

University of Alberta

**No. No. Shari'a: United States and Canadian Islamophobia
Expressed through Public Policy**

by

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Abstract:

Islamophobic rhetoric used by popular media: such as television, newspapers and blogs, has heightened the fear of Islam to levels that have contributed to the US and Canada beginning to institute anti-Shari'a legislation. The financial backers of this rhetoric realise that fear has a strong impact over a malleable population and actively sponsor it in order to maintain the status quo where they retain political, economic, and social power. Since 9/11, polls show us that fear rhetoric contributes to sustained, consistent, and relatively high levels of worry about Islamic terrorist attacks. These same polls also provide demographic information indicating who is more susceptible to this fear rhetoric. While rhetoric is often vitriolic, it is nevertheless successful in promoting anti-Shari'a policy. This interesting phenomenon exists in cases across both Canada and the US.

The historical context most closely resembling current Islamophobia begins in 1945 when the threat of communism and the consequences of possible nuclear war raised fear levels in the US and Canada. The highly successful use of film and then the innovation of television gave fear rhetoric unprecedented access to the public. The current use of Internet for blogs as well as value-added traditional mass media "on line" has not only amplified the dissemination of Islamophobic fear rhetoric to an exponential level; it also allows the public to respond instantly. Policy changes in Canada since 2005 are an indication of the early success of this strategy and the plethora of public policy changes in the US in the last year or so is a strong indicator of its recent and future success, manifested in legislative changes banning Shari'a.

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*Fear is the cheapest room in the house.
I would like to see you living in better conditions.
Khawāja Shamsu d-Dīn Muhammad Hāfez -e Shīrāzī ~ “Hāfez” c 1321-1389.*

Chapter 1: Introduction:

Islamophobic rhetoric used by popular media: such as television, newspapers and blogs, has heightened the fear of Islam to levels that have contributed to the US and Canada beginning to institute anti-Shari’a legislation. The attacks of 11 September 2001 provided the impetus to focus fear rhetoric on followers of Islam. The financial backers of fear rhetoric realise that it has a strong impact over a malleable population and actively sponsor it in order to maintain the status quo where they retain political, economic, and social power. An analysis of polling data tends to show a sustained, consistent, and relatively high level of fear of Islamic terror attacks since then. The data also give insight into which groups within the population are most susceptible to fear rhetoric.

In the last decade of the twentieth century, following the fall of the Soviet bloc, the purveyors of fear could not find a replacement scapegoat that appealed broadly. The attacks changed all that; suddenly there was an identifiable target that had the power to unify and influence large swaths of the population on a deeply emotional level. This latest iteration of fear-mongering is sponsored by a few moneyed foundations that post 9/11 began to ramp up funding to anti-Islamic think-tanks, experts, television personalities, web sites, and blogs to produce, publicise, and propagate an extremely successful assault

on Muslims.¹ The motivation for perpetuating fear in large percentages of the population is to maintain the status quo of political, social, and economic power. They know that a fearful population is a malleable population. This elite group shares many traits though not universally or uniformly: not all are fundamentalist evangelical Christians, Christian Zionists, libertarians, social or fiscal conservatives, or any of the other adjectives that one may use to describe them. It is reasonable to say, however, that there are two motivations to keep the population fearful. Firstly, their own fear of a change in the social order drives them to join forces to maintain the status quo. The second common factor is universal support for Israel and Israeli military dominance in the Middle East to control the region and its valuable resources. There is great concern that the Islamic ““countries of resentment”” control the vast majority of the world’s fossil fuels.² They are convinced that at some point in the future access to this resource could be cut off so Israeli military dominance is critical to future energy security. This latter motive is evident in both the US and Canadian Islamophobic blogosphere and on both FOX and SUN television.

Islamophobia is an irrational, extreme fear of Muslims and Islam. The key word is ‘irrational’ as opposed to ordinary or temporary fear of an event or for specific members of a group. The irrational fear tends to be constant and be convinced that all Muslims are to be feared. The Runnymede Trust, a British think-tank that is pro multi-culturalism, provides the following eight statements that identify an open or closed view of Islam:

¹ Ali, Wajahat, Eli Clifton, Matthew Duss, Lee Fang, Scott Keyes, and Faiz Shakir. “Fear Inc.” The Roots of the Islamophobia Network in America.” *Center for American Progress*. August 2011. URL: http://www.americanprogress.org/issues/2011/08/pdf/islamophobia_chapter1.pdf accessed 25 August. Print.

² Todorov, Tzvetan. The Fear of Barbarians. Cambridge: Polity Press. 2010. P5.

1. Whether Islam is seen as a monolithic and static, or as diverse and dynamic.
2. Whether Islam is seen as other and separate, or as similar and interdependent.
3. Whether Islam is seen as inferior, or as different but equal.
4. Whether Islam is perceived as an aggressive enemy or as a cooperative partner.
5. Whether Muslims are seen as manipulative or as sincere.
6. Whether Muslim critics of 'the West' are rejected or debated.
7. Whether discriminatory behaviour against Muslims is defended or opposed.
8. Whether anti-Muslim discourse is seen as natural or as problematic.³

The 'closed' view contained in each of these eight characteristics may be referred to as the basis of what Islamophobia is as opposed to normal transitory fear that most people may experience from time to time related to specific events.

For Christian Zionists, the motivation, as explained by Mezvinsky, is religiously inspired in that Zionists believe a majority Jewish state must exist in historic Palestine before Armageddon and the rapture can take place. This religious basis does not prohibit immense political pressure by these Evangelical Christian and Christian Zionists along with their conservative supporters in the US to ensure that the biblical prophecy is properly played out. This is the notion that one hundred and forty-four thousand Jews will be left behind after all the Christians have been 'raptured' up to Heaven. These Jews will then be the new beginning once they have been born again in Christianity and spread Christianity around the world.⁴

³ Conway, Gordon. "Islamophobia: A Challenge for Us All." Runnymede Trust. 1997. URL: <http://www.runnymedetrust.org/publications/17/32.html> accessed 24 January 2012. P4.

⁴ Mezvinsky, Norton. "Christian Zionism: Origins and Impact on Politics of the Middle East." 24 November 2011. Lecture at the University of Alberta, Canada. Notes.

Fear has a proven history of political success in the United States and Canada and, as polls tend to show, it creates an anti-Muslim meme that persuades the public to endorse a “pre-emptive strike” mentality against a perceived growing internal threat of radical Islam. The pre-emptive action entails formally banning Shari’a law⁵ as the means to prevent something awful from happening. That awful something, of course, is the notion of “creeping Islam” that comes with a religious requirement to impose Shari’a resulting in the destruction of Western democracy and the free world as we know it.

It is important to note that most of the promoters of anti-Shari’a legislation have no fair understanding of it. They seem to share a perception that it is an all-encompassing set of laws directly inspired from the Qur’an that are oppressive and violent. When promoting anti-Shari’a laws, they spread their misperceptions to the general public. For example, in Shari’a the term *Dhimmi* that means a non-Muslim person. This has been misinterpreted to mean a second class citizen and is constantly on the lips of the Islamophobes as a dire warning as to the consequences of the implementation of Shari’a in the US and Canada.

It is impossible to define Shari’a in a few paragraphs though it is important to emphasise that Shari’a is not a singular or static thing. Followers of Islam range across a spectrum from devout, traditionalist, patriarchal, and conservative to secularist and liberal. This same broad range of views is evident in Christianity and Judaism and is well understood by the general population in Canada and the US, but somehow Shari’a is not understood to be a flexible set of laws, let alone ones that may be interpreted in many ways.

⁵ Shari’a is generally considered by Muslims to be God’s law. It relies on the Qur’an and the Sunnah for both civil and criminal law as well as determining individual personal and moral conduct. It relies heavily on interpretation and so depending on who is interpreting it, Shari’a will vary widely.

Indeed both Judaism and Christianity have sects that are extremely conservative, fundamentalist, patriarchal, and rigid in both belief and interpretation of their ‘books’. Both these religions also have religious leaders or scholars who provide expert opinions on everything based on their knowledge of these books.

Abdullahi An-Na’im explains in *Islam and the Secular State* that Shari’a is a set of manmade principles derived from interpretations of the Qur’an and Sunna – the two foundational Islamic documents.⁶ Shari’a deals with everything from politics and economics to health and family matters as well as religion. The parts of Shari’a dealing with family matters were at issue in the Ontario case though to hear the rhetoric in the media one would believe it was a bid by Muslims to implement the entire system of Shari’a the province.

The important point is that Shari’a is a construction of man based on the Islamic primary holy documents. Being a manmade construction and given that Islam contains three primary branches, Sunni, Shi’a, and Sufi and dozens of sub-branches; the natural inference is that if Islam is divided into many groups the reason must be because they disagreed with the interpretation of another group. One may compare this in the Christian world to Protestants breaking from Roman Catholics and subsequent divisions as followers questioned and disagreed with previous interpretations of their holy tracts. While each religion may read the same words, the way they read them produces vastly differing conclusions.

⁶ An-Na’im, Abdullahi Ahmed. *Islam and the Secular State*. Harvard University Press. Cambridge MA. 2008. Pp9-10.

While it is true that Shari'a has evolved over time to provide a set of protocols for literally everything (*tawhid*), it too is open to a wide range of interpretation. The very conservative or traditional follower of Islam will tend to interpret Shari'a more rigidly and tend to want everyone to adhere to it while liberal secularists tend to favour accessing Shari'a on a personal level with individual voluntary compliance. For example, Saudi Arabia relies on the *imams* (religious leaders) to interpret Shari'a to apply as general public policy in many instances, whereas Turkey is officially secular and Shari'a or any religious law is not consulted in matters of political governance or public policy.

Shari'a does address almost every aspect of both public and private life and does provide solutions for any questions that may arise in one's life. How and to what degree Shari'a is interpreted and implemented depends primarily upon the individual and the degree of their desire to rely on Shari'a as a guide in their life.

Most of the Islamophobia and anti-Shari'a promotion originates in the United States. Canada not only is receptive to the US mass media anti-Islam rhetoric but produces home grown messages of fear as well. These messages of "good versus evil" are essentially the same as they were throughout the Cold War. For those who look for a scapegoat and those who tend to believe that rhetoric in either country, the message is ubiquitous no matter its source. A survey of existing literature on the history of perpetuating fear and the rationale behind anti-Shari'a law lends support to the notion. Significantly, there is not a marked difference between acceptable rhetoric in the public informal sphere versus the public formal sphere. Fear rhetoric and certain

forms of hate rhetoric as expressed by the Islamophobes and policy makers through the media is almost unrecognisable from the actual language that is employed in writing public policy that can pass Constitutional scrutiny regarding religious freedoms. All the rhetoric surrounding anti-Shari'a policy reflects the deep fear and distrust of Islam and Muslims in the population while the actual policy belies that fact. The successful implementation of anti-Shari'a policy evolved over time and through trial and error, especially in the US where extreme language used to sponsor an anti-Shari'a bill cannot pass constitutional challenge if written so. So the sledge hammer approach as exemplified by early attempts to pass laws specifically banning Shari'a failed. Currently the fear rhetoric continues to escalate in degree of vitriol and stridency in direct proportion to the recent tempered and mild quality of written policy.

An example of the escalation in rhetoric is the Islamophobic blogger Pam Geller. Her rabidly pro-Israel bias is expressed through an equally passionate hatred for Islam. She invokes an image of Muslims as sub-human when she compares Palestinians to "savages." In his book "The Fear of Barbarians", Todorov analyses this concept. With the term "savage", the mind conjures images of dubious humans with little or no moral compass; of a group prepared to use extraordinary violence and "inhuman" brutality toward the civilised group that in this case is above all Western style democracy represented by Israel.⁷ This is the image that Islamophobes such as Geller⁸ intend to provoke by the word "savage". This provocation disseminated via

⁷ Todorov. *The Fear of Barbarians*. P18-20.

⁸ Geller, Pam. "Pamela Geller on WPIX News: MTA Bans Pro-Israel Subway Ads, Approves Anti-Semitic Ads." *Atlas Shrugs*. 21 September 2011. URL: http://atlasshrugs2000.typepad.com/atlas_shrugs/2011/09/video-.html accessed 20 October 2011. Video clip and blog entry.

mass media produces specific and intended results: high levels of fear and public policy that tend to serve the sole purpose of perpetuating fear, fear for its own sake.

This notion that fear rhetoric is disseminated through the various mediums of video, print, and blogs and backed by moneyed interest groups will be supported in several ways; firstly, through an overview of the historical context that will establish that a culture of fear has existed in the United States and Canada for many years. Since 1945 American and Canadian citizens have been subjected to a complicated and interrelated rhetoric of perceived threats that produced feelings of both helplessness and irrational fear in the population. The literature on this recent history of fear argues that fear became ingrained in the collective consciousness. Richard Hofstadter called it the “paranoid style”⁹ in his 1964 essay. This is evidenced by the era of McCarthyism where paranoia led to the infamous “hearings”¹⁰ that singled out perceived communists and subjected them to government-sanctioned interrogation, persecution, and prosecution. Hofstadter’s idea helps explain how it is relatively easy to shift from the “Red terror” to Islamophobia.

To put it briefly, the paper is divided into five parts:

1. historical contextualising of fear rhetoric,
2. two events in 1979 in the Middle East that are at the foundation of Islamophobia,
3. mass media’s role in disseminating Islamophobia through fear rhetoric,

⁹ Hofstadter, Richard. “The Paranoid Style in American Politics”. *Harper’s Magazine*. November 1964. pp. 77-86.

¹⁰ *Ibid* p84 .

4. polling data that offer both quantitative measures of Islamophobia,
5. and qualitative information such as demographics of susceptible groups to the rhetoric resulting in anti-Shari'a policy in both Canada and the US.

This way, Chapter 2 offers historical context beginning in 1945. First, greater public access to film and, second, the advent of television in more and more homes provided the ability to disseminate information widely and quickly. The early fear rhetoric conjured images of imminent nuclear annihilation, or socialist hordes at the gates, or that they had already infiltrated and were about to overthrow the government from within at any moment. The fear was constantly reinforced through U.S. government-sponsored films as well as in the movies of the day. They became a popular way to disseminate both in allegory and in newsreel style footage of imminent communist/nuclear threat. These films caution the viewer to be ever vigilant against possible evil lurking around every corner. The films that depict this kind of rhetoric and promoted fear include the government-commissioned "Duck and Cover."¹¹ The first commercial that significantly influenced an election is the openly fear-mongering, powerful, and infamous "Daisy."¹² The documentary "The Atomic Cafe"¹³ shows the wide assortment of film productions that carried the simple message that one must be very afraid of the communist threat and constant vigilance was required to keep the powers of evil at bay. The 2004

¹¹ Rizzo, Anthony. *Duck and Cover*. United States Government Department of Civil Defence. Archer Productions 1952. Film. Available at: <http://www.youtube.com/watch?v=IKqXu-5jw60&feature=fvwrel> accessed 20 September 2011.

¹² Schwartz, Tony. *Daisy campaign commercial*. LBJ election commercial. 1964. Film. Available at: <http://www.youtube.com/watch?v=dDTBnsqxZ3k&feature=related> accessed 20 September 2011.

¹³ Loader, Jayne, Kevin Rafferty, and Pierce Rafferty. *Atomic Cafe*. Libra Films and Journeyman Pictures. Documentary film. 1982.

analytical documentary “The Power of Nightmares”¹⁴ provides insight into who was behind the post WW2 fear machinery and why they and their followers continue to successfully disseminate fear rhetoric.

Chapter 3 posits how two events of 1979, namely the Iranian hostage taking during the revolution in that country and US involvement in the Soviet invasion of Afghanistan, provided the seeds of Islamophobia. Over the next two decades with the fall of the Soviet Union the US emerged as the sole superpower, and had a hard time adjusting to this new role. US foreign policy did not change from its “Cold War” status, and it only served to increase resentment in countries where it was applied. Various attacks on US institutions and infrastructure were credited to radical Islamic organisations. The transfer from fear of communism to the fear of Islam occurred gradually over time and became cemented after September 2001.

Chapter 4 analyses several types of popular media in the form of blogs, internet news sites, and television to assess the current state of Islamophobia and anti-Shari’a law. The analysis is focused on the most popular or well known sources of Islamophobia in the US and Canada. The survey will include three US anti-Islam web sites and blogs: David Horowitz’ “Freedom Center” that provides the forum for Robert Spencer’s “Jihād Watch”, and Pam Geller’s “Atlas Shrugs”. Additionally, two multi-talented Canadian Islamophobes will be analysed: Ezra Levant and Michael Coren as well as Mark Steyn and an extreme pro-Israeli Islamophobic blog called “Blazing Cat Fur”.¹⁵ The primary focus of this paper is about Islamophobia and not about

¹⁴ Adam Curtis. *The Power of Nightmares*. BBC. Documentary film. 2004.

¹⁵ Lemaire, Arnie. “Everyone draw Mohammed.” *Blazing Cat Fur*. URL: <http://wn.com/blazingcatfur> accessed 3 October 2011. Blog entry.

Israel or Jewish people but certain connections are clear and very much a part of the fear rhetoric.

The U.S. and Canadian blogosphere focused on anti-Islam fear rhetoric is very closely linked through shared information and sharing that not only runs north to Canada but south to the US rather more often than expected. The traditional media provides an array of anti-Islam rhetoric available through television web sites such as FOX in the US and the newly available SUN television in Canada. The current commentary on these television web sites as well as archived television material available on Youtube depicts both the rhetoric of fear and Islamophobic content.

Chapter 5 is an analysis of polling data going back to the early 1990's, and showing that a fear of terrorist attacks by Muslims was successfully promoted in the decade before 9/11. The data also show remarkably high levels of fear that followers of Islam are most likely to be the perpetrators of terrorist attacks in both countries.¹⁶ To give measurable quantification, US polling data available from 1995 through to the present will be analysed, as well as data available over time from 2004 in Canada, and where possible a comparison will be offered. The use of fear rhetoric, in reference to terror alerts and reactions to uncovered plots and actual events over the last ten years, indicates through the polling data that there is a direct correlation between heightened fear and increasing public willingness to support anti-Shari'a legislation. The polling data also provide demographic information that is critical in assessing which groups are most susceptible to Islamophobic fear rhetoric.

