at that criminal provision, those criminal statutes, there are actually two statutes. One is criminalizing material support for foreign terrorists, and the other is criminalizing material support for domestic terrorists. And there is an important difference between the two statutes. For the criminalization of material support for foreign terrorists, no purpose element is required, whereas for domestic terrorists, there is a purpose element. And then in the congressional record, it says that, because, there is nothing redeemable about foreign terrorists, whereas, you know, there might be something about domestic terrorists that have something, so we have to prove you intended to further violence. So when you introduce this nebulous kind of statute, which does not require any intent or proof of any sort of intent to commit violence in order to commit the crime, then you get this kind of infinite chain of causation, which is what the right wing is using [paraphrasing the right-wingers]: “Of course if you’re wearing a hijab you’re contributing to terrorism because we can look at this link of inferences.” But that is exactly the reasoning the federal government uses.

I have testified in different terrorism cases. And the kind of evidence the federal government uses to convict people is very similar to the kind of

reasoning that these right-wing nuts use. So, I am sorry to say this. The rot began from the head, as they say. You know, the Turkish saying that the fish begin to rot from the head. And it is spread down. And unfortunately, the federal government has been the greatest teacher in this regard.

WAJAHAT ALI: Now, I just want to give an example of the national security narrative and how our men will unfortunately be dealing with it. And I just want to touch upon how the local becomes the national becomes the international, and why we should be so concerned. If you are concerned about national security, why should we be concerned with Islamophobic messages? Just real quick. The studies have shown that our enemy is abroad, you can call them Al-Qaeda, Taliban. The number one recruitment tool, and the number one propaganda that they use that has worked is the following: “The West is at war with Islam.” Now I traveled around Muslim communities for the past several years and I am telling you, they are very acutely perceptive as to what has been happening in the U.S. landscape—I mean, they are acutely aware; they follow U.S. politics. In the United States, if you hear the language, the language is, “Islam is at war with the West.” Extremism seems to beget extremism. I just want to give you two quick examples if you do not mind. Anders Breivik, the Norwegian killer in 2011, left behind a 1500 page manifesto where he detailed exactly why he killed seventy-seven people, mostly children. He said that he wanted to punish Europe for becoming “Eurabia” and for being very lenient towards multiculturalism, and specifically towards Islamization. In his 1500 page manifesto, he cites every single member I mentioned in the Islamophobia network. Mark Sageman, the counter-terrorism expert, reviewed the document and said we cannot blame the people of the Islamophobia network for causing this, but Breivik emerges from the same infrastructure. The rhetoric is not cost-free.

Speaking about the Ground Zero mosque controversy, for those of you who remember, Pastor Terry Jones, the dude with the handle bar mustache, looks like Yosemite Sam, he has a constituency of, like, three [people]. And he’s becoming an international figure. He said [paraphrasing], “If you do not move the Ground Zero mosque I’m going to burn the Quran.” So, what people forget sometimes is that in April 2011, he actually went ahead and burned copies of the Quran. The Afghan Taliban was waiting for that to happen. About two weeks after he did that, they laid a siege on a U.N. compound, killing nearly two-dozen civilians. When asked for justification, the Afghan Taliban said [paraphrasing]: “The West is at war with Islam. Pastor Jones burned the Quran.”

And I just want to touch on the national security component, and I think you are right [*speaking to Audience Member 2*], that many people share the same—I mean I do not know if it is the head. There is difference in agreement about the federal government. But the federal government has used many people in the Islamophobia network as experts when it comes to training law enforcement, and specifically when it comes to FBI counter-terrorism officials. The Islamophobic teaching material was purged after *The Wired* article that came out last year. But Robert Spencer's information about Islam and Prophet Mohammad was being used to train FBI recruits, who would then interrogate potential Muslim terrorists. So there is a component of law enforcement, at the state, local, and federal levels, that I think have unfortunately worked hand in hand. I will give the last example as the A.P. Pulitzer winner from 2011. You guys have all followed it, where the NYPD [did] widespread surveillance of Muslim communities, for no other reason than that they are Muslim. I am talking about schools, where they eat, even at universities like Columbia, where they infiltrated the MSA [Muslim Student Association] and went on a kayaking trip, and the reports were, "They talked about praying a lot." I am not making this up, [paraphrasing] "They want to pray four to five times a day. They're very religious." And a year after this groundbreaking Pulitzer report, the NYPD had to admit that because of investing all of this time, this money, and these resources in counter-terrorism, they found nothing. I just wanted to comment on that. Sorry for talking so much.

AUDIENCE MEMBER 3: I just want to make an observation, especially to Wajahat, that I do not think it is a coincidence the anti-Sharia legislation in some ways use examples of court cases. Because I think that court cases have a certain ability to legitimize and have a certain ability to go viral in American political life. A great example of this is in a slightly different field. If you look at the tort reform debate, I mean, fifteen years ago nobody in America knew what the law of torts was. No one had ever heard of it. And most voters now have some view about the tort reform debate. And one thing everyone knows about the tort system is the McDonald's coffee case. People ask me what I teach now. I say "Torts." They say, "Oh the McDonald's coffee case." So, just as in the cases that you are describing, the McDonald coffee case is mis-described. Or the famous case where the woman got compensation damages for being psychic, which was also a case that either never happened or was quickly reversed on appeal. Those stories were leveraged by the business community and the chambers of commerce to create a narrative that was then used to leverage legislation in

state houses around the country. And the pattern is extremely similar and I would say even more pervasive in a sense. I mean, Islamophobia is a few years behind the tort reform movement. But the mechanics of it, which you seem to be interested in, can be clearly traced. And one of the things that is so difficult about this is, that in order to change the narrative, you have to introduce complexity into what the case was really about or what the grounds of the decision were, or why that this was self-corrected by the judicial system internally. And those complications actually do not make for particularly successful narratives in American political life. And so the ability to leverage outrageous cases seems to me as a stock tool in the building of political movements in the United States that also lead to this sort of widespread move for legislation.

