STATEMENT OF
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HEARING ON: THE BOSTON BOMBINGS: A FIRST LOOK
HOUSE COMMITTEE ON HOMELAND SECURITY
UNITED STATES HOUSE OF REPRESENTATIVES

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Chairman McCaul, Ranking Member Thompson, and members of the Committee: I am honored to submit this testimony for the record on behalf of the Arab American Institute.

As a non-partisan non-profit organization, the Arab American Institute conducts research and policy analysis on issues of importance to the Arab American community. For nearly 40 years, we have nurtured and encouraged the direct participation of Arab Americans in U.S. civic and political life. Today, members of our community serve in law enforcement and in the armed services, in statehouses across the country and in presidential administrations. And, like so many serving their country and their communities, we welcome this inquiry into the policies, programs, tactics, focus, and resources used by federal and local law enforcement agencies because we know that any real inquiry will refute any basis for suspicions that the Arab American and American Muslim communities are a threat to our national security. We encourage this Committee to focus, as suggested by Chairman McCaul, on what warnings our current system misses, what lessons we can learn, and what can be improved. Redirecting law enforcement’s focus towards illegal actions rather than beliefs, religious or otherwise, and towards criminal histories rather than ethnic origin, will serve to protect America and Americans.

The Arab American Institute welcomes this opportunity to submit testimony to the House Homeland Security Committee as it meets to examine, in the words of the Committee leaders, “the interactions [of federal agencies] with state and local government partners, so that we…are better able to anticipate, prevent, or if necessary respond to, the next terrorist threat.”

We believe three key issues must be investigated: First, what premises and parameters are US intelligence and law enforcement using to design and conduct programs to identify potential terrorists? Second, what information are US intelligence and law enforcement agencies using to try to anticipate and prevent terrorist attacks? And finally, what unintended consequences have resulted from the methods and resources currently being employed by these agencies?


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First, what premises are guiding U.S. intelligence and law enforcement agencies’ design of programs to identify potential terrorists? In the aftermath of 9/11, the Arab American and American Muslim communities have come under tremendous scrutiny, stemming from the belief that investigation into homegrown Islamic radicalization is necessary “to protect America from a terrorist attack.” The House of Representatives has held four hearings to assess and track “the threat of homegrown radicalization,” and in the wake of the tragic events in Boston, former and sitting officials have gone on record asserting that the bombings were the result of “the radicalization of the Muslim community,” and that religious radicalization is a key indicator of latent or nascent terrorist activity. Some have used the attacks as a justification to increase the use of ethnic and religious profiling.

And yet, the majority of evidence shows no connection between religion and terrorism:

- A 2008 report by the British intelligence agency MI-5 found that “a large number of those involved in terrorism do not practice their faith regularly. Many lack religious literacy and could actually be regarded as religious novices.”
- A 2010 RAND Corporation Study found no evidence that American Muslims are becoming more radicalized.
- The U.S. Intelligence Community Annual Threat Assessment issued that same year found that only “a handful of individuals and small, discrete cells will seek to mount attacks each year, with only a small portion of that activity materializing into [domestic] violence.”
- A 2010 report from the Institute for Homeland Security Solutions illustrated that neither religious affiliation nor increased religious activity are commonly associated with terrorist plots.
- A study of the role of Muslim politicization showed that “a well-established religious identity actually protects against violent radicalization.”

More importantly, studies have shown that—regardless of religious affiliation—there is no established trajectory toward violent extremism, no set of markers that can identify or predict an individual’s conversion to violent, extremist, or terrorist ideologies. For example, a DHS-funded study in the journal *Psychology of Terrorism* concluded that “…there is no one path, no ‘trajectory profile’ to political radicalization. [It] cannot be understood as an invariable set of steps or ‘stages’ from sympathy to radicalism.” The National Counterterrorism Center’s own website states that there are not “visible signs of radicalization.”

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3 Rep. Peter King interview with National Journal, excerpt at http://www.nationalreview.com/node/346125. “I’ve been talking about radicalization of the Muslim community and I think this is an example of it.”
10 John Hogan, *Psychology of Terrorism* (105-06)
These findings are further supported by polls of the American Muslim community, which show that overwhelming majorities of American Muslims say that attacks in which civilians are targeted “cannot be justified at all.”\textsuperscript{12} In fact, American Muslims reject such violence in greater numbers than any other religious group surveyed (Protestants, Catholics, Jews, Mormons, and Agnostics/Atheists).