¹⁶ Some polling data place atheists ahead of Muslims in some categories though not as possible perpetrators of terror.

Chapters 6 and 7 will discuss the origins and motivating factors for anti-Shari'a laws as well as the types of legislation being implemented in the US and Canada. In the former case it is highlighted how the person at the heart of American anti-Shari'a legislation in all twenty-seven cases is a man named David Yerushalmi. Both his original 2007 and subsequent 2009 "policy models" will be compared, as well as the politics and demographics of the states that find anti-Shari'a policy appealing. There is no direct evidence that the earlier and more holistic approach to anti-Shari'a legislation employed by Ontario and Québec policy makers influenced Yerushalmi's 2009 policy model. However, this model is much moderated in language from the 2007 policy model.

In the twenty-nine states, two provinces, and very recently in Canadian immigration policy changes, where anti-Shari'a law has been introduced since 2005 choice of language is the important element in all but the Ontario case. In that case it was a matter of rescinding a law in place and not writing new law. Québec specifically banned Islamic tribunals from legal status in the province and seemed to do so with impunity. An analysis of anti-Shari'a legislation in twenty-seven US states, as of November 2011, indicated a very different outcome from Québec law. It indicates a certain irony in the US case studies where bills that openly ban Shari'a, while very popular with their sponsors and the public, are problematic for governments because First Amendment rights tend to cause a legal conflict between Islamophobic legislation and Muslim religious rights.

In the matter of anti-Muslim sentiment in the US and Canada, the journey from responding to fear rhetoric to changing public policy is both

complex and simple. It requires great coordination and elaborate planning on the part of the disseminators of Islamophobia and their financial backers to instil in the public consciousness a culture of fear and a compulsion to stop “creeping Islam” from imposing Shari’a law on us all. The simplicity of it all is the ability of these groups to replace the communist threat with an Islamic threat in a relatively seamless way so fear remains ubiquitous. This paper attempts to understand why it is possible.

Chapter 2 : The Socialist hordes and Armageddon

After 1945, the rise of Soviet power was perceived as a dire threat to the freedoms of the West. Endless scenarios of communist takeover and a fatalistic view that nuclear war was an inevitable outcome of conflicting ideologies took hold in the West.¹⁷ In the United States the rhetoric of fear was played out first through a revival of communist fear-mongering known as the “Second Red Scare”¹⁸ that included the “McCarthy Era”¹⁹ in which Joseph McCarthy used The House Committee on Un-American Activities to launch a witch hunt for communist infiltrators and spies in the US government and society. Fear of communists in their midst frightened the average American into believing there was imminent risk of these enemies from within overthrowing their government and seizing power; thus large numbers of citizens were infected with fear.²⁰

Hofstadter suggests that populations are more susceptible to irrational fear under “conditions of cultural challenge and social uncertainty.”²¹ The constant underlying threat of communism and or nuclear annihilation certainly fits those criteria so that Hofstadter’s suggestion that the inevitability of an Armageddon-style battle between the forces of “absolute good and absolute evil”²² is seen as an actual possibility by many members of society. Arguably, fear of that unknown “red menace” with images of the Soviet war machine and

¹⁷ Jacobs, Bo. "Atomic Kids: Duck and Cover and Atomic Alert Teach American Children how to Survive Atomic Attack." *Film & History* 40.1 (2010): 25-44.

¹⁸ The first “Red Scare” was post WW1 as a reaction to the rising labour movements in the US.

¹⁹ Cecil, Matthew. "The Path to Madness: McCarthyism and New York Post Editor James A. Wechsler's Campaign to Defend Press Freedom." *Journal of Communication Inquiry* 35.3 (2011): 275-91. Print.

²⁰ Davidson, Lawrence. "Islamophobia, the Israel Lobby and American Paranoia: Letter from America." *Holy Land Studies: A Multidisciplinary Journal (Edinburgh University Press)* 10.1 (2011): 87-95. p88.

²¹ Ibid.

²² Hofstadter, Richard. "The Paranoid Style in American Politics". *Harper's Magazine*. November 1964. p85.

its brutal leaders who would not hesitate to blow the West into oblivion was a tangible threat that struck fear into the hearts of the vast majority of American and Canadian citizens. Canadians were not so naive as to think they would come out of such a conflict unscathed. If nothing else, proximity to the United States made Canada vulnerable.

Meanwhile, United States foreign policy was played out in various conflicts as the Cold War escalated: Korea in the fifties, the Cuban missile crisis, Vietnam in the sixties and early seventies, and endless proxy wars around the globe to save the “free world” from becoming victims of the so called “domino” effect. During most of this period, Canada tended to refrain from military action in the myriad conflicts and moved to a role of international peacekeeper. That is not to say that Canada did not support the United States through NATO and NORAD among other defence cooperation deals, and a good deal of paranoia existed in its own right north of the forty-ninth parallel.

*“Everywhere are evidences of the continuous underground, cancerous movements of Communism ... Only eternal vigilance can protect us against Communism and its infiltration into our way of life.”*²³ is a 1955 advertisement by Canadair that reveals a degree of fear in Canada that seems to parallel the US. This particularly irrational fear began in 1945 with allegations of communist spy infiltrations²⁴ and escalated when the Soviets tested their first nuclear weapons in 1949, which became the preoccupation of a whole generation in the United States and Canada. Getting the message out

²³ “Canadair advertisement, 1955.” *Canada: A People’s History* – CBC. 2001. URL: <http://www.cbc.ca/history/SECTIONSE1EP15CH1LE.html> accessed 15 September 2011. Historical reference.

²⁴ Ibid.

became increasingly easy through innovations in technology, most notably television.

The most fearsome messages disseminated by the media were visual messages that enjoyed either government endorsement or financial backing. For instance, consider the short U.S. government informational film called “Duck and Cover”. The images convey a very ominous outcome from sudden nuclear attack while the oddly cheerful voice of the narrator instructs that surviving a nuclear bomb is as simple as “ducking and covering”. There is a distinct mixing of messages that runs through the entire nine minutes. This particular piece was directed at children who could be caught away from home and were instructed that “sometimes, and this is very, very important, sometimes the bomb might explode without any warning. Then, the first thing we would know about it would be the flash, and that means duck and cover fast!”²⁵ The utilisation of cartoon characters and the cheerful narrator belies the horrific message directed at children. This is achieved through the cartoon introduction where a turtle named Burt demonstrates the technique. It goes on to simulate atomic blast scenarios and real people demonstrating the proper way to “duck and cover”. Despite the cheerful voice and cartoon quality of the film it was a powerful tool in the spread of fear, especially its explicit warning about a nuclear explosion at any time day or night and no matter where you are.

Lyndon Johnson’s 1964 presidential campaign commercial commonly known as the “Daisy” advertisement depicts what could happen if the electorate voted for Barry Goldwater. It is obviously designed to incite fear in

²⁵ Jacobs, Bo. "Atomic Kids: Duck and Cover and Atomic Alert Teach American Children how to Survive Atomic Attack." *Film & History* 40.1 (2010): 25-44. p30.

the electorate of the possible outcome if an unstable person should become president. By all accounts, it was wildly successful if the results of the election are any indication. The commercial is credited with helping Johnson win in 1964.²⁶

Analysing the previous ads, the 1982 documentary “Atomic Café” uses film from just after WW2 through the sixties to illustrate its purpose. The film uses only original and ironically cheerful sounding narrators juxtaposed with dire messages and horrific imagery. The film illustrates how these original images and commentary successfully perpetuated fear and how certain groups may be made into objects of fear more easily than others. The growing popularity and accessibility to television provided the perfect conduit for people to see just what it was they were supposed to fear on a daily basis. “The Atomic Cafe” shows how the myriad of film productions played on the fears of people and perpetuated it. This narrative has not gone away it has merely morphed into Islamophobia.

As is described in the “Power of Nightmares”, the narrative of good and evil is implicitly attached as it was in the earlier communist/nuclear threat. The object of that fear is the only thing that has changed. Now, the narrative is the United States equals good and Islam equals evil, while the notion of ongoing internal threats of terrorist attacks and some kind of apocalyptic Armageddon percolates in the subtext.

So after forty-five years, and one whole generation subjected to the constant threat of Cold War and Mutually Assured Destruction, (affectionately known as MAD) the dawn of the nineties witnessed the disintegration of the

²⁶ Mann, Robert. *Daisy Petals and Mushroom Clouds : LBJ, Barry Goldwater, and the Ad that Changed American Politics*. Louisiana State Univ Pr; Louisiana State Univ Pr., 2011. 216p.

Soviet bloc and its nuclear threat. The fears of the Cold War were about to slip into the past and allow a new less violent page in human history to unfold.

This was not something the groups dedicated to perpetuating fear were prepared to accept and so they turned to particular religious groups. These are extremely socially conservative fundamentalist evangelical Christians and Christian Zionists who have extraordinarily strong ties to Israel and the Jewish lobby. In the late seventies these religious groups were lead by, among others, Jerry Falwell and his “Moral Majority” and Edward McAteer head of the Religious Roundtable. Conservative politicians, right-wing think tanks, and their wealthy free market corporate sponsors extended an invitation to these Christian leaders to join forces. It was a relatively easy matter to politicise their large membership through the enticement of saving their country from the alleged immoral social policy that the left had implemented.²⁷ One of the first and notable accomplishments of this newly mobilised group was to put Reagan in the White House. And this early success by the fundamentalist evangelical Christians and Christian Zionists began a period of influence in the, especially American, political landscape. Part of that influence has been a shifting of the political spectrum within the United States and Canada to the ideological right.²⁸ The Republican administration of Ronald Reagan aligned itself with this evangelical movement to win the election in 1980 and has remained supportive of the Republican Party over the ensuing thirty-one years inextricably bound to it. This is in spite of the presence of Democrat Bill Clinton in the White House for most of the final decade of the twentieth

²⁷ Johnson, Stephen D., and Joseph B. Tamney. "The Christian Right and the 1980 Presidential Election." *Journal for the Scientific Study of Religion* 21.2 (1982): 123.

²⁸ Jacobs, Anton K. "The New Right, Fundamentalism, and Nationalism in Postmodern America: A Marriage of Heat and Passion." *Social Compass* 53.3 (2006): 357-66.

century. It is arguable that Clinton's economic, foreign, and social policies did not vary much from Reagan's; and increasingly verifiable "Christian" credentials are certainly the only way through to high elected office in the United States. One only has to look at the steady deregulation of Wall Street through the '90's culminating in Clinton's signature on the repeal of the Glass-Steagall Act in 1999, the continuation of aspects of Reagan foreign policy, and a less than whole hearted social change such as the "Don't Ask Don't Tell" policy for gays and lesbians in the military. As to Christian credentials, it is clear that that is one of the most important factors to elected office and the greater the office the more critical it is to be a devout Christian. The current Republican primary race is an example of this phenomenon; Mitt Romney is a Mormon and Newt Gingrich is a Catholic and the latter candidate is rising in the polls and threatens Romney for the candidacy to run against Obama.

In the nineties, with the Soviet threat over, the political, corporate, right-wing media outlets, and the religious right tried to instil the same degree of fear regarding the disintegration of Christian morals; including fears tied to homosexuality and same sex marriage "choices" and abortion as "murder" as the communist/nuclear threat had been. It did not have the same widespread impact or appeal amongst the majority of Americans or Canadians who are not part of the very conservative evangelical "moral majority". Possibly it was too intangible or too personal²⁹; in any event it failed to truly grip the majority of the populous as the communist threat had before it. No matter how hard the evangelicals tried to create a kind of made in America "Sodom and Gomorrah" it didn't have the same cachet as communists and nuclear winter.

²⁹ We are far more likely to know a gay person or someone who has had an abortion than a communist. This "personal" aspect simply precludes mass adherence to social engineering.

However, many people in the US and Canada soon came to embrace a deep irrational fear and hatred for the Muslim world in the same way it had embraced a deep irrational fear and hatred for the communist world.

This is where the fundamentalist evangelical Christian and Christian Zionist movements were extremely useful to the rest of the coalition of right-wing politicians, think tanks, media outlets, and corporate sponsors who spread fear rhetoric. Being able to provide a very large readymade block of reliable support gave Islamophobia the kind of start it needed to replace communism. In the aftermath of 11 September 2001, Davidson posits, Islamic terror conspiracies were perceived to be lurking behind every shrub, that they had infiltrated the United States, and there were sleeper cells everywhere waiting to be activated. He goes on to suggest that these theories are primarily promoted by the evangelical Christian and ultra conservative Jewish groups who are either paranoid or have an ulterior motive.³⁰ The ulterior motive is no doubt power and influence that they discovered twenty years before and were not inclined to relinquish. Reagan's election came at the end of the Carter administration's Iranian "debacle". This event and the US involvement in Afghanistan are the two foundational events that provided the impetus to provoke a fear of Islam that has only been matched by the fear of communism.

³⁰ Davidson, Lawrence. "Islamophobia, the Israel Lobby and American Paranoia: Letter from America." *Holy Land Studies: A Multidisciplinary Journal* (Edinburgh University Press) 10.1 (2011): 87-95.p91-92.

Chapter 3: Islam: creating the new scapegoat

The Iranian revolution and US involvement in the Soviet-Afghan war both began in 1979. The overthrow of the Shah of Iran and the hostage taking of sixty Americans in Tehran at the end of the seventies arguably figures as a watershed moment in the current atmosphere of Islamophobia. Those four hundred and forty four days from the 4 November 1979 hostage taking in Iran until their release on 20 January 1981³¹ are the point in time that may be considered the foundational moment where Islamophobia was born in the US.³² As Cushner argues, it was shortly after that time that neo-conservatives on the *Committee of the Present Danger* began to talk about the “terrorist networks” supported by the Soviets.³³ It was a convenient way to incorporate new threats with the old and perpetuate the fear. Conservative pseudo policy wonk Daniel Pipes also positions the Iranian revolution as a pivotal moment. In a 2004 article in the *New York Sun* he suggests that the Iranian revolution was the successor to the Soviet terror and that Reagan won an “early” victory in that war.³⁴

This shift occurred over time as the United States emerged as the sole world hegemony, but as the Soviet Union crumbled the United States had trouble adjusting its foreign policy from Cold War status. According to Johnson, this accounts for the increasing “blow back” the United States

³¹ “Iranian Hostage Crisis Time Line.” PBS American Experience. URL:

<http://www.pbs.org/wgbh/americanexperience/features/general-article/carter-hostage-crisis/> accessed 8 October 2011. Historical reference.

³² Boroumand, Ladan, and Roya Boroumand. “Terror, Islam, and Democracy.” *Journal of Democracy* 13.2 (2002): p5-20.

³³ Cushner, Ari. “Reheating Cold War: Neoconservatism, Hegemony, and American Empire.” *Conference Papers -- International Studies Association* (2008): 1-25. p8-9.

³⁴ Pipes, Daniel. “Reagan’s Early Victory in the War on Terror”. *New York Sun*. 15 June 2004. URL: <http://www.danielpipes.org/1888/reagans-early-victory-in-the-war-on-terror> accessed 10 October 2011. Opinion piece.

experienced throughout the nineties and especially on 11 September 2001. The US retaliation to “terrorist” attacks was Cold War scripted with the inevitable collateral damage evidenced in the destruction of countless innocent lives. This is seen, however, as fundamentally unimportant compared to what was done to American citizens. So old Cold War habits such as ongoing military presence in multiple countries, continuing covert tactics, promoting conflict in the old “proxy war” style, and assuming a role as the “world’s policeman” go on as though nothing had changed. That and a belief in the infallibility of these policies to create a world order that reflects the sociopolitical and economic structure of the United States. Implementation of this model comes with military (covert or overt depending on the circumstances) and structural violence, and is largely kept away from the public discourse in the United States and Canada. Thus the public is cosseted from foreign policy and easily convinced that such attacks against the innocent citizenry of the United States are random and vile acts of terror without reason.³⁵

Johnson suggests that CIA covert support of *mujahideen* in the Soviet Afghan war occurred in July 1979 before the 24 December Soviet invasion. Carter’s National Security Advisor, Zbigniew Brzezinski, states that he not only didn’t regret the covert actions, he suggests it was an ““excellent idea” [and provided] “the opportunity of giving the Soviets their Vietnam War.””³⁶ Later in the conflict the CIA supported Osama bin Laden among others but, as Johnson states, as the Soviets withdrew the United States cavalierly walked away from the human and structural destruction of Afghanistan without a backward glance. This and US military presence in, particularly, Saudi Arabia

³⁵ Johnson, Chalmers. *Blowback: The Costs and Consequences of American Empire*. New York, New York. Henry Holt and Company. 2004. pp268. P xiii.

³⁶ *Ibid.* p xiii.

eventually translated into consequences for the United States on 11 September 2001.³⁷

So Islam already had a bad reputation beginning in the late seventies in the US mindset, so a transfer of fear was accomplished through the device of word substitution through the media. As the decades of the eighties and nineties progressed, replacing communist threat with Islamic threat seems a simple strategy. This transference is not a new concept; the apparatus that disseminates fear transitioned easily from scapegoating external and internal threat of communists, various “immoral” groups within Western society, to eventually focusing on Islam. Of this last group, the rhetoric has included and utilised the notion of “otherness” that manifests itself in statements such as one made by Daniel Pipes in 1990, where he said that:

*Western European societies are unprepared for the massive immigration of brown-skinned peoples cooking strange foods and maintaining different standards of hygiene...All immigrants bring exotic customs and attitudes, but Muslim customs are more troublesome than most.*³⁸

So this notion of custom or culture being so different that it is ‘troublesome’ and suggests some kind of future internal threat to our values through massive immigration. While this notion was slowly entering into the public consciousness through the media, it was also reinforcing it with accounts of what was happening “over there” where “they” come from.

³⁷ Ibid. p xiv.

³⁸ Macdonald, Isabel and Steve Rendall. “Making Islamophobia Mainstream: How Muslim-bashers broadcast their bigotry”. FAIR.org November/December 2008. URL: <http://www.fair.org/index.php?page=3648> accessed 10 October 2011. Electronic.