WAJAHAT ALI: I think that is a really astute observation. I think the fact that you talk about narratives is key. And the counter-narrative—we are in this space now where in the past five to ten years when it comes to lawyers or activists or journalists or people in the pop-cultural space: “How do we create either counter-narratives or alternative narratives?” And the one thing—I will give credit to the Islamophobia industry for a lot of things, which to you sounds strange—is that they are very good at creating these emotional narratives. Lee Ann talks about it—it is almost absurd, but the absurdity of the legislation becomes nullified due to this very compelling narrative that taps into an emotional root. And they run with it. They run with it quite well for both their constituency and for these memes that will go from local to national to international. And it seems sometimes that those of us who want to, you know, inject sophistication and facts sometimes are unable to make a compelling narrative to the people that includes the complexity but also taps into the emotion. And, to be honest—we have been talking about this the last two to three years behind closed doors—often times people are in a space of, “Ok, let’s hit them with facts. Let’s hit the public with facts.” Sometimes, as you know, the public could care less about facts. As Muhammad [Audience Member 1] was saying, “Ah, you seem nice, but you’re a good Muslim. You are not like those guys. They are trying to kill us.” And that narrative is like seeped in the heads. So I think you made a very good point, and we are still in that space now of crafting narratives.

SAM FREEDMAN: Well, being a journalist and a journalism professor, I can make a couple of observations. What was that saying? If you are not trying to be accurate then all you need to do is, sort of refine your message.

And just in that phrase—the Ground Zero mosque. I do not know if it was a lucky guess or if a focus group did [it]. But by making that the phrase, you know, the first thing you need to do was, in covering that accurately, was try to walk it back and say, “Well it’s actually not Ground Zero, and it’s not actually a mosque.” And for that matter, as I wrote about in my column, there had been a Muslim prayer room in the twin towers, you know. So what? It is hard for that complexity to win the battle against some simplistic label.

Another point that I would make that goes to some of what Wajahat said is that there are all kinds of advantages to the digital revolution in media, but there are huge disadvantages too. And two of them have really come into play in the current climate. Number one: the line between professional and amateur, or between a real journalist and an ideologue has all but vanished for most news consumers. When people get Tweets, when they go on the web, all too few of them when they are reading a curated site that at least makes an effort, either to be non-partisan in the American journalist tradition, or to be responsibly partisan on one side or the other in the more Western European tradition. Between that and between just random advocacy, or no pre-tense of verification at all. So it is very hard to discern, for much of the public, what they are getting—what its providence is, how believable it is. And then the second thing is that it super-empowers a Terry Jones. Or—this is more about homophobia than Islamophobia—the Westboro Baptist Church. That you can be what they call a “jackleg preacher,” a preacher who is kind of a fraud. And if you can do something outrageous enough, to get picked up on the news, then it is instantly going to echo around the world. And, it is so difficult at times. I wish that journalists would just agree to boycott Westboro Baptist and boycott Terry Jones, but the problem is that even if we did, they can still communicate through Facebook and through YouTube, as we saw with that crazy, bigoted version of the movie that the Coptic Christian from L.A. made. Put it out there anyways and it becomes its own reality. So how do you get that stuff back in the box? I do not have an answer.

Then the last thing is something that really saddens me when I talk about one of the counter-narratives. I am a big pro football fan. As I am watching all the games, I see this Prudential commercial—even though I usually have the sound off. But they put the guy’s name up and it was “Mujahid Abdul Rashid.” And then I say, “Wow, a Muslim guy in a commercial selling insurance. How great is that?” So I actually decided to put the sound on during the football game and heard the text, which was very wonderful. It is him talking about being a grandfather, and you see him

going fishing with his grandkids. So I thought, “This is so admirable. This is such a healthy sign: an identifiable Muslim being used to sell an ordinary product like life insurance or annuities.” So I decided to do my column about it, and got ahold of the ad agency that put it together. They were psyched, you know, proud of it, justifiably. Got ahold of Mujahid Abdul Rashid. He was really happy to talk about it. But Prudential did not want to own their good deed. You know, first they did not want to talk at all. Then when it became apparent that we were doing the column “with or without ‘em,” they released these preposterous statements that they had no idea that he was Muslim [*laughter*]. And I thought this was the sad post-script to an admirable piece of popular culture, which is that you do something that in its own way is to bowl for tolerance, and then you want to distance yourself from it. And that was as depressing as some of the “Gellerism” that is out there; that even when there is a positive thing, people are like “Uh oh, the *New York Times* is going to point out that we had a Muslim in that commercial. Yeah, that might be bad for business. Let’s hold that at arm’s length.”

MODERATOR: I think what I would like to do at this point is, we are not really running out of time but . . . let us take questions in a little bit of a bunch. So if you guys [the panelists] can take notes to make sure you write [what was asked]. I will take them three at a time.