Nonetheless, law enforcement and intelligence agencies continue to look for a path toward violent radical extremism, searching for markers and identifiers that would portend future violent and terrorist activities. And despite the evidence that there is no established trajectory towards violent extremism; that there is no established profile for radicalized terrorists; that there is no link between religion, ethnicity, or national origin and violent extremism, specific communities continue to be the target of law enforcement surveillance and inquiry. And just last week, former Senator Joseph Lieberman testified before this Committee and asked whether the FBI considered whether Tamerlan Tsarnaev “…fit the profile of an emerging homegrown terrorist,” despite the debunking of such theories of radicalization.\textsuperscript{13}

A second important focus for the Committee’s inquiry should be: what information are US intelligence and law enforcement agencies using to anticipate and prevent violent attacks against American citizens? That some agencies and officials have set a fairly narrow parameter, one focused on Arab American and American Muslim communities, is confirmed by a May 2012 Congressional Research Service Report, which stated that the post-9/11 emphasis of counterterrorism policy has been on “jihadist terrorism.” Yet 25 of the 35 terrorist incidents in the US between 2004 and 2011 were linked to domestic\textsuperscript{14} terrorists.\textsuperscript{15} Since 9/11, 200 Americans were killed by white supremacists and far-right American extremists with no connection to the Arab American or American Muslim communities, while 33 deaths were attributable to American Muslim terrorists.\textsuperscript{16}

These attacks that took 33 of our fellow citizens, while heinous, were not the act of a community. They were the acts of individuals who shared certain characteristics. To cast suspicion on the entire Arab American or American Muslim communities as a result of these attacks makes no sense. As Secretary of Homeland Security Janet Napolitano said in her 2011 testimony before the House Homeland Security Committee, “…we cannot categorize by ethnicity or religion or any of those sorts of things. We have to make decisions based on intelligence, and intelligence sharing and risk about particular individuals.”\textsuperscript{17}

We understand and agree that no segment of society can be completely free of suspicion. It has been widely acknowledged, including in hearings before this very Congress, that one of Al Qaeda’s greatest recruitment narratives is not based on religion, but on Western policies that have killed and injured countless Arabs and Muslims\textsuperscript{18}. Experts agree that the motivations behind terrorism are not related to religion or even to

\textsuperscript{12} Abu Dhabi Gallup Center, \url{http://www.gallup.com/poll/148763/muslim-americans-no-justification-violence.aspx}
\textsuperscript{14} The FBI’s shorthand definition of domestic terrorism is “Americans attacking Americans based on US-based extremist ideologies.” \url{http://www.fbi.gov/news/stories/2009/september/domterror_090709}
\textsuperscript{15} Sumit Galhotra, “Domestic Terror: Are we doing enough to combat the threat from within,” September 17, 2012, \url{http://www.cnn.com/2012/09/16/us/domestic-terrorism}
\textsuperscript{16} FBI, Crime in the United States, 2011, Table 1, “Crime in the United States by Volume and rate per 100,000 inhabitants, 1992-2011.”
community. Rather—as we’ve seen in the cases of both foreign and domestic terrorists—the individuals are “probably loners and slightly suicidal…they want to do something extraordinary.\textsuperscript{19}

And yet, law enforcement has singled out ethnic and religious communities for extra scrutiny, with an emphasis on Arab Americans and American Muslims. Assistant New York Police Chief Thomas Galati noted in a June 28, 2012 deposition that eavesdropping on customers’ conversation in a Lebanese café could be useful. If the customers were from South Lebanon, he asserted, “that may be an indicator of possibility that that is a sympathizer to Hezbollah because Southern Lebanon is dominated by Hezbollah.” By this logic, intelligence services could arbitrarily surveil citizens in Alabama, Georgia, or Mississippi because they are more likely to be white supremacist sympathizers because so many white supremacist organizations started in the South. Clearly, this is a “broad net” approach that represents a wholesale violation of civil liberties and has had little success in stopping the most egregious attacks on Americans in the last two decades.