So the television news coverage of the Iranian hostage taking and the war in Afghanistan that occurred almost simultaneously in 1979, and subsequent covert and/or military actions taken by the United States, with or without acquiescence from the Near and Middle East, seem sufficient reason to suspect some kind of eventual retaliation. The paradox is clear: on the one hand “innocent” American hostages in the hands of “Islamic fundamentalists” in Iran and on the other a war in Afghanistan covertly encouraged and backed by the US that resulted in countless deaths of innocent Afghani civilians. This idea of backing dictators or would-be dictators to further US interests around the world and destroy communism was not new however. It was articulated best by Jeane Kirkpatrick³⁹ outlining her position at the time in the wake of the Iranian hostage taking. This policy was implemented regularly and liberally throughout the eighties and nineties, providing evidence that it was the impetus for the miscellaneous terrorist actions by various Muslim groups against the United States that occurred throughout the nineties.⁴⁰ From the first identifiably Islamic attack on the World Trade Centre in 1993 through “the 1996 bombing of Khobar Towers in Saudi Arabia, the 1998 attacks on US embassies in East Africa and the 2000 strike on the USS Cole in Yemen”⁴¹ Islam emerged as the perfect scapegoat for the groups invested in keeping fear alive in the public consciousness. In particular, the attack on the World Trade

³⁹ “Dictatorships and Double Standards” is the acknowledged blueprint of U.S. foreign policy since Kirkpatrick wrote it in November of 1979. Available at <http://www.commentarymagazine.com/article/dictatorships-double-standards/> accessed 26 December 2011.

⁴⁰ Kuhner, Jeffrey T., “Osama bin Laden won.” *The Washington Times (DC)*. 05/06/2011, p1-1.

⁴¹ Ibid.

Centre on 26 February 1993 is significant because it represents the first major attack on United States soil that may be attributed to Muslims.⁴²

This event occurred just four months after Samuel P. Huntington gave a Bradley lecture at the right-wing think tank American Enterprise Institute. The lecture was called “The Clash of Civilisations”. Huntington argued that because culture was more ingrained in a society than ideology or economics and because Islam is fundamentally different than the West on a cultural level, this clash is bound to happen.⁴³

This idea of Huntington’s demonstrates exactly what Edward Said argued in his 1978 book *Orientalism*, that “The general basis of Orientalist thought is an imaginative geography dividing the world into two unequal parts, the larger and “different” one called the Orient, the other, also known as *our* world, called the Occident or the West.”⁴⁴ Huntington’s “clash of civilizations” was nothing more than a Western construct and had nothing to do with reality in the Muslim or any Eastern culture. Therefore, Huntington’s “clash” is nothing more than a form of Orientalism – the West defining the East and getting it very wrong. Since 9/11 the Islamophobes have created a neo-Orientalism construct delivered to the public through the media, perpetuating the same inaccurate cultural “problems” that Said identified over three decades ago.

Huntington probably looked prescient to many who were looking for the next scapegoat. Yet as Arat-Koc argues, after 11 September 2001, the idea

⁴² Faraji, M. Abd al-Salam, “The Neglected Duty,” in Roxanne L. Euben and Muhammad Qasim Zaman, eds., *Princeton Readings in Islamic Thought: Texts and Contexts from al-Banna to Bin Laden* (Princeton Univ. press, 2009), pp. 321-343.

⁴³ Huntington, Samuel P. “The Clash of Civilizations?” *Foreign Affairs* 72.3 (1993): 22-49.

⁴⁴ Said, Edward. “Islam Through Western Eyes.” *The Nation*. 26 April 1980. URL: <http://www.thenation.com/article/islam-through-western-eyes> accessed 26 January 2012.

of the “clash” leaves out everyone who is not culturally Western including those that were born in the West and never felt non-Western before. In Canada especially, where the idea of multiculturalism is presumed to be part of the national identity it amounted to a “whitening” of it.⁴⁵ This is probably not a particularly new idea in Western ideology but it creates societal pressure to act Western and comes with it an implicit suggestion to “look” Western as well.

The blowing up of the Alfred P. Murrah Federal Building in Oklahoma City on 19 April 1995 presents an interesting case study about “clashes” and initial perceptions and reluctance to let go of them even in the face of irrefutable evidence. In the myriad of accusations in the hours immediately following the bombing, pundits were almost unanimous in one thing. It had, Steven Emerson told a CBS television audience in the hours immediately following the bombing, ““a Middle Eastern trait” because it “was done with the intent to inflict as many casualties as possible.””⁴⁶ It is arguable that planting groundless accusations were attempts through the platform of national media to lay the blame. For people like Emerson who had just completed a pseudo documentary for the American public television network PBS called “Jihād in America”,⁴⁷ who but Islamic terrorists would do such a thing? It is a significant point that this particular act of terrorism was instantly and widely

⁴⁵ Arat-Koc, Sedef., “The disciplinary boundaries of Canadian identity after September 11: civilizational identity, multiculturalism, and the challenge of anti-imperialist feminism”. *Social Justice*. 32(4) Winter 2005. p32-49

⁴⁶ Emerson, Steven., *CBS News*. 19 April 1995. Available at: <http://www.fair.org/index.php?page=1443> accessed 20 September 2011. Opinion piece.

⁴⁷ Emerson, Steven., “Jihad in America”. *PBS Frontline*. SAE Productions. November 1994. Television documentary. Emerson recited factoids and only portrays one aspect of Islam, as may be deduced from the title “Jihād in America”; one of violence and ulterior motive. It is surprising that Public Television underwrites it.

attributed to Middle Eastern perpetrators and resulted in several attacks on Muslims throughout the United States in the aftermath of the bombing.⁴⁸

Though the Oklahoma City bombing turned out to be perpetrated by an extreme right militia group wanting to do away with taxes and government, the pundits made hay with speculation that it was an Islamic terrorist attack. Mike Royko wrote in the *Chicago Tribune* two days after the attack that he wouldn't mind if they picked any random Muslim country and bombed the oil fields or refineries or some other infrastructure. He declared that if it was the wrong country it didn't matter because he was convinced they would have done something to deserve it.⁴⁹ In such an atmosphere where false accusations led to retaliatory violence the significance of statements such as Emerson's indicates how this group began to create a new myth throughout the decade after communism was no longer the threat.

So the events of 11 September 2001 shook vast numbers of people in the United States and Canada to their core and the public was arguably predisposed to accept Islam as a "State of Terrorism" with nothing on their minds but all out war or *jihād*,⁵⁰ as the pundits defined it, against the West. The media perpetuated that disconnect with the truth especially since it failed to provide any context for the average citizen. The "why" was answerable but it did not fit the narrative of the United States as virtuous and benevolent

⁴⁸ "Same Hate, New Target: Islamophobia and its Impact in the United States. January 2009-December 2010". University of California, Berkeley's Center for Race and Gender and the Council on American-Islamic Relations (CAIR). 23 June 2011. URL: <http://crg.berkeley.edu/sites/default/files/islamophobiareport2009-2010.pdf> accessed 25 August 2011. Report.

⁴⁹ Naureckas, Jim. "The Oklahoma City Bombing: The Jihad That Wasn't." *FAIR.org*. July/August 1995. URL: <http://www.fair.org/index.php?page=3606> accessed 10 August 2011. Print.

⁵⁰ *Jihād* as "struggle", either an internal struggle to maintain faith, the struggle to improve the Muslim society, or the struggle to defend Islam. URL: http://www.bbc.co.uk/religion/religions/islam/beliefs/jihad_1.shtml accessed 3 October 2011. Definition.

protector of freedom and democracy throughout the world. The few voices that attempted to suggest otherwise were drowned out in a sea of outrage and vengeance.⁵¹

The 2004 BBC documentary “The Power of Nightmares: The Rise of the Politics of Fear” provides a plausible hypothesis as to why disproportionately high levels of Islamophobia began to sweep the United States after 11 September 2001. Film writer Adam Curtis suggests, consistently with this thesis, that when the old standby of fear— of communism— died with the fall of the Soviet bloc at the end of the Reagan administration there was a readymade scapegoat waiting in the wings. They were the group of powerful American neo-conservatives including Irving Kristol, Donald Rumsfeld, Dick Cheney, Richard Pipes, and Paul Wolfowitz, who influenced the Reagan administration⁵² and also planted the early seeds of Islamophobia. They were assisted through the vehicle of the evangelical Christian Zionist movement that does not recognise Islam as a legitimate religion but rather a political ideology, whose Shari’a laws would enslave the West.⁵³ So when the events of 11 September 2001 occurred, the groups dedicated to disseminating fear had the kind of technologically-sophisticated public platform, the likes of which had never been seen before, to scapegoat Islam.

The Curtis documentary also shows that while there is a threat from a segment of Muslim extremists, it does not provide a legitimate basis for the

⁵¹ Noam Chomsky and Sunera Thobani, to name only two critics, who suggested two things: that the attacks were retaliation to US foreign policy and that they paled in comparison to the attacks the US instigated or backed attacks on innocent civilians.

⁵² Johnson, Chalmers. *Blowback: The Costs and Consequences of American Empire*. New York, New York. Henry Holt and Company. 2004. pp268. Print.

⁵³ Pat Robertson 700 Club interview. November 2009. Current TV . Available at: http://current.com/community/91423126_pat-robertson-islam-not-a-religion-but-violent-political-system-video.htm accessed 15 September 2011. Video clip.

disproportionately high percentage of fear of Islam in the US and Canada. The film also shows both sides; there is a small and extreme faction within the Muslim world that perpetuates acts of violence against the US and other Western States and the success of the neo-conservative movement to instil fear through an exaggeration of the degree of Islamic terror threat. Curtis also shows that in the Islamic world there is also a successful movement to create general fear and suspicion of US motives based primarily on perceptions of immorality and lack of piety. Curtis uses actual archived footage that arguably accurately depicts historical events and interprets the evidence fairly to give a relatively unbiased assessment of how fear may be used to manage society.

Chapter 4: Disseminating Islamophobia

Technology in the new millennium has provided unprecedented access to information. The Internet in particular gives people something beyond passive absorption of information as in the past with television or newspapers. It has become a kind of a value added product for the traditional media but it also has the advantage of being able to stand alone as a fully interactive means of giving and receiving information. Television and newspapers have embraced the use of the Internet to provide content and get rapid feedback on their stories while blogs and Internet sites dedicated to promoting certain ideas are countless.

This last category has served to connect like-minded people in a way that was never possible before. For the community of Islamophobes it has provided a forum to disseminate fear and hatred like never before. It easily crosses international borders and long distances and is responsible for extreme acts such as Norwegian Anders Breivik's murder spree to illustrate how the media may be used for bad things. This is important in the case of the United States and Canada because physical distance would in the past have a dampening effect on the cohesiveness of such a relatively small group of first order Islamophobes who put the information "out there" for the consumption and feedback from followers. The Islamophobic web sites and blogs eliminate this problem of distance while facilitating the perpetuation and amplification of anti-Islam fear rhetoric. Some of these sites are elaborate and almost always open⁵⁴ so the commentary and feedback are running twenty-four/seven across time and space. This dissemination of fear of Islam and Shari'a is

⁵⁴ There are also member only sites, such as *SANE* run by David Yerushalmi; discussed below.

extremely pervasive, as the polls discussed below will indicate. One of the primary questions that must be answered is who is supporting this network and why.

According to Wajahat et al, a group of moneyed right-wing foundations bankrolls various think-tanks and organisations who hire individual “experts” that create facts about Islam and then use their own or other closely related web sites, blogs, and the think-tanks to begin legitimising their data. Then, they take these “facts” to the traditional media such as cable television, newspapers, and radio to complete the legitimisation process.⁵⁵ “This core group of deeply interconnected individuals and organisations manufacture and perpetuate threats of “creeping Shari’a,” Islamic domination of the West, and purport obligatory calls to violence against all non-Muslims by the Koran.”⁵⁶ This mantra began to increase in the aftermath of 9/11 and has seemed to follow a pattern where this core group moves between the blogosphere, television, radio, and out into the community in the form of lectures at symposiums, institutes and foundations, universities, and town hall meetings.

Among the anti-Islam blogs that seem to be the most influential are the ones led by Robert Spencer’s “Jihād Watch”, his site host David Horowitz’s “Freedom Center”, Pam Geller’s “Atlas Shrugs”, Steven Emerson’s “The Investigative Project on Terrorism” (est. 1995), Frank Gaffney’s “Center for Security Policy” (est. 1988), David Yerushalmi’s “Society of Americans for National Existence” (SANE), and Daniel Pipes who runs “Middle East

⁵⁵ Ali, Wajahat, Eli Clifton, Matthew Duss, Lee Fang, Scott Keyes, and Faiz Shakir. “Fear Inc. The Roots of the Islamophobia Network in America.” *Center for American Progress*. August 2011. Available at: http://www.americanprogress.org/issues/2011/08/pdf/islamophobia_chapter1.pdf

⁵⁶ Idib.

Forum”, “Campus Watch” and “DanielPipes.org”. The primary Canadian Islamophobes are Ezra Levant, Michael Coren, and Mark Steyn. There seems to be a form of reciprocity because both groups of Islamophobes will provide expert commentary for their counterparts in the two countries. The US group tends to be more specialised while the Canadian group tends to be multifunctional. The reason for this is unclear; however it could be related to funding or the pool of population to tap experts from.

Spencer and Geller also run a joint project called “Stop the Islamization of America” a site that came into existence as a way to disseminate the created facts rapidly and extensively to their followers in the wake of the Park51 project in New York City.⁵⁷ The lawyer David Yerushalmi is involved as the prime legal source for Geller and Spencer’s various litigations against the Park51 project, as well as Geller’s free speech suit regarding Rifqa Bary’s defection from Islam⁵⁸ and a number of anti-Islam and anti-Shari’a bus advertisement campaigns around the country.⁵⁹ Yerushalmi is also the author of the model anti-Shari’a legislation. Wajahat et al found these American Islamophobes are the core group of organisations and individual experts that receive the majority of their financial backing. This is a well oiled Islamophobic machine the authors call *Fear Inc*. The core group of financiers

⁵⁷ Park51 previously called Córdoba House and originally proposed by developer Sharif El-Gamal as a condominium complex became a community centre initiative including a prayer space as opposed to an especially dedicated mosque so that even that area could be multifunctional when Sufi Imam Feisal Abdul Rauf got involved. It is located two blocks from the site of the World Trade Center.

⁵⁸ Fathima Rifqa Bary is a young Muslim woman who ran away from home at age 16 in 2009. She stated that she feared her father would kill her because she had converted to Christianity. Pamela Geller used this incident to promote her “Leaving Islam” bus campaign. Under the guise of protecting Muslim women from honour killing if they leave Islam, Geller wanted to use buses to advertise this service. The Public transit system in various cities became battlegrounds for free speech and who held the moral high ground. Eventually Geller won with the help of lawyer David Yerushalmi. Geller, Pam. Blog of 21 September 2011. *Atlas Shrugs*. URL: http://atlasshrugs2000.typepad.com/atlas_shrugs/2011/09/free-speech-victory-litigation-jihad-defeated-cair-linked-omar-tarazi-rifqa-barys-parents-attorney-s.html accessed 22 October 2011.

⁵⁹ The bus campaign included Seattle, New York, San Francisco, and Miami in a national campaign called “Leaving Islam”.

are: Donors Capital Fund, Richard Mellon Scaife Foundation, Lynde and Harry Bradley Foundation, Newton and Rochelle Becker Foundation and Newton and Rochelle Becker Charitable Trust, Russell Berrie Foundation, Anchorage Charitable Fund and William Rosenwald Family Fund, and Fairbrook Foundation.⁶⁰

These seven foundations, commonly identify with right-wing causes,⁶¹ contributed almost forty-three million dollars to this handful of self-declared terrorist experts in the last decade, and in an effort to promote the notion that Islam is the greatest threat to a seemingly fragile American democracy. This group constantly asserts that the country's freedom is clinging by a thread against Islam. This has been quite successful especially when these individuals are consistently consulted even on mainstream radio and television networks and touted as the primary sources of expertise. This is a primary means to keep the spectre of terrorism high in the public consciousness. The number of news clips, available via Youtube, where any one of these self-appointed Islam experts is being interviewed on radio or television about the threat of terrorism and creeping Shari'a is in the hundreds. These interviews spike after a terror plot is uncovered, or when a major event in the Islamic world occurs, or when Muslims in the US decide to build a community centre. The common thread in these interviews is their claim that they have been warning us for years and if we do not act immediately we will all be living under Islam and Shari'a. They are ever present in both right-wing and mainstream media often cited as

⁶⁰ Ali, Wajahat Eli Clifton, Matthew Duss, Lee Fang, Scott Keyes, and Faiz Shakir. "Fear Inc. The Roots of the Islamophobia Network in America." *Center for American Progress*. August 2011. URL: <http://www.americanprogress.org/issues/2011/08/pdf/islamophobia.pdf> accessed 21 August 2011.

⁶¹ Gonzales, Manuel and Richard Delgado, *The Politics of Fear: How Republicans Use Money, Race, and the Media to Win*, Boulder: Paradigm, 2006; pp 73-98.

experts in terrorism, Islamic or Shari'a law, and the fifth column meme that is increasingly cited as the greatest threat to America.

For instance, Zuhrī Jasser has been a regular contributor as a so-called expert on Islam for both FOX and CNN. He founded a lobby group called American Islamic Forum for Democracy (AIFD) in 2003 and has close ties to Daniel Pipes.⁶² He narrated a documentary film in 2008 called “The Third Jihād” for the Clarion Fund of which both Frank Gaffney and Daniel Pipes sit on the advisory board.⁶³ The film alleges that a memorandum written in 1991 by Mohamed Akram is proof that the Muslim Brotherhood is conspiring to infiltrate the United States and convert it to Islam.⁶⁴ He was also the temperate voice of the right who testified at the King “Radicalisation of American Muslims” hearings on 10 March 2011. Even in the role of moderate sounding discourse, Jasser referred to the “exponential” growth of radicalisation of Muslim youth several times. He spoke as though it were a fact, yet he never offered any proof nor did any members of the committee ask for proof. He accused the current Muslim leadership in the US of being apologists for domestic radical Islam and put forward the idea of “inoculating” Muslim youth from radicalisation – a project that he was spearheading.⁶⁵ Jasser became the spokesman for this group because Spencer, Gaffney, and Emerson

⁶² According to Sourcewatch.org. URL: http://www.sourcewatch.org/index.php?title=American_Islamic_Forum_for_Democracy accessed 24 October 2011.