AUDIENCE MEMBER 4: I would like to make little bit of an observation, and I also have a question in relation to the anti-Sharia laws that obviously affect Islamic arbitration in the United States, because I have done a little work in this area as well. My sense is that, and this goes back to what Michael Helfand spoke about yesterday, a lot of this—at least in the non-popular, in the legal community, in the political and legal community—a lot of this seems to have to do with a misperception of viewing Islamic law, Sharia, Islamic courts and arbitration tribunals and the like, in religious rather than legal terms. And in many ways, I do not think this is the case with Jews anymore. And part of the reason I think that is so is because there have been developed over time—and I think that is one of the key things in this entire discussion, is that it just takes a lot of time for a particular community to become another presence in American life—but over time, Orthodox Jews have developed various organizations: the Orthodox Union, Beth Israel, the Rabbinical Council of America, Yeshiva University—various institutions that play a very major role in blogging and in general political life. People looking for a quote or a comment can get one

from the head of the Orthodox Union; they can get one from the President of Yeshiva University. That represents something—that what Judaism is, what Jewish law is—and makes it far more accessible and far more understandable to the wired society, and particularly those in the legal/political community who are willing to think of these things in a nuanced, sophisticated way. And I wonder whether there is any sense in the Muslim community, in news organizations like the Fiqh Council of North America, like AMJA [Assembly of Muslim Jurists of America], and other organizations—I do not know how many there are or how widespread there are—associations of mosques and imams, to kind of become gradually more sophisticated in dealing with the public interaction, the political community, the legal communities, the journalistic communities and kind of getting the message that, especially with respect to Sharia, a lot of what we are dealing with is law, not religion. And I think there are places to inject nuances to the discussion where people are receptive to it. And again, the problem is that there is no hierarchal organization really for the religion, but if there are such institutions to make semi-authoritative statements—persuasive statements about the Islamic law—about Sharia where it entails how it works, that might do something significant to begin to shift things to an honest understanding of what is really going on.

AUDIENCE MEMBER 5: Two very brief points and a question. You mentioned the fear in your talk. The idea is a fear concern . . . which is that you can hide your faith if your life is on track. You mentioned those who are involved in this empire of Islamophobia. I just wanted to add that another dimension is how these things play out in the Muslim community. That when they see that, it creates this perception that it is actually Jewish community, or some kind of Jewish conspiracy, that they are trying to demonize this law. You know, since the Muslim community does not understand very well the Jewish community's various shades of opinion, their internal diversity, so they add this dimension to the degree in forces imperious that exist in the Muslim community. My question is: Is this war against Sharia part of a global foreign policy in which, particularly some Republican lawmakers and politicians see that in post-Arab Spring, there are rising Muslim political movements and Sharia is a very important part of their agenda, like the Muslim Brotherhood and elsewhere. So they see that America is at war with this interpretation of Islam and they want to secularize these societies. So, they do need to create a very strong, negative opinion of Sharia so that these conflicts should be justified, that they are

finding against a kind of evil ideology and it gives a moral justification of these conflicts. Is that possible or is it just a domestic thing?

AUDIENCE MEMBER 6: I just wanted to respond to something, a couple of comments that were made earlier about an alleged rise in atheistic radicalism, and that this has something to do with this issue. To me this is quite an astounding thought. Those of us who are not affiliated with any religion actually have exacted the opposite feeling: that religious influence is increasing in this country. There is no place for an atheist in public life. No politician would admit to being an atheist, and I'm sure that none of these people in the organization, you know, this whole group that you're talking about, I'm sure that none of them self-identify as atheist. So I do not know where this is coming from. I mean, I just feel quite surprised and I'd like to have some evidence that the radical atheists are at all involved in any of these things that you're talking about.

AUDIENCE MEMBER 7: Well I consider it supplementary to that because I also want to question point [*inaudible*], and I think that the comparison that I raise, Europe, is sort of instructive on that. And I am thinking of the circumcision case in Germany where Germany is supposedly one of the most atheistic, anti-religious countries in Europe. And so, there that seems to be warranted that there is a growing force behind that and Islam now comes to represent "religion," more than Judaism. And the argument—one of the most intelligent arguments that I have read on the whole debate on the attempt to illegalize circumcision—was that if the Muslims had been the only ones who circumcised, they would have declared it illegal in a second, but because the Jews also circumcise, Germany had a PR problem [with the Jews]. Therefore, [*cuts herself off*] And to supplement your point, [surveys show] that America is one of the most religious countries of the Western liberal democracies compared to Europe.

PANEL RESPONSE

LEE ANN BAMBACH: I will start and address Schlomo [Audience Member 4]. I would argue it is the opposite. It is not that you see Islamic law as religious rather than legal, but popular opinion sees Islamic law only as legal and not as religious. If you ask people about Jewish law—well you have kosher, you have prayer, you have things like that, and those are all religious. But if you ask about Sharia, it is—well they amputate, and they stone. When I was talking to my brother one time working on this ABA

project about Islamic law, he immediately said, “Oh, well we do not want Islamic law in this country. I mean, they kill people.” I said, “I am in Georgia; we kill people here too.” So I think getting people to see more that Sharia is not necessarily these criminal laws; I have not met a Muslim who wants to apply these criminal laws in their country. Even when they do want Sharia tribunals, it is more for domestic issues—some contract [issues], marriage, and divorce definitively. Women need tribunals; Muslim women need tribunals oftentimes to get out of what we call “limping marriages” which is basically the equivalent of “chained women” in Judaism. So tribunals actually help women. But that perception is lost on the public—it is not seen. I think there are Muslim organizations that are trying to educate the public and are trying to reach out. You have ISNA and the Muslim Public Affairs Council that have had campaigns specifically against anti-Sharia legislation, and more generally, describing what Sharia actually is. But you are swimming against the tide, so it has not made a big impact.