This sadly bears out what former DHS counterterrorism expert Daryl Johnson said was his greatest fear: “that domestic extremists in this country will somehow become emboldened to the point of carrying out a mass-casualty attack because they perceive that no one is being vigilant about the threat from within.”\textsuperscript{20}

Johnson did try to draw attention to his concerns while at the Department, issuing a 2009 report on the growing threat of domestic terror groups. (The US Military Academy’s Combating Terrorism Center also stated that the most serious threat of political violence comes from right-wing extremist groups.)\textsuperscript{21} The DHS’ response was to disband the domestic terrorism unit. Between 2001 and 2012, DHS reduced its staff monitoring domestic terrorism by 80% and reduced training on domestic terrorism by 90%.\textsuperscript{22}

Finally, the Committee ought to investigate the unintended consequences of current agency policies. Sadly, the facts show that the policies of law enforcement and intelligence services have had serious and negative impacts on American civil liberties, relationships with key communities, and on their own success in thwarting violent attacks on civilians.

At the federal level, programs like the USA PATRIOT Act, the National Security Entry/Exit Registration System (NSEERS) and the No Fly and Selectee Lists often specifically targets individuals of Arab heritage and of the Muslim faith as “security risks.” Poorly defined criteria for placement on No Fly Lists have resulted in hundreds of innocent individuals being flagged. For innocent individuals who lack high-level government contacts, being removed from the No Fly List is an excruciatingly difficult endeavor. Unfortunately, there is no redress for the humiliation of being wrongly designated a threat to your own country. And yet, in the weeks following the Boston bombings, at least one senator asserted that NSEERS was predicated on a “practical idea,” and advocated that a similar system actually be included in immigration reform proposals.\textsuperscript{23}

At the local level, the New York Police Department implemented a surveillance program targeting Arab Americans and American Muslims—Americans under no suspicion of wrongdoing. According to the Associated

Press’ reporting, the NYPD program was supported by extensive federal grants and the expertise of CIA officers on loan from the Agency. According to NYPD’s own testimony, this massive, six-year violation of civil liberties did not turn up a single lead. It did, however, challenge the NYPD’s relationship with police departments in jurisdictions from Connecticut to New Jersey to Pennsylvania, where NYPD agents also employed their questionable tactics without the authorization, or even knowledge, of their local counterparts.

As one might imagine, the program has eroded the NYPD’s relationship with the community it is charged to protect, and with key Arab and Muslim constituencies that could be key partners in identifying potentially dangerous persons. According to a report from the Triangle Center on Terrorism, nearly half of the attacks allegedly planned by American Muslims and foiled by law enforcement officials were brought to the attention of the authorities by fellow Muslims.

Misplaced suspicion of the Arab American and American Muslim communities led the crowd gathered at Boston Marathon finish line, and later the FBI, to single out a young Saudi man injured at the scene of the bombings, search his apartment and question him even as he was being treated at the hospital. It led Boston police to surround a United Airlines plane at Logan Airport and remove as suspects two innocent men whose “suspicious activity” consisted of speaking Arabic to each other across a row of seats. Despite being questioned by the FBI, which recognized that the men were no threat, the two were again removed from the plane when it landed in Chicago. It also seems to justify media scrutiny and accusations against the Arab and Muslim communities. Days after the Boston bombings, the New York Post wrongly accused two Arab American students of involvement in the bombings, splashing their photo across the front page for the world to see.

We can see the results of US intelligence and law enforcement services’ continued reliance on disproven theories, their continued suspicion of communities and individuals who do not pose a real and present danger to American citizens. The results are the violation of civil liberties and the deterioration of relationships between law enforcement and key ethnic communities.

We encourage US intelligence and law enforcement agencies to revisit the information and programs they use to anticipate and prevent violent attacks against American citizens. We urge them to redirect attention and reallocate resources in ways that best ensure the safety and welfare of the American public without sacrificing the liberties and freedoms for which America is known and heralded around the world.

Arab Americans and American Muslims do not seek to be removed from any investigative efforts. We seek simply the rights afforded to us under the Constitution, including the right to be presumed innocent, rather than the burden of being presumed a radical on the path to violence. We play a vital role in this country—we are doctors and ball coaches, engineers and grandmothers. We go to pray on Sunday, or on Friday, or not at all. We eat ice cream and quote “Seinfeld.” We are American citizens who honor the service of law.

enforcement officials and public servants. We are just like each one of you, and ask no more than to be treated as such.

Thank you.