⁶³ Ibid.

⁶⁴ Jasser, Dr. M. Zuhrī. Narrator. “The Third Jihād.” *Public Scope Films*. 2008. Documentary film.

⁶⁵ Jasser, Dr. M. Zuhrī. Witness “Radicalisation of American Muslims.” *Hearings of Committee of Homeland Security*. URL: http://www.youtube.com/watch?v=A8Ypuz4_MSc accessed 24 October 2011. Video clip.

were excluded in an effort to appear less controversial and counter accusations of neo-McCarthyism.⁶⁶

Undeterred, Gaffney makes the rounds of news and pundit-infested television to promote Islamophobia by promulgating the pseudo-fact that 80 percent of mosques harbour radical Islam. He testified as much in a Murfreesboro, Tennessee, legal case that is attempting to stop the upgrading of a mosque and community centre there. In a television interview after he testified, Gaffney asserted that the “Imams’ agenda [is] to impose Sharia law [and] to destroy western civilization from within.”⁶⁷

Spencer also appears to have extensive speaking experience⁶⁸ and he seems to be a popular source of so-called expert advice; this is not only at venues that include the like-minded but at universities and public forums across the US and Canada. His opinions and lectures are available on Youtube, where a search produced almost fifteen thousand hits including many interviews with the FOX television network and with Michael Coren and Ezra Levant of SUN Television Network in Canada.

Robert Spencer argues that Islam is not only a complete system (sometimes called *tawhid*) covering every aspect of life (social, political, and theological) that not only acts against personal freedom but also one with such great intolerance that its proponents are prepared to enter into a holy war and

⁶⁶ Murphy, Tim. “Peter King’s Radicalization Hearings, Explained”. *Mother Jones*. Wednesday 9 March 2011. Available at: <http://motherjones.com/mojo/2011/03/peter-kings-radicalization-hearings-explained> accessed 23 October 2011. Print.

⁶⁷ Slajda, Rachel. “Gaffney On CNN: Mosques Want ‘To Destroy Western Civilization From Within’.” *TPMMuckraker*. 29 September 2010. URL: http://tpmmuckraker.talkingpointsmemo.com/2010/09/gaffney_on_cnn_mosques_want_to_destroy_western_civ.php#more accessed 20 October 2011. Electronic.

⁶⁸ Jihād Watch. “About Robert Spencer.” URL: <http://www.jihadwatch.org/about-robert-spencer.html> accessed 25 September 2011. Electronic.

instate some kind of worldwide Islamic caliphate.⁶⁹ For great numbers of citizens in both Canada and the United States this then becomes a legitimate thing to fear, especially when much of the media rhetoric surrounding references to Muslims and Islam constantly reminds that one must be very afraid. When average television viewers see the same experts interviewed by both the perceived mainstream media and the acknowledged right-wing media and the message is rarely challenged, they tend to accept the legitimacy of the information. And once that legitimisation has settled into the public conscience it seems to be very difficult to break.

Spencer is arguably the most well known anti-Islam blogger in the United States and Canada though after Norwegian Anders Breivik's manifesto was read it became clear that Spencer enjoys a truly international following. According to a *New York Times* article Breivik cited Spencer's blog, "Jihād Watch", sixty-four times in his writings along with the Geller site "Atlas Shrugs" and a blog site called "Gates of Vienna"⁷⁰ that has written on its main page the following statement; "*At the siege of Vienna in 1683 Islam seemed poised to overrun Christian Europe. We are in a new phase of a very old war.*"⁷¹

Spencer uses his blog to promote misinformation about creeping Islam worldwide. Scrolling through pages and pages of blogs, his thoroughness is unquestionable. He usually provides the original source and adds his own expert interpretation of the event. Some possible reasons for his use on an

⁶⁹ Spencer, Robert. Transcript "Q&A.". C-SPAN. 20 August 2006. URL: <http://www.q-and-a.org/Transcript/?ProgramID=1086> accessed 22 October 2011. Print transcript.

⁷⁰ Shane, Scott. "Killings in Norway Spotlight Anti-Muslim Thought in U.S." *New York Times*. 24 July 2011. URL: http://www.nytimes.com/2011/07/25/us/25debate.html?_r=1&pagewanted=all accessed 25 August 2011. Print.

⁷¹ Gates of Vienna blog. <http://gatesofvienna.blogspot.com/> accessed 10 September 2011. Masthead.

international approach are: first there are not enough domestic stories to provoke sufficient fear of Islamic domestic infiltration or terrorism; secondly, it tends to lend credence to his assertion that he is an expert on Islam from an international perspective and that translates to legitimacy on the domestic level; and finally it promotes the idea that Islam is an international threat and the whole world is at risk.

In May 2010 there was a reference on Jihād Watch regarding the Park51 Community Centre in New York. This is a particularly important case study because it represents several things. It was shortly after the time that Pam Geller began her vehement objections to the “Ground Zero Mosque”, and Spencer’s subsequent collaboration with her on forming “Stop Islamization of America” (SIOA).⁷² It represented an opportunity to study a particular moment in the Islamophobic agenda. This collaboration of Spencer and Geller in founding SIOA in February of 2010 seems to primarily be used to protest the Park51 Community Center and promote the “Leaving Islam” program. This particular case rapidly becomes complicated but shows how one bit of information and arguably misinformation evolves into legitimate “fact” and source of fear in the public consciousness.

In a discussion from 21 May 2010 on FOX’s “Strategy Room,” Spencer is obviously deferred to as the “expert”. He states that three separate studies: the “Sheikh Muhammad Hisham Kabbani” study from 1998,⁷³ the “Centre for

⁷² According to Sourcewatch.org, Spencer and Geller trademarked the name 21 February 2010. URL: http://www.sourcewatch.org/index.php?title=Pam_Geller#Stop_Islamization_of_America accessed 23 October 2011.

⁷³ Kabbani, Muhammead Hisham. “Islamic Extremism: A Viable Threat to U.S. Security”. *U.S. Department of State*. 7 January 1999. URL: <http://www.islamicsupremecouncil.org/media-center/domestic-extremism/63-islamic-extremism-a-viable-threat-to-us-national-security.html> accessed 23 October 2011. Transcript of an open forum with Kabbani.

Religious Freedom Study” in 2004,⁷⁴ and the “Mapping Shari’a in America Project” in 2008⁷⁵ all indicated that eighty percent of United States mosques teach hatred of Jews and Christians and further that Muslims are taught in these mosques that it is necessary and an obligation to bring Islamic law to the US.⁷⁶

There is very little information on the 1998 study by Kabbani. The methodology of his research is unknown beyond simply going to one hundred and fourteen mosques and presumably speaking with members. His conclusion that eighty percent of American mosques “teach hatred” seems to be entirely subjective. The 2004 “Saudi Publications on Hate Ideology Invade American Mosques” survey conducted by The Center for Religious Freedom is partially funded by the Bradley Foundation; one of the seven primary organisations that support the Islamophobic blogosphere and resident experts of which Robert Spencer is one. He appears to be well financed from a four and a quarter million dollar fund that The Bradley Foundation has given David Horowitz’s Freedom Center over the last decade. Horowitz is the umbrella site that hosts Spencer’s Jihād Watch. The 2008 “Mapping Shari’a in America” is a study authored by Mordechai Kedar and David Yerushalmi commissioned by Frank Gaffney’s “Center for Security Policy” with primary funding from several of the seven right-wing funding foundations including Scaife and Bradley.⁷⁷ The

⁷⁴ “Saudi Publications on Hate Ideology Invade American Mosques” Center for Religious Freedom. Freedom House. 2005. URL: http://www.freedomhouse.org/uploads/special_report/45.pdf accessed 23 October 2011. Print.

⁷⁵ Kedar, Mordechai and Yerushalmi, David. “Shari’a and Violence in American Mosques.” *Middle East Quarterly*. Summer 2011. 58:3. P59-72. URL: <http://www.meforum.org/2931/american-mosques> accessed 23 October 2011. Print.

⁷⁶ Spencer, Robert. Expert Opinion. “Strategy Room”. *FOX News*. 21 May 2010. URL: <http://www.jihadwatch.org/2010/05/spencer-on-fox.html> accessed 23 October 2011. Video clip.

⁷⁷ Ali, Wajahat, Eli Clifton, Matthew Duss, Lee Fang, Scott Keyes, and Faiz Shakir. “Fear Inc. The Roots of the Islamophobia Network in America.” *Center for American Progress*. August 2011. URL: http://www.americanprogress.org/issues/2011/08/pdf/islamophobia_chapter1.pdf accessed 23 October 2011. Print.

complete study is found in *The Middle East Quarterly* a journal published by the right-wing think tank Middle East Forum founded in 1990 by Daniel Pipes.⁷⁸ The authors pretext very clearly is that it is a “peer reviewed” ergo “scholarly” paper presumably to offer legitimacy to it. In fact, there is little or no legitimacy derived from such publications that are nothing more than fronts for moneyed extreme right-wing foundations with a political agenda. In this case, the original study is not based on empirical data nor is it unbiased.

This particular case originally cited those three studies and may be traced back to the original statement made by Robert Spencer in May of 2010. On 25 January 2011 some eight months after Spencer’s appearance on the FOX network program, Republican Representative from New York and new House Homeland Security Committee chairman Peter King cited the 1998 Kabbani study in an interview with Laura Ingraham on her radio talk show and stated that “...from what I’ve seen and dealings I’ve had, that number (80 percent) seems accurate.”⁷⁹ This is one example of how the information is created and distributed all with one aim; to make Islamophobia a real threat to Western “freedom and democracy” and then influence the views of policy-makers. As we will see in the chapter on polls, this particular incident was quite successful.

From the volume of Canadian content he posts and the number of comments on his blog, Spencer appears to have a large following of Canadians. A couple of his more recent postings include a reference to the

⁷⁸ According to Sourcewatch.org. URL: http://www.sourcewatch.org/index.php?title=David_Yerushalmi and URL: http://www.sourcewatch.org/index.php?title=Middle_East_Forum accessed 23 October 2011. Electronic.

⁷⁹ Peter King interview on Laura Ingraham Show. 25 January 2011. URL: <http://www.youtube.com/watch?v=GgDO4QDvQDE> accessed 23 October 2011. Audio clip.

2005 banning of all religious tribunals in favour of the civil courts in Ontario⁸⁰ and a story about an Islamic group in Montreal promoting the use of force on women.⁸¹ Though the discussion on Canadian blogs will identify one site, it is quite obvious that the majority of interest by Canadian Islamophobes is focused on American blogs such as Spencer's and Geller's.

David Horowitz's online Freedom Center performs a role beyond simply being the host for Spencer and his Jihād Watch blog. According to Wajahat et al, Horowitz receives a huge percentage of his contributions from the group of seven anti-Islam foundations.⁸²

Horowitz seeks to make several points on his site; that the Muslim Brotherhood is affiliated with (American) politicians across the political spectrum, that First Amendment rights are being threatened by Islamic totalitarianism, and he actively promotes "Islamofascism awareness weeks" on college campuses across the country where he perpetuates an idea that ordinary Muslim groups are nothing more than fronts for radical Islam.⁸³ The entire site combines an extreme anti-Islam rhetoric with an equally extreme pro-Israel bias. In his "Guide to the Political Left"⁸⁴ where the hierarchy of the "left" is laid out along with their agenda presumably as a teaching tool, he explains the origin of the term Islamophobia itself. Horowitz claims that the word was coined by a front group for the Muslim Brotherhood

⁸⁰ Spencer, Robert. *Jihad Watch*. 8 August 2011. URL <http://www.jihadwatch.org/2011/08/attempts-to-introduce-sharia-into-western-societies-run-against-fight-for-reforms-in-muslim-countrie.html> accessed 15 September 2011. Blog entry.

⁸¹ Spencer, Robert. *Jihad Watch*. 23 October 2011. URL: <http://www.jihadwatch.org/2011/10/canada-islamic-group-that-advocated-wife-beating-claims-that-it-was-misunderstood.html> accessed 23 October 2011. Blog entry.

⁸² Ali, Wajahat, Eli Clifton, Matthew Duss, Lee Fang, Scott Keyes, and Faiz Shakir. "Fear Inc. The Roots of the Islamophobia Network in America." *Center for American Progress*. August 2011. URL: http://www.americanprogress.org/issues/2011/08/pdf/islamophobia_chapter1.pdf accessed 23 October 2011.

⁸³ Ibid.

⁸⁴ Horowitz, David. "Discover the Networks" Freedom Center URL: <http://discoverthenetworks.org/> accessed 23 October 2011. Blog entry.

and “[t]his loathsome term is ... a thought-terminating cliché conceived in the bowels of Muslim think tanks for the purpose of beating down critics. In short [it] was a term designed as a weapon to advance a totalitarian cause by stigmatizing critics and silencing them.”⁸⁵ Horowitz uses the “Wall of Truth”, an extensive site within the main that recites anti-Palestinian rhetoric and a section called “Wall of [campus] Censors”.⁸⁶ This particular page “outs” universities whose student newspapers declined to run the “Palestinian Wall of Lies” ad campaign. The ad seeks to refute what it calls ten “lies” that certain university “hate groups” – namely the *Muslim Students Association* and *Students for Justice in Palestine* – perpetuate during “Israel Apartheid Week”, where the notion is forwarded that Israel practices apartheid. In dispelling these “lies” it seems to vilify and promote standard anti-Islamic fear rhetoric such as calling “lie” number seven, “Israel commits war crimes by killing civilians” the “big lie” and suggests that Israeli military actions result in an enemy-civilian save ratio that is “300 times greater than any other national army.”⁸⁷

So Horowitz’s focus seems to be less about blogging and more about disseminating certain anti-Islamic information and particularly in educating through college outreach strategies. His affiliation with Spencer keeps his readers up to date on an ongoing basis where there may be many posts in the course of a single day. If Spencer micro manages disseminating fear of

⁸⁵ Horowitz, David. “Discover the Networks”. *Freedom Center*. URL: <http://www.discoverthenetworks.org/viewSubCategory.asp?id=777> accessed 23 October 2011. Blog entry.

⁸⁶ This is a list of colleges that have declined to run Horowitz’s ad “Palestinian Wall of Lies,” in student run papers. URL: <http://www.wall-of-truth.org/category/wall-of-campus-censors/> accessed 23 October 2011. Blog entry.

⁸⁷ Horowitz, David. “Myths on Wall of Truth” *Freedom Center* URL: <http://www.wall-of-truth.org/myths/#7> accessed 23 October 2011. Electronic.

“creeping Islam and Shari’a” on an hourly basis then Horowitz does so at the macro level.

As of October 2010, Pam Geller’s blog Atlas Shrugs received approximately two hundred thousand distinct hits each month and was critical in the success of the anti-Park51 rallies, where thousands showed up.⁸⁸ Geller is well known for her highly inflammatory language and confrontational style in her blogs. Her Park51 obsession began on 8 December 2009⁸⁹ after the *New York Times* ran a story on the proposed community centre. On 6 May 2010 Geller takes up her opposition to the then called Córdoba project—a proposed thirteen story community centre that would also include a prayer area on one of the floors. She argues that the location of the “monster mosque...demonstrates the territorial nature of Islam. This is Islamic domination and expansionism. The location is no accident. Just as Al-Aqsa was built on top of the Temple in Jerusalem.”⁹⁰ She uses the attacks and the proposed building as evidence that Islam is expansionist in nature. Indeed when searching her blog for entries on anything Muslim or Islam, the rhetoric seems very close to hate speech. In fact, as a result of this increasingly strident rhetoric, in May 2010 PayPal designated Atlas Shrugs a “hate site” and temporarily suspended her account.⁹¹

⁸⁸ Barnard, Anne and Alan Feuer. “Outraged and Outrageous” *The NY Times*. 8 October 2010. URL: <http://www.nytimes.com/2010/10/10/nyregion/10geller.html?pagewanted=all> retrieved 15 September 2011. Print.

⁸⁹ Geller, Pam. “Giving Thanks”. *Atlas Shrugs*. 8 December 2009. URL: http://atlasshrugs2000.typepad.com/atlas_shrugs/2009/12/giving-thanks.html accessed 22 October 2011. . Blog entry.

⁹⁰ Geller, Pam., “Monster Mosque Pushes Ahead in Shadow of World Trade Center Islamic Death and Destruction.” *Atlas Shrugs*. 6 May 2010. URL: http://atlasshrugs2000.typepad.com/atlas_shrugs/2010/05/monster-mosque-pushes-ahead-in-shadow-of-world-trade-center-islamic-death-and-destruction.html accessed 22 October 2011. . Blog entry.

⁹¹ Barnard, Anne and Alan Feuer., “Outraged and Outrageous.” *New York Times*. 8 October 2010. URL: <http://www.nytimes.com/2010/10/10/nyregion/10geller.html?pagewanted=all> accessed 22 October 2011. Print.

In an interview with *New York Times* reporters Barnard and Feuer, Geller argues that a devout Muslim and a moderate Muslim is a contradiction in terms and therefore the latter does not exist. She also states how troubling it is that there is no accurate English translation of the Qur'an based on what Islamic scholars that she knows tell her. The implication of this is found in her statement of the "fact" that many westernised Muslims do not know that "when they pray five times a day that they're cursing Christians and Jews five times a day."⁹²

On 13 May 2010, a *New York Post* article frames the community centre project echoing for the first time Geller's vehemently anti-Islamic blog. This article appearing in a legitimate if conservative-leaning newspaper may be seen as the moment when the previously fringe-like anti-mosque rhetoric crosses over into the mainstream. In the article, Peyser incorrectly writes that the opening of the "ground zero monster mosque" will be 11 September 2011 and this insult is made analogous to someone being kicked in the mouth. She quotes Geller, who is lavish in her anti-Islamic rhetoric and gives information about the upcoming protest rally against the centre on 6 June 2010.⁹³ That single article created a snowball effect with a plethora of similar stories in other conservative news outlets and eventually put this newly created controversy into the mainstream.⁹⁴

⁹² Barnard, Anne and Alan Feuer., "Pamela Geller: In Her Own Words." *New York Times*. 8 October 2010. URL: <http://www.nytimes.com/2010/10/10/nyregion/10gellerb.html?pagewanted=all#morning> accessed 22 October 2011. Print.