SAM FREEDMAN: Let me just throw in one thing on that, which I was going to bring up and which I am very alert to as a journalist. There is this constant effort to smear CAIR (the Council on American Islamic Relations), ISNA (Islamic Society of North America), MPAC (Muslim Public Affairs Council), and Muslim Student Associations—any of these groups—which I found as a journalist responsible places to go for comment and explanation. They are perceived as being fronts for terrorism or fronts for Hamas. So it is not that these groups do not exist. It is that they are subject to an effort to, not just erode their credibility, but flip them into being front organizations for worldwide terror that the RCA or the equivalent Jewish groups certainly generally are not. The only thing I can think of that is somewhat similar is that there is certain discourse around Jewish groups that uses terms like neocon or Likudnik as, in least in my view, a euphemism for “Jew” period. That would be a close parallel. But entire groups—the American-Jewish community, the ADL—are not called into question the way CAIR, ISNA, and other groups are. These are sort of the mainstream organizational voices. And one thing I add—I think is where, we pointed to it earlier—is that it is not just the far right wing; there is a mainstream element too. I think that part of the elephant in the room here in part—what we as Jews and Muslims need to work out with each other—is that, I think one of the reasons for the portrayal of those groups in that way is that it is our back-handed screwed up way of acknowledging that we disagree often, though not always, on Israel and Palestine. Instead of just

saying that our relations as American Jews and American Muslims are going to have to include, at times, vigorous but civil disagreement over that issue, while working around many others, instead, we do not talk that through, but we sort of say, “Well because these groups are sympathetic to the Palestinian cause and Palestinian nationalism, they must be fronts for Hamas. They must be fronts for terror.” And that is just a twisted way of a legitimate disagreement being played out. We need to find healthier ways of saying, “We’re going to come together on immigration reform; we are going to come together on other social justice issues; we are going to come together on religious freedom issues. But you know what, we are still going to disagree a lot of the time on Israel and Palestine, so let’s just say we disagree and figure out what things we can work together on.”

WAJAHAT ALI: I’m going to try to consolidate actually all four questions, if it is possible, succinctly. But just going off of that great point—when it comes to Muslim organizations, I would still say that many of them are like newbies, if you will, and 9/11 was a baptism by fire, if I may use that [expression]. The spotlight and microscope was placed upon the American-Muslim communities and institutions, and many of them did not have these deep roots, deep strategies, deep networks, deep sophistication, in responding effectively. Forget about alternative narratives—counter-narratives. It did illuminate, if I may, some of the incompetence that exists as a result of being relatively, I think, new in these fields, which is critical because it is self-reflection of the fact we did not invest wisely in some institutions and certain professions. And it showed. But, I mean, we are getting better. And also, what he [Freedman] was saying, there is a very deliberate effort by the Islamophobia network. Speaking about the definition of Islamophobia: it is about marginalization, exclusion—to paint any mainstream Muslim organization, individual, or politician, as being a member of, now they say, the radical Muslim brotherhood. Anyone who gets mainstream. Keith Ellison—you guys remember that? Several years ago, Glenn Beck on Fox News openly said, “Sir, prove to me you’re a patriotic American.” So the fact that anyone gets a mainstream voice, even cultural contributors. I mean, I have been hit as a man who hates America; they call me Hamas, Hezbollah, and The Radical Muslim Brotherhood. I am like everything.

SAM FREEDMAN: [*Jokingly*] well, that is all true though.

WAJAHAT ALI: Yeah, it is all true. And also with Muslims themselves, I mean, I want to go back to the point where we are the most diverse religious community in America. We cannot even decide what day to celebrate *Eid*. So think about getting across a consistent message that represents our community. Muslims would say, “Well, what community? Sunni community? Shiite community? Barelvi Sunnis, or Deobandi Sunnis? Salafi or Desi?” And so forth and so forth and so forth. So, sometimes it feels like we are running around like a headless chicken. But, I think what we are finding out—especially because people realize there is a shared space both in America and this is affecting national security broadly—is that we are getting a lot of help especially in the last three years, especially ironically from the 2010 Ground Zero mosque controversy. I have seen in the last two to three years, a lot of people are coming to Muslim-American organizations, and Muslims-American organizations are going to both secular and religious organizations asking for help. [The Muslims-American organizations are asking] “You guys have a model, teach us how you did it.” And we have been seeing that. When it comes to Jewish conspiracy, unfortunately, the elephant in the room is always Israel. And this kind of contaminates even what should be shared spaces and shared messages. And like I have said, when you have traveled around Muslim communities, you know, people looked at those players in the Islamophobia report and they said, “Hey, Frank Gaffney, Pam Geller, David Horowitz, Daniel Pipes. Is this a Jewish conspiracy?” And I always, always push back against that, because if you read the report, we do not give imputed intentions to why people did what they did. And it is not fair to say that it is just “the Jews,” because if you look at the people behind the last ten to twelve years, it is not just certain Jewish-American organizations. It is also what I call the Evangelical Christians—okay, certain Evangelical Christians—[like] Pat Robertson. Also, the Maronite Christians—like Bridget Gabriel of Act for America and Robert Spencer—and also some Muslims like Zuhdi Jasser. So it is like this multi-cultural coalition of the willing on the Islamophobia front.

But what we have seen in the past three years is also this multi-cultural coalition of—I think—this diverse American front as well. And I think it is very important for American Muslims to say that we have Jewish-American partners. And that is why I think—speaking about the narratives—it is important to have two things: a narrative that is crafted by diverse communities, but also the messengers of that narrative have to also be non-Muslim partners. It is very key, which is why we have seen a lot of headway in mainstream space, because people say, “Oh, this is not just a Muslim issue. This is an American issue about pluralism.”

SAM FREEDMAN: You know, something that you just touched on reminds me, in my old man with Lasik and hearing aids way, only now did I come up with a better answer to a question somebody asked probably an hour ago: What allowed Jews to become mainstream, and for that matter Catholics as well? In fact, maybe it was in Lee Ann's question. I cannot keep anything straight. Interestingly, what allowed it was World War II for two reasons. Number one: the quote "Judeo-Christian tradition" is not a tradition. It is a social construction. As the historian, Deborah Dash Moore, points out in a terrific book about Jewish soldiers in World War II called *GI Jews*, it was constructed to have a unified fighting force in World War II. Because in World War II, with mass conscription, you had a lot of Jewish soldiers, and a lot of Christians soldiers, who either never encountered the other before, or had encountered each other only in volatile ways. I mean, the Jewish archetypal experience was to be chased by the Irish-Catholic tough kid in the neighborhood and be beaten up for being a "Christ killer." All the men in my father and uncles' generation had that experience. Vatican II, by the way, totally made that not my experience. But to create a unified fighting force, the Judeo-Christian tradition was invented. And it also helped in fighting against godless Nazism and godless racial supremacy in Japan. It was another way of defining who is on our side and who is on their side. That Judeo-Christian tradition was such a good idea that it was given legs after the war.

Another way in which the war contributed and enabled the inclusion of Jews and Catholics is the inclusion of African-Americans. How can you fight a war against two forms of racial supremacy and then come back and continue to have racial supremacy, or religious bigotry, tolerated in this country? It is no accident that initially there was anti-Catholic bias, then an anti-Jewish bias, and then a lot of anti-Black bias—at least the legal instruments are toppled in the twenty years after World War II. World War II makes it impossible to politely sustain that argument in the United States. And, what we will need is a comparable moment for Muslim-Americans. It is terrible that we have not utilized the loss of Muslim-American life in the September 11th attacks, and the valor of Muslim American soldiers and first responders in the years since then, as a way to make that exact point.

The other thing that I think will be needed is leadership. In a way, Eisenhower, as an ultra-white-bread Protestant, was a good man to put into play, of course, the idea of Catholic and Jewish inclusion because he had no skin in that game. He was neither.

I think, similarly, Barack Obama, because of the way he is perceived sadly as an alien and as a cause of the Muslimizing of this country, will never, as articulately and as eloquently as he can make this point, be able to be the person who can put this point over. It is going to have to be the whitest, most Christian, and probably non-Catholic and certainly non-Jewish, person in the political landscape, who is going to have to be the one who messages this. I think there were brief flickers of it in 2008 when John McCain talked back to that woman about Barack Obama in that town hall debate. But that is just one fleeting moment. Or when McCain talked back to the people who booed Obama on his election night as McCain gave his concession speech that night. But you need someone—the whitest white person—the most Christian, Christian person.

WAJAHAT ALI: The most “American.”

SAM FREEDMAN: Well yes, symbolically—just how Eisenhower was—who is going to have to be the person who carries that message out.

AUDIENCE MEMBER: But [George] W. was very good—sorry to interrupt—but W. was very good. Then he made the decision to invade Iraq, which undid everything.

SAM FREEDMAN: I agree, I agree. I think what W. did, going to the mosque four days after September 11th, was major. And you are right; it undid it all. But I think one reason that there was not a backlash that has happened since then is that he gave an important—a hugely important—message that day. And that bought some time.

WAJAHAT ALI: The state of the union address.

SAM FREEDMAN: [*Nodding*] The state of the union address. And it is just unconscionable that that moment was lost and that it veered so far to the other extreme.

WAJAHAT ALI: Can I answer that atheist, in response to that atheist one? I do not know if she left. Perhaps it was ineloquent wording on my part, but I did not mean to suggest that all atheists, or that there is an all-militant atheism. I was very specific about names in particular, and I want to stress those two names again: Sam Harris and Richard Dawkins. And

yes, there are types of the Islamophobia network, and I am going to give you three names. Just go to Google because they do a good concise summation. Last week, Glenn Greenwald came out with a great article in *The Guardian*, which followed up Nathan Lean's great article in *Salon*. And specifically, Dawkins and Harris do both, I would say, have a sense of militant atheism, which has a specific animus towards Muslims and Islam. Dawkins has been using many of the literature and some of the writers who have shown up in the Islamophobia network, and who are used by both Pam Geller and Robert Spencer. And Twitter, speaking of both being an entity of good and bad, I think some people should never get on Twitter [*laughter*]. You know, some academics just stay away from Twitter, because Dawkins in the last two months in particular has unleashed certain, very clumsy, lazy invectives against Islam and Muslims. And he said that he has not even studied the Quran, but he knows enough about it, which kind of betrays [*laughter*—no, I'm serious, go research it. It betrays some of, you know, if you're an academic . . .

SAM FREEDMAN: So much for scientific method [*laughter*].

WAJAHAT ALI: Yeah, yeah, scientific method. But, if you really see these claims he's made, first and foremost, they have teamed up with some of the people in the Islamophobia industry, at least implicitly, and there seems to be a high level of animosity specifically towards Islam, whatever "Islam" means, and Muslims. So I wanted to narrow that focus of atheism. Specifically, those two people.