⁹³ Peyser, Andrea., "Mosque Madness at Ground Zero." *New York Post*. 13 May 2010. URL: http://www.nypost.com/p/news/national/mosque_madness_at_ground_zero_OQ34EB0MWS0IXuAnQau5uL accessed 22 October 2011. Print.

⁹⁴ Elliott, Justin. "How the "ground zero mosque" fear mongering began." *Salon.com*. Monday 16 August 2010. URL: http://www.salon.com/2010/08/16/ground_zero_mosque_origins/ accessed 22 October 2011. Print.

The rally is called a great success in terms of swaying public opinion. As will be seen in the polling data, it is just so. CNN ran a story that quotes two separate sources as to the number of protesters attending; Geller said about five thousand showed up while the reporter who took photographs suggested that it was between two and three hundred.⁹⁵ A search for images produced many close-up shots that may imply a larger crowd than the lower estimate while on Robert Spencer's blog site Jihād Watch is a photograph showing a crowd closer to Geller's estimate. However that particular photograph cannot be verified as one from the June protest in that other photos show many signs that obviously place it in the correct time and place, while the photo on Spencer's blog and reproduced on Atlas Shrugs is curiously lacking in that regard. Video from *al-Jazeera English* of a similar protest two months later in August 2010 unequivocally shows a much larger crowd and the photo may be from that one.

This would make sense in that over the interim between the first and second rallies both print and electronic news coverage grew exponentially. These rallies may have been a run-up to one Geller organised with Robert Spencer featuring themselves as speakers, as well as Dutch right-wing and internationally known anti-Islam politician Geert Wilders, neo-conservative and former U.N. Ambassador John Bolton, Andrew Breitbart who is credited with assisting in the destruction of ACORN,⁹⁶ and a number of local

⁹⁵ Wire Staff quoting Julio Ortiz-Teissonniere. "Protesters descend on Ground Zero for anti-mosque demonstration." *CNN.U.S.* 6 June 2010. URL: http://articles.cnn.com/2010-06-06/us/new.york.ground.zero.mosque_1_american-muslims-ground-zero-mosque?_s=PM:US accessed 22 October 2011. Print.

⁹⁶ According to their own website, the *Association of Community Organizations for Reform Now* (ACORN) was an advocacy group for low to middle income people, primarily regarding "discrimination, affordable housing, a quality education, or better public services". This included a massive voter registration drive in minority communities in the run-up to the 2010 presidential elections. URL: <http://www.acorn.org/> accessed 22 October 2011.

politicians and media personalities.⁹⁷ The intensive fear blitz by this group of Islamophobic personalities propelled the ground zero mosque into the national and international spotlight. Certainly Canadian media were reporting regularly on the controversy that was created only a few months earlier. Geller misleadingly calls it the number one story of the year according to a Rasmussen poll.⁹⁸ While it is true for religious news stories, it is not true for all news stories.⁹⁹ While her assertion is misleading, the fact remains that mainstream media attention increased public awareness of the Park51 project. It gained even more momentum with the December announcement of the King Hearings on Muslim radicalisation to begin in March 2011. Through the following months toward the tenth anniversary of 11 September 2001 it was rarely out of the news. Both Park51 and the King Hearings are dominant themes in Pam Geller's blog.

In an entry on 28 February 2011, Geller laments the exclusion of Robert Spencer, Steven Emerson, and Walid Phares from the King Radicalisation hearings. Geller indicates that from the start she had been "critical of King making these concessions and being led around by the nose by those working to destroy and eliminate Western civilization from within."¹⁰⁰ The "Islamic supremacists", as Geller calls them, are the Muslim Brotherhood that she submits have infiltrated Peter King's hearings. No where

⁹⁷ Geller, Pam. "Ground Zero mosque number #1 news story in 2010, Rasmussen reports—Atlas readers change history." *Atlas Shrugs*. Thursday 30 December 2010. URL: http://atlashrugs2000.typepad.com/atlas_shrugs/2010/12/ground-zero-mosque-controversy-topped-the-list-of-news-stories-in-2010-rassmsen-reports.html accessed 22 October 2011. Blog entry.

⁹⁸ Ibid.

⁹⁹ "Religion in the News: Islam was No. 1 Topic in 2010." *Pew Research Center*. 24 February 2011. URL: http://pewforum.org/uploadedFiles/Topics/Issues/Politics_and_Elections/PEJ-2010%20Religion%20in%20the%20news-webPDF.pdf Accessed 15 September 2011. Poll.

¹⁰⁰ Geller, Pam. "Muslim Brotherhood Groups Steer "Radicalization" Hearings: King Caves *Again*, Strikes Walid Phares."

Atlas Shrugs. 28 February 2011. URL:

http://atlashrugs2000.typepad.com/atlas_shrugs/2011/02/index.html accessed 23 October 2011. Blog.

could independent verification of this accusation in any nationally recognised news site be found though references to it on blog sites including Robert Spencer's Jihād Watch are plentiful. It appears to serve a purpose in that it is the perfect segue to proving the notion of creeping Shari'a. Further down the blog, Geller writes about anti-Shari'a legislation being introduced in Tennessee by Republican law makers "that works to protect its citizens from jihād as legalized by Sharia law." ¹⁰¹

Geller writes in September 2011 about the official "earth breaking" for the "Ground Zero" Mosque and called it "redundant" because "[t]hey (meaning Muslims) *had broken ground on September 11, 2001* (her emphasis)." ¹⁰² The reality is that Park51 held an opening on 21 September 2011 in the partially renovated existing building. Geller accuses the media of misrepresenting the truth about the location. She insists that the building is part of "ground zero" because "[t]hat building is 600 feet from the tower site, and it is part of Ground Zero. The landing gear from one of the 9/11 planes crashed through its roof." ¹⁰³ Her attempt to make people see this as an example of an Islamic takeover attempt is exemplified when she accuses the "leftwing media monster [of] manipulative rhetoric and [a] disgusting propaganda campaign." ¹⁰⁴

Notwithstanding her vehement exception taking to media opposition, her fear and hate campaign has been remarkably successful. It is notable how she managed to cross over from marginalised fringe theorist, warning of a vast

¹⁰¹ *ibid.*

¹⁰² Geller, Pam. "Big Media Lauds Imaginary Opening of Ground Zero Mosque". *Atlas Shrugs*. 22 September 2011. URL: http://atlasshrugs2000.typepad.com/atlas_shrugs/2011/09/page/2/ accessed 23 September 2011. Blog entry.

¹⁰³ *ibid.*

¹⁰⁴ *ibid.*

Islamic conspiracy of world domination and imposition of Shari'a law on Christian America, to a sought-after pundit on Islam. This shift appears to be a result of the mainstream media's desire to appear to be "fair and balanced"¹⁰⁵ by offering equal time to Pam Geller and other experts of her calibre as a counter to those who would critique them. The paradox in all this is that Geller, Spencer, Horowitz, and their cohorts who created the initial threat demand and usually get air time, when others attempt to refute their rhetoric of fear, equal time to counter these attempts to mitigate their original assertions. It is almost as though they have disassociated themselves from their original argument and are defending irrefutable facts that someone else has already proven. They do this by obscuring the origins of the information by attributing the facts to various studies by organisations and think-tanks that they are closely tied to though it is not obvious to the average consumer of the information. Geller is not only the originator of the "ground zero mosque" protests; she also fights vigorously for her First Amendment right to continue to speak out against it and pursue her other anti-Islamic campaigns.

Her ongoing battle for free speech was tested in the "Leaving Islam?" bus campaign she started. Her blog tells of a legal success in one suit; in her 31 March 2011 blog entry Geller writes; "We won in our free speech lawsuit against Detroit. Huge props to our stealth legal team David Yerushalmi and Robert Muise."¹⁰⁶

In an interesting forty minute video clip from 21 September 2011 on Horowitz's site, Geller covers a myriad of issues including her free speech law

¹⁰⁵ The *FOX News* slogan is a controversial one with critics who question assertions of fair and balanced reporting.

¹⁰⁶ Geller, Pam. *Stop Islamization of America*. 31 March 2011. URL: <http://sioaonline.com/?p=509> accessed 15 September 2011. Blog entry.

suit with the New York City Metro Transit Authority (MTA) over the “savages” ad campaign based primarily on the First Amendment to the Constitution, the threat to Jews in Israel by the Palestinians, the imposition of Shari’a on the secular marketplace, and the threat of al-Jazeera “terror TV” on US airwaves. As the speech progresses, numerous examples of alleged horrific Islamic brutality incidents are woven in: the slaughter of Christians in Darfur, the “jihādist” Somali pirates, and the Islamic “slaughter” of Jews around the world that “make the Nazis look soft”. She accuses the US of resurrecting Islamic imperialism in 1979 when Carter “threw the Shah under the bus” and the weakness of Obama and how the world is now in chaos because of that weakness and finally how it (Islam) is a complete system socially, economically, religiously, and politically and is readying to take over the world.”¹⁰⁷ Geller is a persuasive speaker and fires alleged facts at the audience with ferocity, passion, and a conviction that brooks no opposition.

Like Spencer and Horowitz, Geller often uses language that is arguably hate speech. They all invoke the right to such speech under the First Amendment but what is interesting is their sensitivity to criticism. Geller with legal counsel Yerushalmi has filed a law suit against the New York Metro Transit Authority (MTA) that refuses to run an ad¹⁰⁸ in retaliation to one depicting a Palestinian man and an Israeli man and their daughters that says “Be on our side. We are on the side of peace and justice. End US Military Aid to Israel.” The Geller ad reads ““In any war between the civilized man and the savage, support the civilized man,” the ad concludes with. “Support Israel.

¹⁰⁷ Geller, Pam. “Wednesday Morning Club” *Freedom Center*. David Horowitz TV. 21 September 2011. URL: <http://www.horowitzfreedomcenter.org/> accessed 23 October 2011. Video clip.

¹⁰⁸ Both advertisements may be viewed in Appendix 4 below.

Defeat Jihād.”¹⁰⁹ While the first ad makes political and social statements that may be controversial, it maintains a degree of civility; the same may not be said for Geller’s “response.” Justification for the “savages” ad in her blog on 26 September 2011 declares that the other ad is anti-Semitic and rationalises her word choice by stating:

*SO the Jihādists slaughtering Jewish babies in cold blood, hacking Jewish families up in the middle of the night, holding Gilad Shilat in a Hamas torture chamber for six years, and 64 years of relentless [sic] Islamic Jihād against the tiny Jewish state cannot be referred to as savage, because “demeans an individual or group of individuals.”*¹¹⁰

Indeed Geller's concept of “hate speech” and who is actually uttering it seems to be very disconnected from reality. This seems to be a common trait amongst the Islamophobes.

On a broadcast of Larry King’s in 2006, Horowitz defends Ann Coulter who called five 9/11 widows “witches and harpies” justifying it because people called Bush a “murderer and war criminal.” This is called “no justification— a school yard argument—you hit me—I hit you” by the other guest on the program leaving Horowitz momentarily flummoxed before he goes on to accuse Democrats of using mothers of dead soldiers and injured vets to play on public sympathies so that conservatives “can’t fight back”.¹¹¹ So frequently they litigate when their right to freely call others whatever they

¹⁰⁹ Geller, Pam., *Atlas Shrugs*. 21 September 2011. URL: http://atlasshrugs2000.typepad.com/atlas_shrugs/2011/09/ny-daily-news-blogger-pamela-geller-vows-to-sue-mta-if-subway-ad-calling-israels-enemies-savages-isn.html accessed 21 October 2011. Blog entry.

¹¹⁰ Geller, Pam., *Atlas Shrugs*. 26 September 2011. URL: http://atlasshrugs2000.typepad.com/atlas_shrugs/2011/09/afdisioa-to-takel-legal-action-against-nyc-transit-authoritys-violation-of-free-speech.html accessed 15 October 2011. Blog entry.

¹¹¹ Horowitz, David., “Larry King Live” CNN. 12 June 2006. URL: <http://www.youtube.com/watch?v=FHe7epev3Gs> accessed 23 October 2011. Video clip.

want is challenged. The presence of Horowitz on CNN portrayed as nothing more than a petulant child caught up in a school yard name calling illustrates this groups very strong desire that their right to free speech be honoured while attempting to suppress opposing voices. Recall Bill O'Reilly's trademark and ferocious "shut up" command whenever someone dared to contradict his worldview.¹¹²

The Canadian model of dissemination of Islamophobia has some differences compared to the American counterpart. Where there are primary sources of so-called experts on Islam in the US who then frequent the second tier of mass media primarily television, radio, and print; in Canada it appears that a small group function on both levels. Mark Steyn with his "Steyn on Line", Ezra Levant, and Michael Coren are the major Canadian voices of Islamophobia though Steyn currently resides in New Hampshire.¹¹³ These Canadian bloggers and or commentators do not devote their sites exclusively to Islamophobic fear rhetoric. However, they are extremely forceful in their condemnation of Islam and Shari'a in what may be characterised as anti-Islamic rhetoric. So not only does this core group utilise their personal "expertise", they reinforce it through the secondary channels of distribution.

All three write books though only Steyn and Levant devote any major works to discussions relating to the dangers of Islam. These two are preoccupied with justifying their hate rhetoric on the basis that free speech trumps hate speech and human rights. They all produce articles for major publications and Steyn has been known to guest host for Rush Limbaugh

¹¹² Bill O'Reilly is the host of FOX News' "The O'Reilly Factor" a long running and extremely influential daily broadcast. He is well known for 'conservative' views and an acerbic and confrontational interview style.

¹¹³ Hawkins, John. "The Mark Steyn Interview." *Right Wing News*. 2003 URL: <http://rightwingnews.com/interviews/steyn.php> accessed 20 October 2011. Transcript.

occasionally.¹¹⁴ Levant is previously famous for reprinting the controversial Danish “Muhammad cartoons” in his Magazine the *Western Standard* in 2006. He was once associated with and helped Rahim Jaffer, one time Reform, Alliance, and Edmonton-Strathcona Conservative to win election. His own political aspirations came to an end when he was pressured to step aside for new Alliance leader, Stephen Harper in the Calgary Southwest riding by-election in 2002. Steyn is well known for his controversial 20 October 2006 article in *McLean’s* magazine called “The Future Belongs to Islam.”

Both these men subsequently were called before Human Rights Commissions as a result of alleged hate speech. Levant called his appearance before the Commission an “interrogation”¹¹⁵ and refused to recognise its legal authority. In both cases the allegations against them were dismissed so their contention that free speech and freedom of the press supersedes all other public speech considerations including “hate speech” may be correct according to Canadian adjudicators.

Steyn is limited in this secondary aspect of disseminating the rhetoric of fear of creeping Islam but only limited in the sense of just having a personal vehicle for it. Levant (*The Source*) and Coren (*The Arena*) have regular programs on the new SUN Television Network and Steyn is accessed to comment at length. Levant and Coren also mine the very influential US cadre of Islamophobic self-appointed experts, both having interviewed, especially Spencer and Geller as well as Ann Coulter. Interestingly, Levant and Steyn return the favour south of the forty-ninth appearing on FOX television

¹¹⁴ Announcement of Mark Steyn guest hosting. The Rush Limbaugh Show website URL: http://www.rushlimbaugh.com/daily/2011/09/23/guest_host_mark_steyn accessed 12 October 2011. Announcement.

¹¹⁵ Video Statement: Ezra Levant’s statement at the Alberta Human Rights Commission. URL: <http://www.youtube.com/profile?user=EzraLevant> accessed 22 October 2011. Video clip.

specifically related to the Canadian free speech incidents. Indeed watching the clips it is evident that they know and respect each other, which further reinforces the legitimacy because the American experts who are seen regularly on FOX or listened to on Limbaugh's radio show add gravitas to the Canadian commentary.

So these Canadian personalities function on both the primary "expert" level in their own right as well as the secondary level of accessing US primary "experts" such as Spencer and Geller to further legitimise what they have to say in their forums. They also access, in their function as television personalities, controversial anti-Islam figures such as the right-wing Dutch politician Geert Wilders. Wilders, along with Geller, are accessed to demonstrate a notion that their alleged "hate speech" against Muslims is an attack on their right to "free speech" and both make an argument to get rid of "hate speech" laws and "human rights" laws that impinge on freedom of speech.

On a recent SUN Network piece, the facetious intro to a clip on Canada included the odd title of "ethical oil" in relation to the tar sands. "Sun News host Ezra Levant took aim at the Saudi censorship attempt Monday on *The Source*. Watch his interview with Alykhan Velshi as they enjoy their last moments of freedom before Sharia censorship hits Canada's *Ethical Oil* advocates."¹¹⁶ Levant deftly weaves the spectre of Shari'a law in response to Saudi protests over an ad discouraging importing their oil because of the way they treat women. The underlying theme in this clip and in others is the notion of free speech. Women's rights in Muslim countries seem to be a convenient

¹¹⁶ Levant, Ezra. "Straight Talk." *Sun News Network*. 20 September 2011. URL: <http://www.sunnewsnetwork.ca/sunnews/opinions/archives/2011/09/20110919-213457.html> accessed 23 September 2011. Opinion piece.

means to promote the Alberta tar sands as “ethically produced oil”. That the same companies extract oil from both the Middle East and Canada seems not to matter. These Canadian Islamophobes seem inordinately fixated on their freedom of speech rights taking precedence over misleading speech.

In an opinion piece in October 2010 in the *Toronto Sun* Levant declares “Shariah [sic] law has come to Canada.”¹¹⁷ This is over a Muslim woman who won an appeal in the Ontario courts to keep her veil on while she gave testimony in a case where she was accusing some relatives of sexually abusing her as a child. He seems to suggest the veil could allow her to lie about the “alleged” abuse because no one could see her face. Levant declares that that same woman would have no choice if she were to try to board a plane. And somewhat derogatorily suggests she would happily shed the veil to get a driver’s licence. It also seems to contradict his support for women’s rights in places like Saudi Arabia; rights that include the right to wear a veil if a woman chooses.