MODERATOR: Okay, I was hoping we would have time for one more round, we do not have time, but we will have one more round anyway [*laughter*]. And let me just say after that, we'll thank our panel, and then there will be a lunch break and we will reconvene here at 12:30 for the last panel and the final keynote speaker. There is lunch available in various different venues around here.

So, for the last group of three. Mohammad, I was going to give you a short one, but I let you have that last one on W. I am going to have to spread [*inaudible*]. Our [*inaudible*] from Hawaii, and then Jonathan and then [*pointing*] . . .

AUDIENCE MEMBER 8: My name is Gary.

MODERATOR: Yeah, great.

AUDIENCE MEMBER 9: My name is Kareem Hunt. I think Sam mentioned it, but I would like to hear more about the student Israeli conflict. [*Inaudible*] Second World War, the right of Christianity and Zionism, especially. How might that be, in this day, contributing to the Islamophobia that Wajahat discussed?

MODERATOR: That, by the way, is a model of a nice crisp question [*laughter*]. Everybody keep it like that; it would be good.

AUDIENCE MEMBER 10: I want to speak up in favor of something that's been criticized several times this morning which is "good Muslim, bad Muslim." As a Jew, I endorse, embrace the dichotomy of "good Jew, bad Jew." [*inaudible*] Opposition to the violent settlers of [*inaudible*] movements and Israeli rabbis trying to monopolize and establish extremist interpretations of Halakha. The despicable Pastor Jones in the YouTube movie was outrageous, but so is killing two dozen people because of that. I think it is very important for Jews and Muslims if we are going to have, as I hope, an effective long lasting alliance, to speak up frequently against the extremists and murderers in both groups, especially our own group. By the way, I always emphasize the fact that I am an American Jew, not a Jewish-American. I am a Jew first—I assume you are Muslims first—and I have more in common with other Jews than other Americans. "Jewish-Americans" is something that the Americans invented. The Americans invented the U.S. government, which I do not accept. Sorry, American Jews.

AUDIENCE MEMBER 8: Well, I am not working so that indicates that I have some baggage when I come here. We have not yet found out the cause of the recent bombing in Boston. It probably wasn't done in the name of atheism or regarding religion in the name of the Bahá'í faith. I think Chris Hitchens made a mistake, with all due respect to him. God is not great; religion spoils everything. It's not just something people do harm in the name of. You can do good in the name of it. And I was born to a Jewish family, but I wasn't intellectual when I was thirteen. I became an atheist, but then I came to realize something. Freud and Chris Hitchens were both very stoical. Most people aren't going down in history. You know, I did not have a very great life, so I'm skeptical and I should do my homework and find out what the philosophical skeptics mean. I do think religion was

probably made up, but I do hope there is something more than this, because we do tend to want there to be something more than this. Religion is ultimately very subjective, because unlike the physical sciences, you know, no doctor has seen a soul. God does not talk to people through burning bushes that do not get consumed. So, and again, I have baggage, if you want to unpack something, what I say is law, it must be based on secular reality, which doesn't mean atheistic, it means nontheistic. For example, our traffic laws are not based on atheism or theism. They are based on safety. And ultimately, this does have a religious dimension—safety and protecting each other, protecting the environment, being above board in our legal and business practices. And so I hope I make some, I'm not that famous or rich; I wish I were both, but I sometimes do tend to make a statement after a lecture, but I hope it was not totally inappropriate. If you knew my problems, you would forgive me.

MODERATOR: Thank you.

AUDIENCE MEMBER 11: I do have a couple of quick questions. One for Wajahat. Is anything being done at the grass roots level, like in schools—Jewish schools, Christian schools, or public schools? And also, I'm not sure because I'm an outsider, obviously,²² are there schools where children are being prepared to face these challenges? Especially with someone like yourself—if you are doing some work in schools—because we have some stuff in the United Kingdom now where Jews, Christians, and Muslims go in together sometimes in schools, or just in general, to do something for the kids there.

And something for Sam and Lee Ann. I'm thinking about something around the idea of joint—I mean you touched upon it—statements between Christians, Jews, and Muslims and whoever else. I do not want to use the NATO line where, an attack on one is an attack on all, but instead of Muslims defending Muslims, it is kind of a cross-party defense. We did something like this in Europe for the circumcision controversy in Germany, where I was told to write the statement and it was signed by a Mumbai Muslim scholar and also a Christian priest. And we found that's a much more effective way of doing things, especially for the Muslims when we have Jews and Christians on board. If you get a large enough member base—it's not just a Muslim, Christian, and Jew—if you can say, "We have 2,000 members who have signed up for our mailing list," for example, you

²² Mustafa Baig is a scholar on Islamic Studies in Manchester, United Kingdom.

are representing an organization with possibly many thousands of members, you will have quite a bit of clout if you can work [*inaudible*].

LEE ANN BAMBACH: I'll start by addressing your [*pointing*] issues that you raised when you said laws must be based on something secular. We can never become completely secular in our laws, and I think you cited that. Again, I am from Georgia, and I was walking in the grocery store one Sunday with my eleven-year-old son, who mentioned the fact that they do not sell liquor on Sundays. He asked, "Isn't that against the Constitution?" So these blue laws are definitely based on a Christian, Sunday Sabbath, and things like that. But I agree with your idea that they shouldn't be blatantly religious. And we do the best that we can to create a secular, non-religious legal system in this country. But I do not really see anybody pushing against that. Even the most orthodox Muslims who I've interviewed, who really want to establish Islamic tribunals in this country and who see that as essential to their faith in the way that Orthodox Jews would, because Orthodox Jews should not sue each other in non-Jewish courts, for example. Most Muslims are very clear that the civil law, that the secular law, places limits on them in this country. We have health and safety regulations; we have criminal regulations. So I do not see that as an issue really for anybody in this country. Wajahat, do you have something else?

WAJAHAT ALI: I'm going to try to be succinct on all of them. The reason why I think "good Muslim versus bad Muslim" is so problematic is I'm not adverse to some self-policing or calling out those among us who are bad, committing terrible, illegal acts. There are people who are "bad" and there are people who try to legitimize or rationalize their "badness" in the name of religion, which taints both the religion and the individuals who are part of that religious community. The problem with Muslims as still being "not mainstream" is that there is a rich ocean of Jewish narratives in America. I will give you an example, like Seinfeld; when people see Seinfeld, they think, "Oh he's that Jewish comedian." And we all know he's Jewish. Seinfeld is a comedian who is from New York, who is funny, and who happens to be Jewish. Okay. And there was a process, if you will, of the Jewish civilization, the Jewish immigration, integrating into the American Whiteness; where being Jewish do not seem that exotic any more. You can be a character, who happens to be neurotic and who happens to also be Jewish. But now there is still the exotic marker attached to Muslims. And when something, let's say . . . we'll use the Boston Bombing example. If it was done by a Muslim, the American Muslim community, and even those

who look Muslim but aren't Muslim, will be asked to interrogate, defend, investigate and explain their Muslim-ness. Alright? The burden is borne not by the individual or those who helped that individual commit that terrorist act; it is borne by the local, national, and international communities that looks "Islamic" or who are Muslim. And the way I try to [simplify it] is if it is a white dude who does it, like, let's say McVeigh. Suppose there is an anti-government individual who does this, we find out in the next week. White people will be like Bugs Bunny. The anvil will not fall on their head [laughter]. Nothing will happen.

If it happens to be, however, God forbid, a minority—forget Muslim—that does not have that cultural, political space, right? He will be like Daffy Duck. The anvil will fall on all of our heads and the shrapnel will be blasted right in front of our face, which is why I think the "good Muslim, bad Muslim" dichotomy is also very troubling.

In going back to our national security narrative, there's so much more to our lives and our narratives than just national security, right? Go to sports—Mohammad Ali, Hakeem Olajuwon. A lot of people say talk to them about national security. Honestly people? I have been in discussions with NCTC and that set, and they say, "Tell us where Abdul the "extremist" gets his information. Where do the Taliban hang out?" [Laughter] No seriously, and this is the response: We do not hang out with those people, okay? Those people are effing crazy. Like, why would we hang out with those people? Do you see what I'm saying?

AUDIENCE MEMBER: Do we need a Muslim Woody Allen? [Laughter]

SAM FREEDMAN: It is interesting that some of it started, instead of comedy, a little bit in theater, and in the literature, the Muslim-American story is starting to get a little traction. But those are forms that speak really to cultural mandarins—the elite. I think the question is when will the mass media—when will a really big Hollywood movie, when will a Seinfeld level popularity TV show—have a Muslim? Audiences loves this person protagonist.

WAJAHAT ALI: And the Muslim-ness is not a primary, or even a secondary consideration. It's a process. And it is a process that others have gone through. I just want to make a quick point about—someone talked about the succinct question about evangelical Christian, Israel, and Palestine [inaudible]—no we should talk about it. As far as the Islamophobia industry goes, there are significant ties to what we call evangelical Chris-

tians—the extreme, and I would say, a cynical and politically expedient union with those who are for the right-wing Zionism. But I do not want to be inelegant in my terminology. Pastor Hagee, Christians United for Israel—Okay? We all know the narrative—that the messiah will come back to the Holy Land, Jews need to control it and sedate it, and once the messiah comes back, pretty much the first people killed will be the Jews.

Let us be real about this. And then Muslims die after, apparently. But then you have Christians United for Israel. And you have Brigitte Gabriel who is a Maronite Christian, leader and co-founder of Act for America, the leading anti-Muslim grassroots organization. We will talk about grassroots for a second. Who gave a talk at a Christians United for Israel conference and who said [paraphrasing], “Arabs and Muslims have no soul. They’re dead set on killing?” Pat Robertson of the 700 Club, a very influential evangelical Christian, deeply tied to the Islamophobic network, and also a proponent of the anti-Sharia legislation.

Now you have the son of Bill Graham, Franklin Graham. So there is a political union between these groups that plays out on the grassroots initiatives in a big, big way. And Muslims and our allies do not have a strategic organized force to counteract that. What we have seen in the last two years are pockets that spring up in communities—like New York and Tennessee—ad hoc stuff that is emerging and bubbling.

LEE ANN BAMBACH: Well, let me even tie in . . . you said you know that Muslims need to speak up. And every time there’s some kind of attack, whether or not it’s by a Muslim, it is always, “Well Muslims need to condemn the bad Muslims within their group.” Well yesterday, within hours of the bombing, I started getting emails and press releases from all of these Muslim listservs—CAIR [Council on American-Islamic Relations] and other ones—condemning the bombing and praying for the victims and victim’s families. But somehow, those do not get translated into Muslims saying anything.