On another recent SUN Network program called *The Arena*, host Michael Coren is featured in a clip on three questions to ask Islam. In his preamble to the three questions he mentions a pro Islamic terrorist “mob” protesting outside the Ontario legislature over Muslim students praying in an empty school cafeteria. Coren graphically describes honour killings of young girls and in the same sentence tells the audience with obvious scorn that a leading moderate US Muslim assured him that Shari’a law is ninety percent the same as United States law. Coren then begins to append US President

¹¹⁷ Levant, Ezra. “Court decision puts veil over women’s rights.” *The Toronto Sun*. 17 October 2011. URL: http://www.torontosun.com/comment/columnists/ezra_levant/2010/10/15/15709381.html accessed 15 October 2011. Opinion piece.

Obama's name with "Peace Be Upon You" before asking his three questions that are posed here in condensed form:

- 1- Is Islam willing (like the west) to encourage free debate?
- 2- Will Islam allow and encourage criticism (like western religions do)?
- 3- Will Islam freely allow followers to convert to other religions (like western religions do)?

Coren goes on to say that the list of questions "could go on as could Obama, praising Islam and its place in the free world". He finishes the clip with the following remark; it's "always convenient to mention atheists like...McVeigh or a pagan like Norwegian murderer Breivik [that] we're all the same, but do you believe that?"¹¹⁸ These characterisations of both McVeigh as atheist and Breivik as pagan seem to be misinformation. Breivik states on page 1351 of his manifesto "As a cultural Christian, I believe Christendom is essential for cultural reasons. After all, Christianity is the ONLY (his emphasis) cultural platform that can unite all Europeans, which will be needed in the coming period during the third expulsion of the Muslims."¹¹⁹ And McVeigh's religious beliefs are ambiguous at best; raised Roman Catholic then professing agnosticism during his adulthood and in the end asking to receive the Roman Catholic sacrament just before his execution.¹²⁰

¹¹⁸ Coren, Michael. *The Area*. The Sun Television Network. 5 September 2011. URL http://www.youtube.com/watch?v=DML_oABMvLA accessed 23 September 2011. Video clip courtesy "The Gates of Vienna".

¹¹⁹ Breivik, Anders Behring. "2083: A European Declaration of Independence" URL: <http://unitednations.ispnw.org/archives/breivik-manifesto-2011.pdf> accessed 15 August 2011. Manifesto.

¹²⁰ Candiotti, Susan. "McVeigh Changed Mind and was Given Last Rites" *CNN Justice*. 11 June 2001. URL: http://articles.cnn.com/2001-06-11/justice/mcveigh.candiotti.otsc_1_mcveigh-and-co-conspirator-prison-warden-harley-lappin-bureau-of-prisons-spokesman?s=PM:LAW accessed 12 September 2011. Print.

The video interviews seem to indicate that Coren has a history with Geller and Pipes; that they know each other well and utilise the misinformation to further Islamophobia in Canada. The SUN News Network, newest news outlet in Canada, is quite vigilant in keeping anti-Islamic rhetoric and fear of creeping Shari'a in the public consciousness. In numerous video clips the themes of the dangers of creeping Islam and Shari'a echo the US rhetoric though the SUN TV personalities appear to use sarcasm and irony rather more effectively.

On the website "Canada Free Press" that includes in its masthead the phrase "...Because without America there is no Free World" there is resounding approval of the new SUN network as a breath of fresh air to Canadian airwaves.¹²¹ American Bob Beers, who wrote for this Canadian site, proposed the notion of bombing Mecca. In a 6 November 2006 post he suggests this could be in retaliation for the Fort Hood killings. Beers assures his readers that he is well qualified to state his opinion because he "spent a number of years studying comparative religion, including the one started by an Arab thief/con man/thug/pedophile named Muhammad."¹²²

In the Canadian Islamophobic blogosphere there is Arnie Lemaire, whose site seems to be primarily devoted to anti-Islamic rhetoric and conjures up endless examples of alleged anti-Semitic documentation which is offered as evidence of an Islamic plot to overthrow democracy. Recently, he seems to be siding with FOX and SUN against the Occupy Wall Street movement as some kind of a dangerous anti-Jewish communist mob. Lemaire's blog called

¹²¹ McLeod, Judi. "4-day-old "Fox News of the North" already has far left in a panic" *Canada Free Press*. 22 April 2011. URL: <http://www.canadafreepress.com/index.php/article/35759> accessed 23 August 2011. Blog entry.

¹²² Beers, Bob. "How about we bomb Mecca?" *Canada Free Press*. 6 November 2006. URL: <http://canadafreepress.com/index.php/article/16610> accessed 11 November 2011. Blog entry.

Blazing Cat Fur consists almost entirely of short blog posts accompanying an endless line of video clips that he evidently searches out and reposts via Youtube. Judging by the number of comments on his blogs, Lemaire is a very minor actor, but as a blogger almost entirely devoted to fanning the flames of Islamophobia in Canada it is fair to note his contribution as a depository of much of the more inflammatory fear rhetoric. He makes attempts to be ironic, pithy, and humorous though it is unclear if he is successful in it.

Though the United States is unquestionably the centre of this fear rhetoric against Islam since at least September 2001, Canada increasingly echoes this language through the efforts of Levant and Coren who make up the core of this small but influential group.

Recalling that in the immediate aftermath of the 11 September attacks public commentary demonised not just the nineteen individuals that hijacked some planes and flew them into buildings but threw a very wide net that while assuring us “not all Muslims may be terrorists but all terrorists are Muslim”¹²³ and served the larger purpose of being able to once again identify a group to fear and vilify. This in effect created a false consciousness in especially the White European populations of the United States and Canada. They were drawn into the notion that common history made the average White citizen the socioeconomic equal of the power structure. They were rendered incapable of considering the idea of oppression at the hands of the political and economic hegemony that aligned them more squarely with people of colour and different ethnicities and religions. It precluded any possibility that United States foreign

¹²³ Coulter, Ann. *Jewish World Review*. 28 September 2001. URL: <http://www.jewishworldreview.com/cols/coulter092801.asp> accessed 4 October 2011. Blog entry.

policy and neo-colonial economic hegemony could have played a role in the attacks.

In Canada, the reaction and vitriol was palpable in response to criticism by University of British Columbia professor Sunera Thobani. She simply asked “If we in the West are all Americans now”¹²⁴ did that include women and people of colour? She then went on to ask if anyone had considered the notion that the attacks could be seen as retaliation for Western-constructed globalisation that amounts to nothing more than neo-colonialism and exploitation of the developing world. Certainly the violence was abhorrent but was not also the deaths of thousands of innocents at the hand of Western imperialists.¹²⁵ The response by the Canadian media and citizens was swift and pejorative and included an RCMP investigation of Thobani under “Section 319 of the Criminal Code...“public incitement of hatred” against an identifiable group of people”¹²⁶ based on a complaint by an unnamed person.

Indeed at that moment in time everyone involved in traditional forms of media was “American” and any deviation from the usual explanation for the attacks: “because they hate our freedoms”¹²⁷ rhetoric was not tolerated. This was before Islamophobic web sites and blogs gained popularity as forums. The Internet was a tool that had yet to realise its full potential and is still evolving a decade later. However, the power that it wields now has made deep cuts in the other more traditional ways of viewing content. Its ability to provide instant

¹²⁴ Thobani, Sunera. Presentation to the Ottawa Women's Resistance Conference. 1 October 2001. URL: <http://print.indymedia.org/news/2001/10/923.php> accessed 10 March 2010. Conference paper.

¹²⁵ *ibid*

¹²⁶ Bohn, Glenn and Kim Bolan, “Thobani accused of hate crime against Americans.” *Vancouver Sun*. 10 October 2001. URL: <http://www.globalresearch.ca/articles/BOL110A.html> accessed 20 September 2011. Print.

¹²⁷ “President George W. Bush’s Address to Congress and the Nation on Terrorism”. 20 September 2001. URL: <http://www.johnstonsarchive.net/terrorism/bush911c.html> accessed 12 October 2011. Speech transcript.

feedback to news and events helps the cause of all who know how to use it. That very definitely includes the Islamophobic blogosphere that disseminates fear and hate at a rate never before seen. Arnie Lemaire seems to be posting almost nonstop on his Blazing Cat Fur blog. And anyone who stumbles upon his site can easily connect to the major US sites through links on his blog where the rhetoric of fear and hate is only reinforced in perhaps a more sophisticated way.

According to Schwartz in his paper on this new “fear industry”, Islamophobia relies on Internet, television and radio media personalities repeating the manufactured factoids. He suggests that the group most influenced by this is primarily prejudiced Christians who see political Islam infiltrating their society and acting as the thin edge of a wedge. He suggests that the factoids include: al-Qaida style terrorists are predetermined by Islamic beliefs; that jihād is synonymous with and exclusively related to an inherently violent Islamic religion; that this fundamentalist version is the only legitimate version; and based on these premises “Muslims are therefore a menacing “other” inextricably linked to radical ideology.”¹²⁸ This seems to be the inevitable conclusion especially when the audience is endlessly bombarded from all sides with these “manufactured factoids.” It matters little if the information is true or not, if all the media are talking about it and no one is evaluating the content for original empirically provable evidence then they assume an air of legitimacy by default. So arguably the message of Islamic infiltration is reaching more than just prejudiced Christians to some degree as polling data will tend to show.

¹²⁸ Schwartz, Stephen. "Islamophobia: America's New Fear Industry." *Phi Kappa Phi Forum* 90.3 (2010): 19-21. Print.

By framing Islam in the public consciousness as a vengeful monolithic ideology of *tawhid* (a kind of indivisibility between divine and temporal) that encompasses all social, political and theological aspects of life through pseudo experts such as Robert Spencer is a strategy successful to a fairly significant degree. During the nineties, sporadic attacks by Muslims and discovered plots, founded and unfounded, against Muslims successfully animated that fear in the periphery of public consciousness. Certainly Gaffney, Pipes, and Emerson were in prominent enough positions and highly regarded by the corporate entities that were prepared to fund the means to produce the next threat to Western freedom and democracy.

It seems inconceivable that the network of fear is simply perpetuating fear for its own sake in the United States and Canada. In one sense that may be true because the degree of fear rhetoric against Muslims and Islam is far out of proportion to any real threat. The moneyed groups behind the think-tanks and the experts such as Spencer remain mute and try to remain anonymous. In the end there can be only one reason for all the secrecy and obfuscation of sources and facts. It is to retain power, after all politics in its simplest terms is about nothing more than power; who has it, who wants it, and how to go about getting it and keeping it. The desire to retain political power includes access to economic power and it may be that one leads to the other though it may be argued that the latter leads to the former more often than the opposite is true.

Fear seems to be one of the simpler ways of achieving that end. It is time tested and in today's über connectedness can be efficiently disseminated to entire populations with blinding speed. What are the consequences for society that this network of money, experts, and factoids bring? In the next

section, a survey of polling data from a decade before 11 September 2011 to the most recently available will show some interesting correlations between the fear mongering and hate speech and the levels of distrust for Muslims and Islam that lead to making anti-Shari'a public policy.

Chapter 5: What the polls tell us about fear

A September 2010 public opinion poll conducted by Ohio State University professors from its School of Journalism indicated that viewers of FOX News are not only more aware of false rumours surrounding the Park51 Community Center but more importantly tended to believe the misinformation.¹²⁹ Of course the viewers were not aware that the rumours were false because FOX News passed the misinformation along as though it were the truth. Another poll conducted in New Jersey in November 2011 indicates that FOX News viewers are less informed than people who do not watch the news at all.¹³⁰ Given that it is the most popular news source for fiscal and social conservatives as well as evangelical Christians and Christian Zionist groups, this may explain some of the other results in the polling data.

The polls indicate that the dissemination of hate rhetoric and misinformation affects public opinion over time. Muslims, Islam, and terror threats tend to illustrate trends related to specific events that temporarily raise fear levels while the steady hum of fear rhetoric from even before 9/11 account for a relatively high anti-Islamic sentiment after. Survey questions over the period after 9/11 cover several related topics: anti- Islam/Muslim feelings, fear of the possibility of reoccurrence or imminent threat of attack, fear of and/or support of extremism by Muslim Canadians and Muslim Americans, and the opinion that Islam encourages violence. Measuring the levels of fear in this section through a survey of polling data available

¹²⁹ Nisbett, Eric, and Kelly Garrett., "Fox News Contributes to Spread of Rumours About Proposed NYC Mosque." *Ohio State University: School of Communication*. 14-19 September 2010. URL: <http://www.comm.ohio-state.edu/kgarrett/MediaMosqueRumors.pdf> accessed 20 November 2011..

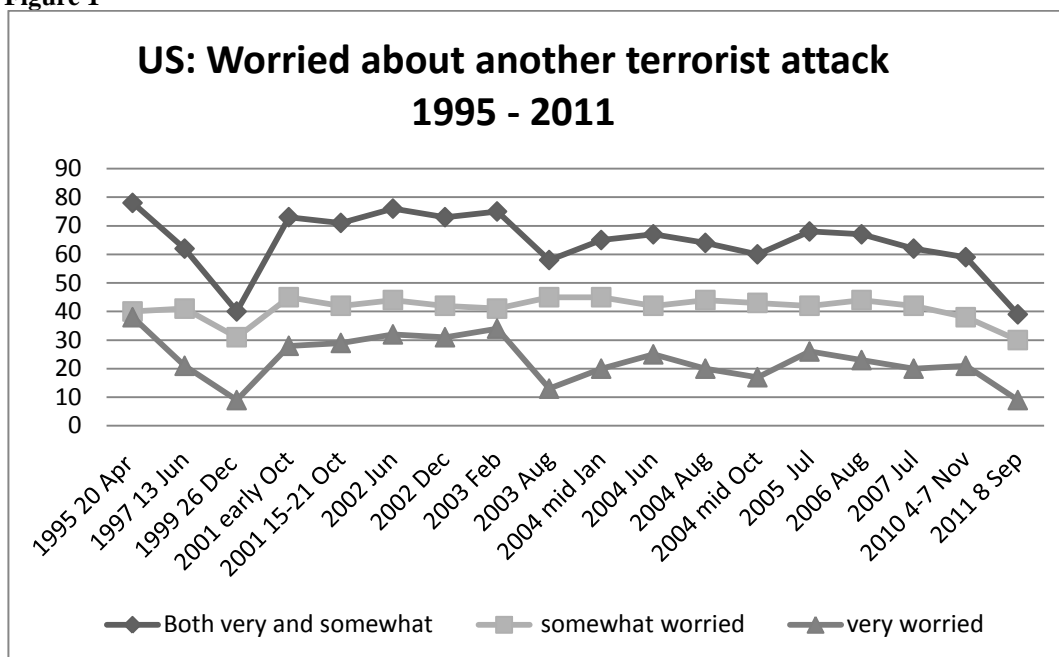
¹³⁰ Cassino, Daniel, and Peter Woolley., "Some News Leaves People Knowing Less." Fairleigh Dickenson University. 21 November 2011. URL: <http://publicmind.fdu.edu/2011/knowless/> accessed 24 November 2011. Poll.

particularly after 11 September 2001 will be correlated to several events and to fear rhetoric. Where survey questions are similar and from the same time frame, they will be matched across polls as closely as possible to compare the results. There are a few polls that offer direct comparison because they were conducted for the express purpose of comparing attitudes of Americans and Canadians at a given time. A look at some US data available from before 11 September 2001 offers some comparative information that may be useful in measuring later trends in Islamophobia in that country.

For instance, a couple of weeks after the 9/11 attacks, Jeffrey Jones offers some US polling data from the previous decade. He cites three events: the end of 1990-1 Persian Gulf War, the 1993 World Trade Center bombing, and the Oklahoma City federal building bombing. An ABC poll near the end of the first Gulf War indicated that 41 percent of Americans held a low opinion of Arabs. After the World Trade Center bombing in March 1993 a Gallup poll revealed that 32 percent of Americans had unfavourable opinions of Arabs and after the Oklahoma City federal building was bombed, in spite of the knowledge that Muslims had not been the perpetrators, 60 percent thought media coverage had been fair to Muslims and Arabs.¹³¹ Even today Islamophobes such as Pam Geller are keeping the Islam “connection” to Oklahoma alive, in an April 2010 editorial for *Libertarian Republican.net*, she makes accusations that one Hussein-al-Husseini rode in the Ryder truck with McVeigh and the truck was paid for by Ramzi Youseff a nephew of head of

¹³¹ Jones, Jeffrey M., “Americans Felt Uneasy Toward Arabs Even Before September 11: Majority supports increased security measures even for Arabs who are United States citizens.” *Gallup News Service*. 28 September 2001. URL: <http://www.gallup.com/poll/4939/americans-felt-uneasy-toward-arabs-even-before-september.aspx> accessed 20 October 2011. Report.

Figure 1



Source: USA Today/Gallup¹³² timeline on likelihood of attack and Chart 2 a composite of ABC News¹³³ poll covering April 1995 through December 1999; Pew's¹³⁴ timeline on worry covering October 2001 through November 2010 and a Quinnipiac University Polling Institute¹³⁵ for September 2011.

Questions:

ABC News 1995-97: How concerned are you about the possibility there will be more major terrorist attacks in this country - is that something that worries you a great deal, somewhat, not too much, or not at all?

ABC News 1999: How concerned are you about the possibility of a major terrorist attack in this country during the New Year's Eve holiday this year - is that something that worries you a great deal, somewhat, not too much, or not at all?

Pew 2001-2010: How worried are you that there will soon be another terrorist attack in the United States?

Quinnipiac 2011: How worried are you that there will be another terrorist attack on the United States in the next few months - very worried, somewhat worried, not too worried or not worried at all?

al-Qaeda military committee, Khalid Sheik Muhammad.¹³⁶ Further down the

article are excerpts from a report by Republican Congressman Dana

¹³² "Gallup Poll Social Series: Work and Education." *Gallup News Service*. 11-14 August 2011. URL: http://www.gallup.com/file/poll/149318/Nine_Eleven_Anniv_fear_terror_110902.pdf accessed 15 August 2011. USA Today/Gallup poll.

¹³³ "Terrorism Fears." *ABC News.com Poll*. 27 December 1999. URL:

<http://abcnews.go.com/images/pdf/796a22Terrorismll.pdf> accessed 11 November 2011. Poll.

¹³⁴ "Despite Years of Terror Scares, Public's Concerns Remain Fairly Steady" *Pew Research Center for People and the Press*. 4-7 November 2010. URL: <http://people-press.org/files/legacy-pdf/680.pdf> accessed 11 September 2011. Poll.

¹³⁵ "New Yorkers, Other Americans Expect New Attack." *Quinnipiac University Polling Institute*. 8 September 2011. URL: <http://www.quinnipiac.edu/x1302.xml?ReleaseID=1641> accessed 25 November 2011. Poll.

¹³⁶ "Khalid Shaikh Mohammed – The Guantanamo Docket." *New York Times/NPR*. 30 November 2011 URL: <http://projects.nytimes.com/guantanamo/detainees/10024-khalid-shaikh-mohammed> accessed 1 December 2011. Document.

Rohrabacher as well as other theories that Geller cites to support an Islamic connection to the Oklahoma City bombing.¹³⁷

In attempting to understand the polling numbers after 9/11, there is the millennium terror plots to consider and some polling data gathered in the five years before. In mid-December of 1999 a couple of events occurred that provoked both an alert and some polling. On 14 December 1999 Algerian Ahmed Ressay was arrested in Washington State and indicted for smuggling in from Canada the ingredients to make a bomb and five days later on the Vermont border with Canada another Algerian man and a Canadian woman who allegedly had links to a terrorist group were also arrested. These two events provoked a terrorist warning and on the 19th ABC conducted their first poll that indicated 8 percent were “a great deal” and 18 percent “somewhat worried” about a “millennium” terror threat. The day after Christmas, ABC followed up and discovered that the “great deal” group had only increased to 9 percent while the “somewhat” category jumped to 31 percent. The pollster suggests this is a good thing because the warning is meant to “warn” not create “panic” so even with the possibility of attack the majority were not overly alarmed¹³⁸, certainly not compared to the levels in 1995 and 1996.

The pollster compares the results of that poll with a series of four polls all asking if the respondents were worried a “great deal” or “somewhat” about the possibility of a terrorist attack in the US:

¹³⁷ Geller, Pam., “Oklahoma City Bombing - Muslim Terrorist Connection, ignored by Mainstream Media” *Libertarian Republican.net*. 21 April 2010. URL: <http://www.libertarianrepublican.net/2010/04/oklahoma-city-bombing-muslim-terrorist.html> accessed 6 November 2011. Opinion piece.

¹³⁸ “Terrorism Fears.” *ABC News.com Poll*. 27 December 1999. URL: <http://abcnews.go.com/images/pdf/796a22TerrorismI.pdf> accessed 11 November 2011. Poll.

1. Just after the Oklahoma City bombing in April 1995, 40 percent indicated they were somewhat worried and 38 percent were greatly worried
2. One week after the 27 July 1996 a pipe bomb that exploded at the Atlanta Olympic Games,¹³⁹ 43 percent indicated they were somewhat worried and 31 percent were greatly worried
3. On 2 June 1997 when Timothy McVeigh was convicted of the Oklahoma City bombings, 41 percent indicated they were somewhat worried and 22 percent were greatly worried and,
4. A poll taken on 13 June 1997 one day after a Florida plot to rob an armed car was uncovered.¹⁴⁰ 41 percent were somewhat worried and 21 percent were greatly worried.¹⁴¹

This data from before 9/11 seem to indicate that Americans have been relatively fearful of the threat of a terrorist attack for a very long time. As suggested previously, the threat has simply shifted from one group to another. Beginning sometime in the nineties that process of shifting to Islamic terrorism was beginning. The low numbers for those that were greatly worried at the end of 1999 may be a result of thinking that two separate arrests at opposite ends of the country had reduced any real threat in the near future.

2004 is the year when the earliest data are available to measure Canadian opinion. It is notable that the data on fear of terrorist attacks from 2004 through to present is quite consistent with the US. In the immediate

¹³⁹ "Terrorism in the United States 1996." *US Department of Justice and the FBI*. December 1996. URL: http://www.fbi.gov/stats-services/publications/terror_97.pdf accessed 1 November 2011. Government document.

¹⁴⁰ "Terrorism in the United States 1997." *US Department of Justice and the FBI*. December 1997. URL: http://www.fbi.gov/stats-services/publications/terror_97.pdf accessed 1 November 2011. Government document.

¹⁴¹ Ibid

aftermath of 9/11, in spite of an official stance in both countries that clearly differentiated between Muslims and Islamic terror organisations, the reality was quite different. As Bahdi states in her 2003 paper on racial profiling, the “war on terror” is concealed by leaving the decision to question or detain someone at the bottom levels of enforcement. So a security person at an airport may perform this function of racial profiling in an ad-hoc way with no paperwork to prove that it happened.¹⁴² This type of behaviour then seems to reinforce the notion that the rest of society is being protected from “the other” and we see these incidents not as racial profiling but as acts of protection.

The data offer some indication as to how terrorist or threat events and the surrounding rhetoric interact to maintain a relatively high degree of Islamophobia in the population. Most polling is done after an event occurs or near the anniversary of 11 September 2001. Also, when an event occurs or the threat of an event is reported, the rhetoric in the mainstream media goes up and tends to provoke upticks in fear levels according to the data. The anti-Islam blogs and web sites then amplify their levels of fear rhetoric and often suggest that mainstream media are not taking the threat of radical Islam seriously enough when they only report sensational events. These Islamophobic bloggers and pundits indicate that “creeping Islam” is the real threat while the occasional terrorist plot or attack is just reinforcing evidence. Occasionally there are some polling data that are not centred on either of these criteria but these rare bits of information still show some surprisingly consistent and high numbers.

¹⁴² Bahdi, Reem. “No Exit: Racial Profiling and Canada’s War Against Terrorism. *Osgood Hall Law Journal*. Vol 41 No. 2 and 3. 2003. Pp293-316. Print. (p297).

This interesting aspect of the data indicates that there is a fairly stable level of fear of Islam over time, indicating a core group of the population that persists in fearing terror attacks specifically by Muslims. The polling data also offer demographic information as to who may be more inclined to believe Islamophobic rhetoric. A map of the United States (see Figure 7 below) shows the states involved in making anti-Shari'a law that tends to match certain conservative demographic inclinations and voting patterns within the American population. The section of this thesis on policy resulting from anti-Muslim sentiments and fear of radical and/or creeping Islam will provide further demographic correlations in addition to that provided by pollsters in this chapter.

Some of the more recent data show steady support for the belief that radicalisation and "creeping Islam" provoke a legitimate fear especially since pundits, such as Robert Spencer and Pam Geller in the US and Levant in Canada, have successfully crossed over to the cable and network television medium. This de-facto legitimacy then lends support to their factoid that 80 percent of mosques teach radical Islam and society is in imminent peril of being subjected to Shari'a law. When elected law makers then cite such claims as fact to lend legitimacy to such things as holding hearings on the radicalisation of American Muslims the notion becomes a reasonable assumption. So when an alleged conspiracy is uncovered and the plotters appear to be of Middle Eastern extraction it tends to confirm the threat for that core group who are in a constant state of fear. Uncovered plots tend to send poll numbers up temporarily. For instance, the June 2006 arrests of the

Toronto 18 in Canada,¹⁴³ followed by the uncovering of a plot to bomb New York City's Holland Tunnel a few weeks later in early July,¹⁴⁴ and finally the thwarted UK plot to blow up aircraft arriving in Canada and the US¹⁴⁵ in August resulted in the only "Red" or severe terror alert since 9/11. The immediate result was a higher percentage of people thinking for a few days that a terror attack was imminent though only one in ten thought it was very likely, with two in five thinking it was somewhat likely.¹⁴⁶ The level of fear at the same time, according to the Pew Centre data, shows one in five was very worried and two in five were somewhat worried about an imminent terror attack.¹⁴⁷ The data on this Pew poll covering the years 2001 through 2010 has been merged with the ABC News poll covering 1995 through 1999, and a September 2011 Quinnipiac poll that illustrates the levels of fear over approximately sixteen years. (see Figure 1)

So it would appear that the polling numbers between the spikes would quantify the public's fear of "creeping Islam". It may also represent the percent of US and Canadian public that tends to listen to the constant fear rhetoric from the Islamophobic blogs and media outlets such as SUN and FOX. For the rest it seems to be just a hum of noise in amongst all the rest of the media chatter until an actual event occurs, which would account for the

¹⁴³ Staff. "Alleged Canadian terror plot has worldwide links." *The National Post*. 4 June 2006. URL: <http://www.canada.com/nationalpost/news/story.html?id=de3f8e90-982a-47af-8e5e-a1366fd5d6cc> accessed 15 October 2011. Print.

¹⁴⁴ O'Neil, John. "New York Tunnel Plot Is Uncovered in Early Stage." *New York Times*. 7 July 2006. URL: <http://www.nytimes.com/2006/07/07/nyregion/07tunnel.html?ex=1309924800&en=125e7e148ab1a3ae&ei=5088&partner=rssnyt&emc=rss> accessed 15 October 2011. Print.

¹⁴⁵ Staff. "Airlines terror plot' disrupted." *BBC News*. 10 August 2006. URL: http://news.bbc.co.uk/go/pr/fr/-/2/hi/uk_news/4778575.stm accessed 15 October 2011. Print.

¹⁴⁶ "Gallup Poll Social Series: Work and Education." *Gallup News Service*. 11-14 August 2011. URL: http://www.gallup.com/file/poll/149318/Nine_Eleven_Anniv_fear_terror_110902.pdf accessed 15 August 2011. USA Today/Gallup poll.

¹⁴⁷ "Despite Years of Terror Scares, Public's Concerns Remain Fairly Steady" *Pew Research Center for People and the Press*. 4-7 November 2010. URL: <http://people-press.org/files/legacy-pdf/680.pdf> accessed 11 September 2011. Poll.

upticks. However, the numbers who are very worried really has two parts to it: from just after 9/11 through to February 2003, when the very worried remained at around one in three. After the US invaded Iraq a month later, the number drops by approximately ten percent and remains so until the death of bin Laden in May of 2011, when it drops another ten percent. This seems to indicate that bin Laden represented the major driving force of al Qaeda to the people who were most fearful of an imminent attack. His death therefore meant that its capability to undertake another attack was lessened.

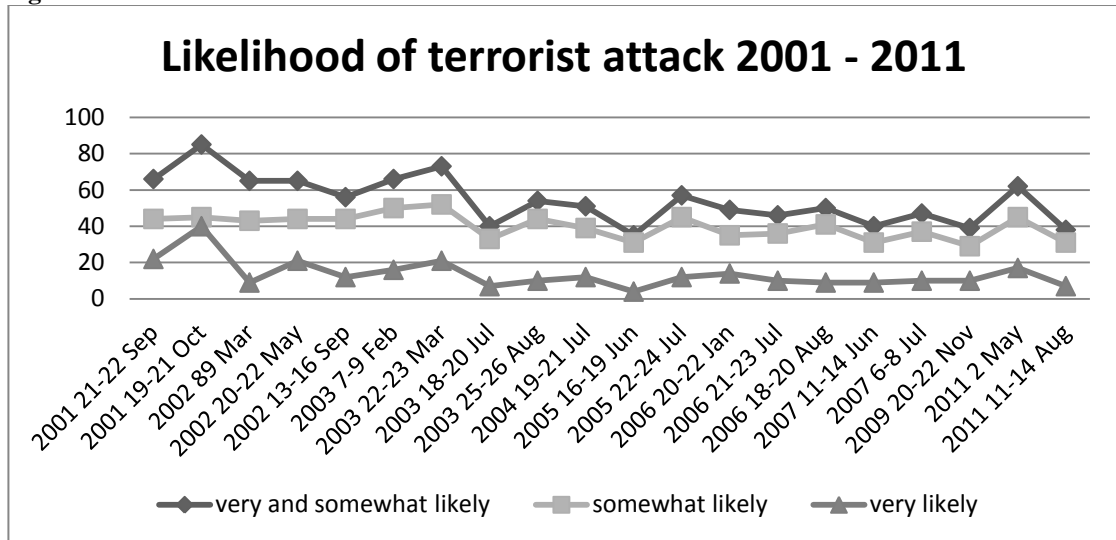
There are also indications that different polling firms get different results at around the same time. It may be impossible to suggest a reason for this; however the discrepancy does provide some insight into methods and timing of polling. For instance, large numbers of eighteen to thirty-four year olds do not have a landline¹⁴⁸, so if the pollster fails to include mobile phones in their survey the results may be skewed. An example of some inconsistency of opinion occurs after the foiled August 2006 British plot to blow up airlines in Canada and the US. The USA Today/Gallup poll shows minimal upward trends following the event, while Pew and CBS polling data suggests higher levels of fear. The Pew poll begun on the day the plot was uncovered and ending four days later on the 13th indicates that 67 percent¹⁴⁹ of those polled were either very or somewhat worried about an imminent terrorist attack in the US. Two days after the British airline bomb

¹⁴⁸ Blumberg, Stephen J., Julian V. Luke, Nadarajasundaram Ganesh, Michael E. Davern, Michel H. Boudreaux, and Karen Soderberg. "Wireless Substitution: State-level Estimates From the National Health Interview Survey, January 2007–June 2010." *U.S. Department of Health and Human Services CDC*. 20 April 2011. <http://www.cdc.gov/nchs/data/nhsr/nhsr039.pdf> accessed 25 October 2011. Poll.

¹⁴⁹ "August 2006 News Interest Index." *Pew Research Center*. 9-13 August 2006. URL: <http://www.people-press.org/files/legacy-questionnaires/285.pdf> accessed 11 October 2011. Poll.

plot was discovered on 9 August 2006, a CBS poll conducted over two days indicates that 64 percent¹⁵⁰ of respondents were either

Figure 2



Source: A USA Today/Gallup¹⁵¹ poll over a decade showing peoples opinion as to likelihood of a terrorist attack.

Question: “How likely is it that there will be acts of terrorism in the United States over the next several weeks – very likely, somewhat likely, not too likely, or not at all likely?”

very or somewhat fearful of an impending terrorist attack while ten days after the event the USA Today/Gallup poll showed only a 4 percent uptick from its previous level one month earlier to 50 percent.¹⁵² If nothing else, the four sets of data show how quickly a particular percentage of the population may become alarmed and how equally quickly they become un-alarmed.

This is also five years after 9/11. Looking at the trend numbers opinion appears to have become settled, although there is a significant difference between whether one thinks an attack will occur and whether one is worried about an imminent attack. USA Today/Gallup asked about the “likelihood” of attack while Pew, ABC News, and Quinnipiac asked the more emotionally

¹⁵⁰ “The War on Terror: New Concerns.” *CBS News Poll*. 11-13 August 2006. URL:

<http://www.cbsnews.com/htdocs/pdf/AUGA-AM.pdf> accessed 15 September 2011. Poll.

¹⁵¹ “Gallup Poll Social Series: Work and Education.” *Gallup News Service*. 11-14 August 2011. URL:

http://www.gallup.com/file/poll/149318/Nine_Eleven_Anniv_fear_terror_110902.pdf accessed 15 August 2011. USA Today/Gallup poll.

¹⁵² “Gallup Poll Social Series: Work and Education.” *Gallup News Service*. 11-14 August 2011. URL:

http://www.gallup.com/file/poll/149318/Nine_Eleven_Anniv_fear_terror_110902.pdf accessed 15 August 2011. USA Today/Gallup poll.

charged “worried” about attack question. From 2001 through to 2010 Pew tracked “worried about terrorist attack” percentages in the public and produced results that tend to indicate steady levels of fear. The low was in December of 2001 where the combined total was 52 percent and the high was seven months later in June of 2002 at 76 percent. The greatest fluctuation is in the “very worried” category at 21 percent, while the “somewhat worried” is less prone to fluctuation only varying a total of 12 percent.¹⁵³ The USA Today/Gallup poll shows generally higher numbers of people that think there will be an attack, indicating that it is not completely related to fear for a certain percentage of people. In other words, one may think there will be an attack in the near future but one is not necessarily worried about it. Another example showing the difference is the May 2011 killing of Osama bin Laden. Those who were worried about an attack dropped significantly to levels not seen since December 1999 while those who think there is a likelihood of an attack spiked up to 2005 levels when the London bombings killed and injured so many.

An interesting codicil to the current popular practice by the Islamophobic bloggers and right wing television channels warning about “creeping Islam” is the polling numbers over time on Barak Obama’s religion and birth. The steady rhetoric in both the Islamophobic blogosphere and in right-wing television questioning Obama’s religion and place of birth while promoting fear of Shari’a in close context seems to grow steadily. From November 2008, the number of blog postings and Youtube video mentioning these doubts about Obama is literally countless and makes it almost impossible for anyone in either country not to become aware of it at some point.

¹⁵³ “Despite Years of Terror Scares, Public’s Concerns Remain Fairly Steady” *Pew Research Center for People and the Press*. 4-7 November 2010. URL: <http://people-press.org/files/legacy-pdf/680.pdf> accessed 11 September 2011. Poll.

A Pew poll asking what religion they thought Obama practiced revealed that in March and October of 2008 12 percent thought he was Muslim, in March of 2009 the number was down to 11 percent. But in early August of 2010 the number of Americans who believed Obama to be Muslim was at 18 percent or almost one in five citizens. The other telling number from that poll indicates that 43 percent said they don't know what religion he is compared to 34 percent who think he is Christian. Conservative Republicans and other critics account for most of those who think he is Muslim.¹⁵⁴ These last polling numbers came before Obama made his remarks on Park51 at the White House dinner celebrating Ramadan on 12 August 2010, where he stated that Muslim Americans have as much right to build a mosque as anyone.¹⁵⁵ Four days later, beginning 16 August, Time Magazine/ABT SRBI conducted a poll that revealed 24 percent of respondents thought he was Muslim while 47 percent thought him a Christian. In related questions one third thought Muslims should not be allowed to run for president and one in four was against a Muslim sitting on the Supreme Court.¹⁵⁶ These data seem to indicate a growing connection between the perception that Obama is a Muslim and the growing fear that he would impose Shari'a in the US. This may be a result of rhetoric coming from the Islamophobic blogosphere, where in a recent commentary Geller sarcastically refers to the Department of Justice as "Obama's Department of Shari'a" that supports "Islamic supremacist attempts

¹⁵⁴ "2010 Religion and Public Life Survey." *Pew Research Center*. 21 July-5 August 2010. URL: http://pewforum.org/uploadedFiles/Topics/Issues/Politics_and_Elections/growingnumber-topline.pdf accessed 6 November 2011. Poll.