SAM FREEDMAN: This is exactly something I was going to say. I will bet if I went back, I could recover all the email I have deleted, you know, after that attack on the U.N. base. I would be surprised if I did not have an email—an e-blast from CAIR and some other Muslim-American groups—condemning it. The problem is that there’s such an unexamined premise that there are no moderate Muslims, or why do not the moderate Muslims be heard that even when, you know . . .

LEE ANN BAMBACH: They say something . . .

SAM FREEDMAN: It's ignored because we all know there are no moderate Muslims. And also, because I think there's a use of the legitimate disagreement between many American Muslims and many American Jews on Israel-Palestine; there's a misuse of that as a way to delegitimize anyone as a moderate Muslim.

WAJAHAT ALI: Right.

SAM FREEDMAN: If you're a Palestinian nationalist; if you're a unitary state person—I'm not, I'm a Zionist, a liberal sort, but a Zionist nonetheless—but if you're a unitary state person as a Muslim, that doesn't make you immoderate. To me, that cannot be the definition, you know, then we are probably going to wipe out ninety-eight percent of American Muslims as moderates. I do not think that there is a reason to do that.

And also one more thing on the good Muslim, bad Muslim. The problem is that life is more complicated than that, and someone can be good on one issue and terrible on another. As I was going through my preparation for today, Rabbi Hershel Schachter from RIETS, the Rabbi Isaac Elchanan Theological Seminary at Yeshiva University, has been great on the issue of [*inaudible*]. He's been an important voice in the Orthodox world in saying this is anathema, this is dangerous; it's not religiously required. But within the last few weeks, he made some outrageous racist statements about blacks. So is he the good Jew, or is he the bad Jew? I can think of, you know there are, Jews in the Torah world who will take stands I might approve of on medical ethics and take stances on territorial expansion or maximalism in Israel, or the power of the chief rabbinate in Israel, that I may find objectionable. So, good Jew or bad Jew? I think it is risky to try to boil things down that way.

MODERATOR: I know I did give you guys a handful. I did want to make sure somebody said something about Mustafa's question about school initiatives and then you take it [*inaudible*].

SAM FREEDMAN: I'm sorry Mustafa. My kids went to a Jewish day school, although it was a very hippy-dippy one, and they did a lot of interfaith; there is a lot of emphasis on interfaith work. And they had speakers that focus on America. They had a lot of speakers about Israelis—

Palestinian Israelis and Jewish Israelis—and the efforts at coexistence there. In fact, the founder of the school that they went to is big on that issue, so some of it is out there.

I also want to end on some of these statements—the need for joint statements—absolutely. I was proudest of Michael Bloomberg; my Mayor in New York was in the middle of the “Ground Zero Mosque” controversy. He put together an interfaith group. I think they were on Liberty Island with the statue being in the background. Rabbis, priests, you know, probably Hindu and Sikh clergy as well—a whole array of religious leaders to speak up in favor of the tolerance for Park51. So I agree that has extra traction, and the more we can do that, the better.

WAJAHAT ALI: In the last ten years, more and more communities locally are creating their private Muslim school or Montessori schools to get the dual education of both, very similar to what we see in Catholic schools and Jewish schools, happening with Muslims—American education, but also an education that gives our values as well. And now in the last two years, especially—I’m from the Bay area—they have seen an active engagement with local synagogues and churches, so this is encouraging. I, myself, am a product of an all-boys Catholic Jesuit high school where I was the token Muslim who got the highest grade every semester in religious studies [*laughter*], much to the sadness of the priests who saw my name every semester [*laughter*].

Okay, so when it comes to grassroots, I will tell you where we are at right now, which is somewhat encouraging, but we have a long way to go. An acknowledgement and awareness from the diverse communities that this problem exists, that we have not addressed this problem, and we need to get to point B. How do we get to point B? What do we do? The messy first steps, the second steps, for better or worse, we are in that part right now. So we are not as consolidated, organized, and systematic as say the Act of America, but people have realized the need for the counter to the Act of America on the education, grassroots, activism, and political levels.

The point I wanted to make—last point—is notice, and this is disturbing—you know what you are talking about—the responses to what happened yesterday. There is a sadness that people have to prove that they are Americaholic enough. There is a litmus test. Do I do two lapels and wave the flag wearing the Uncle Sam hat? How much do I talk about loving America? Six times? Seven times? What will prove to this judge, jury, or executioner that I cannot see, that I am American enough? I think that is troubling.

The second thing we have to mention, speaking about the responses, there is a *Washington Post* article that came out yesterday that did not talk about the response from Muslim-American communities; international Muslim communities are waiting with bated breath, praying that the individual is not a Muslim for the Boston act. Why? And even me yesterday when I was looking at this, that thought popped into my head again and again, and I hated myself for that thought popping into my head. Because I'm like, "Why am I already prepping a response and dreading the fact that if it's a Muslim . . . ?" Because, again going back to the memories of 2001, which are very, very seared into my mind like they are yours, I was a student leader at UC Berkeley and I remember that time—I'm being very open—I was having a conversation with another Muslim American leader. I'm like, man if it's a Muslim, God forbid, I do not know if I have it in me to do this, to do the post-9/11 dance. [*Inaudible from audience*] I'm saying, it goes back to the point that—this is the key thing—internationally, Muslims know that the local will become the national, which will become the international, which will feed into the narrative that has perpetuated in the last ten years, which will not only affect that Boston community. It will affect international relations and the anvil will fall on the Daffy Ducks who look Muslim. And that is very, very tough.

MODERATOR: I'm sorry to close on such a dark note [*laughter*]. I'm sorry we have to go. Thank you.

[*Applause*]