¹⁵⁵ Post Editor., "Obama's remarks about Ground Zero mosque: The transcript." *Washington Post*. 13 August 2010. URL: <http://voices.washingtonpost.com/44/2010/08/obamas-remarks-about-ground-ze.html> accessed 9 November 2011. Print.

¹⁵⁶ Brohinsky, Seth and Mark Schulman., "Americans View Ground Zero As No Place For Mosque; Many Hold Resentment Toward Muslims." *Time Magazine/ABT SRBI*. 19 August 2010. URL: <http://www.srbi.com/TimePoll5122-Finalpercent20Report-2010-08-18.pdf> accessed 15 September 2011. Poll.

to gain special privileges for Muslims.”¹⁵⁷ It is echoed to some degree in the cable and network television that Obama is trying to impose Shari’a in the US¹⁵⁸ where the commentary displays some alarm while implying to the audience: “here are the “facts” now you draw the conclusions.” The August 2011 Brookings Institute poll indicates that since February 2011 public opinion on the question of whether they think Muslim Americans want to establish Shari’a went up by seven points to 30 percent. It also found that almost 60 percent of Republicans that “trust FOX News” believe this while Republicans that do not watch FOX are more in line with the general population opinion.¹⁵⁹

In conjunction with the perception of Obama being Muslim is the so called controversy regarding his place of birth. An April 2011 CBS News/New York Times poll indicates that 25 percent of all respondents, of whom 45 percent identified as Republicans and 45 percent as Tea Party members, thought Obama was born in a foreign country and 21 percent of these two groups were not sure where he was born. The surge in Republican and Tea Party doubt was attributed to Donald Trump expressing scepticism as to Obama’s presidential legitimacy during his brief bid for the GOP nomination in the spring of 2011.¹⁶⁰ If true, Obama would be constitutionally ineligible to

¹⁵⁷ Geller, Pam., “Obama's Department of Shariah.” *WorldNetDaily*. 19 October 2011. URL: <http://www.wnd.com/index.php?fa=PAGE.view&pageId=357589#ixzz1bFK9Clij> accessed 25 October 2011. Commentary.

¹⁵⁸ DailyKosTV. “Fox accuses White House of trying to impose Sharia law in US.” *FOX News*. 1 April 2009. URL: <http://www.dailykos.com/tv/w/001090/> accessed 12 November 2011. Video clip.

¹⁵⁹ Jones, Robert P., Daniel Cox, William A. Galston, and E.J. Dionne Jr., “Attitudes in an Increasingly Diverse America Ten Years after 9/11.” *Public Religion Research Institute and Brookings Institute*. 1-14 August 2011. URL: http://www.brookings.edu/~media/Files/rc/reports/2011/0906_american_attitudes/0906_american_attitudes.pdf accessed 15 September 2011. Poll and report.

¹⁶⁰ Capehart, Jonathon., “Palin joins Trump’s birther madness.” *The Washington Post*. 11 April 2011. URL: http://www.washingtonpost.com/blogs/post-partisan/post/palin_joins_trumps_birther_madness/2011/03/04/AFip4xLD_blog.html?wprss=rss_home_page accessed 20 October 2011. Print.

be President thus underscoring the idea that his election was not legitimate.¹⁶¹ These appear to be examples of attempts to brand Obama as something other than “advertised” – Muslim and born outside the US. What may one conclude from this growing negative shift in opinion? Perhaps the rhetoric of fear is paying off for those who are underwriting it. It is also hard to ignore an underlying prejudice that appears to be present in a core group of society that will never be eradicated as long as there is constant reinforcement. Whether it is racially or religiously instigated, simple ignorance or some combination is difficult to tell. In fact it may be that it is a combination of factors that at its core has the ability to exploit the fear of whatever one may secretly harbour. That may be why public opinion in both Canada and the US accepts racial profiling as a necessary procedure to avert a perceived threat of terrorist attack.

In April 2010 Angus Reid surveyed opinion after the Department of Homeland Security in the US increased airport security in the wake of the 25 December attempt by a Nigerian man to blow up a plane destined for Detroit. The poll results showed that 51 percent support the use of racial or religious profiling by airport security officers to justify further interrogation of certain passengers. The highest percentage of support for this policy came from Republicans at just over two thirds in favour of profiling based on perceived race and/or religion.¹⁶² A Canadian poll from September 2011 asked if airport security should be allowed to give extra scrutiny to passengers that looked

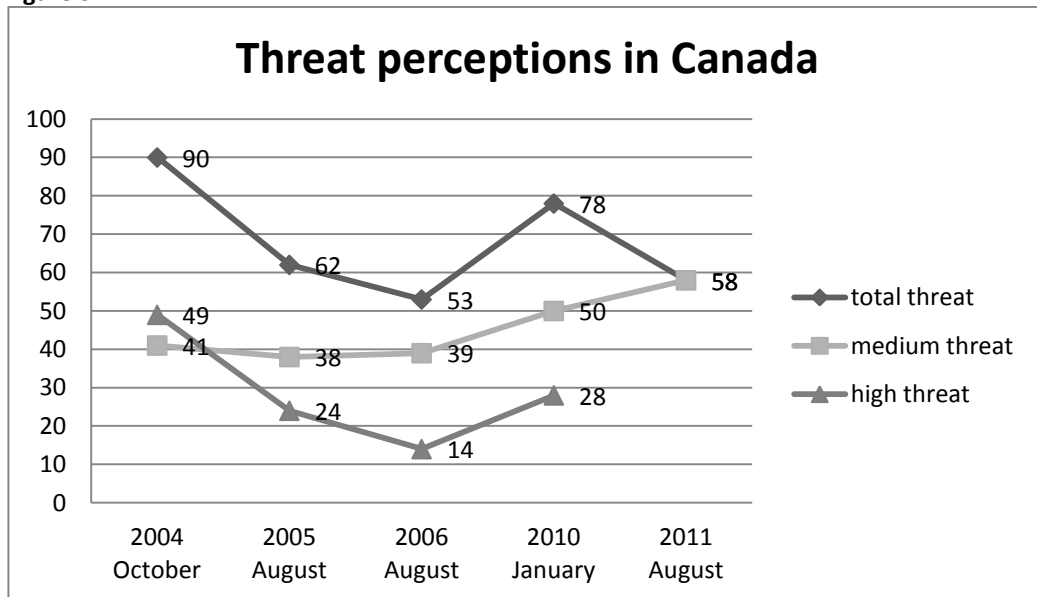
¹⁶¹ “The Republicans: Many Possible Contenders are Unknown.” *CBS News/New York Times*. 15-20 April 2011. URL: http://www.cbsnews.com/htdocs/pdf/poll_GOP_042111.pdf?tag=contentMain;contentBody accessed 11 September 2011. CBS News/New York Times Poll.

¹⁶² “Half of Americans would use racial and religious profiling at airports.” *Angus Reid*. 6-7 April 2010. URL: http://www.visioncritical.com/wp-content/uploads/2010/04/2010.04.15_Airports_USA.pdf accessed 15 September 2011. Poll.

“Muslim”. The response showed that 40 percent either “strongly” (16 percent) or “somewhat” (24 percent) agreed with the proposal.¹⁶³

Anglo Canadian demographics suggest there is a negative correlation between fear of Muslims/Islam and contact with them. In other words, if one knows Muslims there is less chance of being afraid.¹⁶⁴ Otherwise, attributes of being very conservative and professing an evangelical religious affiliation tend to produce more negative responses toward Muslims and perceived Islamic terrorism. For Québécois there is also a relationship to culture and language and the idea that Muslim culture may be a threat.

Figure 3



Source: Innovative Research Group, Strategic Council, and Ipsos Reid.

Threat perceptions in Canada.

Question:

Data points 2004 and 2010: Innovative Research Group: Do you see international terrorism as a critical threat and important but not critical threat in the next ten years?

Data point 2005: Strategic Council: Do you think a terrorist threat is very likely over the next few years?

Data point 2006: Innovative Research: Do you feel Canada is more or less at risk of a terrorist attack now that we were immediately following September 11, 2001.

Data point 2011: Ipsos Reid Poll: Are you more concerned about a terrorist attack in Canada now than before 9/11?

¹⁶³ “Poll on Canadian perceptions on Terrorism 10 Years Later”. *Leger Marketing for Association for Canadian Studies*. 8-8 September 2011. URL: http://www.acs-aec.ca/pdf/polls/Surveypercent20ACS-LpercentC3percentA9gerpercent20Marketing_11september2001_EN.pptx accessed 20 September 2011. Poll.

¹⁶⁴ “Muslims in Western Societies.” *Environics Research Group for the Trudeau Foundation*. 18 September – 12 October 2006. URL: <http://www.trudeaufoundation.ca/resource/public/sondages/trudeaup> accessed 20 August 2011. Poll.

In late October 2004 a survey carried out by Innovative Research Group for the Canadian Defence and Foreign Affairs Institute (CDFAI) on “Threat perceptions in Canada” found that a total of 90 percent thought there was either a critical (49 percent) or an important (41 percent) threat of international terrorism.¹⁶⁵ 2004 was the year when the Iraqi insurgency expanded.¹⁶⁶ Canada was also at war with Afghanistan, so this ongoing tension may be a good indicator as to why Canadians felt so threatened.

In August 2005 The Strategic Council conducted a survey called “Immigration, Terrorism, and National Security” for the Globe and Mail and CTV. The poll revealed that 69 percent of Canadians, including 85 percent of Québécois, prefer that immigrants “integrate and become part of the broader society rather than maintain their ethnic identity and culture.”¹⁶⁷ The same report indicates that those who think a terrorist threat was very likely over the next few years fell to 24 percent and those that thought it somewhat likely reached 38 percent, a drop of only 3 percent from 2004.¹⁶⁸

Innovative Research Group survey for the CDFAI five years after 9/11 and almost two years after the October 2004 survey in late August 2006 shows that those who thought there was a critical threat of terror attack has fallen significantly to only 14 percent. The second group that thought there was some

¹⁶⁵ “Threat perceptions in Canada.” *Innovative Research Group for the Canadian Defence & Foreign Affairs Institute*. 21-28 October 2004. URL: <http://www.cdfai.org/PDF/Pollpercent20onpercent20Threatpercent20Perceptionspercent20inpercent20Canada.pdf> accessed 6 November 2011. Poll.

¹⁶⁶ “History of Iraqi insurgency.” *Wikipedia.org*. 9 September 2011. URL: http://en.wikipedia.org/wiki/History_of_Iraqi_insurgency accessed 7 November 2011. Encyclopaedia entry.

¹⁶⁷ “Immigration Terrorism and National Security.” *Globe and Mail/CTV*. 7 August 2005. URL: http://www.thestrategiccounsel.com/our_news/polls/0805percent20GMCTVpercent20Augustpercent20Poll.pdf accessed 10 November 2011. The Strategic Council poll.

¹⁶⁸ “Immigration Terrorism and National Security.” *Globe and Mail/CTV*. 7 August 2005. URL: http://www.thestrategiccounsel.com/our_news/polls/0805percent20GMCTVpercent20Augustpercent20Poll.pdf accessed 10 November 2011. The Strategic Council poll.

risk though not critical remains fairly close to the 2004 number, dropping only 2 percent to 39 percent. There is a third group numbering 37 percent that thinks there is neither more nor less threat than there was immediately after 11 September 2001. The total is 90 percent who think there is at least some threat of terrorism so anyone who thought so in 2001, to some degree, still thinks so. One other point, and perhaps more interesting, is that 57 percent thought Canada should be more concerned with domestic terrorist activities.¹⁶⁹ This survey was taken just two months after the 2 June arrests of the “Toronto 18” for plotting terrorist actions against various government agencies. Two years later, in June 2008, Angus Reid polled Ontarians and found that 82 percent believed that terror cells were still active in Ontario and that 59 percent were sure of an attack by terrorists within five years.¹⁷⁰

Between 22 December 2009 and 4 January 2010 the CDFAI conducted a poll and then compared it to the 2004 data. It showed a significant drop of 21 percent to 28 percent in the people who thought international terrorism was a critical threat. However, those that thought there was an important but not critical threat rose 9 percent to 50 percent.¹⁷¹

Finally, Leger Marketing and Ipsos Reid conducted separate 9/11 tenth anniversary surveys to see what if anything had changed during the ten years. The Leger results showed that 66 percent of Canadians see the world as unsafe

¹⁶⁹ “Terrorism.” *Innovative Research Group for the Canadian Defence & Foreign Affairs Institute*. 23-30 August 2006. URL: <http://www.cdfai.org/PDF/Twopercent20Inpercent20Fivepercent20Canadianspercent20Favourpercent20Racialpercent20Profilingpercent20Poll.pdf> accessed 1 November 2011. Poll.

¹⁷⁰ “Ontarians Believe Toronto 18 Terror Plot was a Real Threat.” *Angus Reid Strategies*. 24-25 June 2008. URL: http://www.angus-reid.com/wp-content/uploads/archived-pdf/2008.07.08_Toronto18.pdf accessed 17 August 2011. Poll.

¹⁷¹ “Threat perceptions in Canada.” *Innovative Research Group for the Canadian Defence & Foreign Affairs Institute*. 22 December 2009 – 4 January 2010. URL: <http://www.cdfai.org/PDF/Pollpercent20onpercent20Threatpercent20Perceptionspercent20inpercent20Canada.pdf> accessed 6 November 2011. Poll.

from terrorism and 56 percent thought there was “irreconcilable conflict” between the West and Islam. But Leger also found age differences that indicate younger Canadians are less worried about terrorism, not inclined to sacrifice civil liberties, unwilling to tolerate racial profiling of Muslims at ports of entry, and do not agree with the notion of a clash of Western and Muslim cultures.¹⁷² The Ipsos poll reports that 58 percent of respondents are more concerned about a terrorist attack on Canada now than before 9/11.¹⁷³ This is in spite of the relatively low numbers of Muslims in the general population in the United States, 0.8 percent and Canada with 2.8 percent.¹⁷⁴

The demographics of the groups who believe Obama is Muslim and/or that he was not born in the United States are those that trust FOX News and use it as their primary source of information. Over two-thirds of this group believe Islamic values are not compatible with American values or the American way of life. Just over half of all viewers who trust FOX and three in five viewers who are Republican believe that American Muslims want to impose Shari’a law in the United States. The groups that are convinced that Muslim Americans’ objective is to impose Shari’a on America consist of those whose partisanship and ideology runs to Republican party affiliation (45 percent), conservatism (44 percent), white evangelical Protestants (46 percent)

¹⁷² “Poll on Canadian perceptions on Terrorism 10 Years Later”. *Leger Marketing for Association for Canadian Studies*. 8-8 September 2011. URL: http://www.acs-aec.ca/pdf/polls/Surveypercent20ACS-LpercentC3percentA9gerpercent20Marketing_11september2001_EN.pptx accessed 20 September 2011. Poll.

¹⁷³ Chung, Amy. “Concern about terrorism higher than before 9/11: Poll.” 7 September 2011. URL: <http://www.vancouversun.com/news/9-11-anniversary/Concern+about+terrorism+higher+than+before+Poll/5360324/story.html> accessed 20 September 2011. Print.

¹⁷⁴ “Global Muslim Population. *Pew Research Forum*. 27 January 2011. URL: <http://pewforum.org/future-of-the-global-muslim-population-regional-americas.aspx> accessed 15 August 2011. Poll.

and, Tea Party affiliation (54 percent).¹⁷⁵ There is some evidence of physiological predisposition to conservatism; if there are differences in the brains of people who are fearful and dislike change¹⁷⁶ that would explain why they are so susceptible to fear rhetoric.

The correlation between a very conservative world view, born again and fundamental evangelical religious affiliation, marked support of Israel, and affiliation with Republican and Tea Party like movements and negative views of Muslims is pronounced. Though like Canadians, Americans are also less likely to be fearful of Muslims if they have had some interaction with them. Other indicators of Islamophobia in the United States as suggested by polling data relate to the influence of the media, events surrounding the Park51 Community Center, and the King Congressional hearings. These more recent events culminate in a growing fear of Muslims wishing to impose Shari'a and are documented by the polling data and expressed through a desire to stop the feared spread of radical Islam and Shari'a law.

So the shift from simple fear or anticipation of some kind of terrorist threat that was the primary worry for most Americans in the early years after 9/11 is now much more complex. These more recent events give the Islamophobic blogosphere and network and cable television news much fodder to influence public opinion. Add to this the so called "bin Laden effect", as Nisbet et al suggest that his death created a "focusing event". In the aftermath

¹⁷⁵ Jones, Robert P., Daniel Cox, William A. Galston, and E.J. Dionne Jr., "Attitudes in an Increasingly Diverse America Ten Years after 9/11." *Public Religion Research Institute and Brookings Institute*. 1-14 August 2011. URL: http://www.brookings.edu/~media/Files/rc/reports/2011/0906_american_attitudes/0906_american_attitudes.pdf accessed 15 September 2011. Poll and report.

¹⁷⁶ Kanai, Ryota, Tom Feilden, Colin Firth, and Geraint Rees., "Political Orientations Are Correlated with Brain Structure in Young Adults." *Current Biology*. 2011 April 26; 21(8): 677–680. URL to document: <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3092984/pdf/main.pdf> accessed 1 December 2011.

it was everywhere in the media and public dialogue. There was constant talk of terrorist activities and Islam resulting in an increase in anti-Islam opinion in the US. Surprisingly this effect was most pronounced in moderates and liberals.¹⁷⁷ It suggests that the media's ability to influence public opinion is indeed strong, especially if it has the capacity to focus fear so well. This focusing of fear and increasing complexity began with the mosque at "ground zero".

On 6 May 2010 a New York City community board committee approved the plans for a Muslim Community centre and mosque. As previously noted, Pam Geller registered her "disgust" the very day of the approval and within a few weeks right-wing newspapers and radio and television personalities were beginning to take up the cause of stopping the "insult" to all the Americans killed on 9/11. By early August, the American Center for Law and Justice, an institution founded by the Reverend Pat Robertson, filed suit to dispute the approval.¹⁷⁸ The suit eventually failed but it added to the general sense of distrust and anger toward the Muslim community. This is shown through poll numbers that indicate a steady high rate of fear of Islamic extremism. For instance, in late July 2011 a Pew survey asked people how worried they are about the possibility that Islamic extremism in the US is on the rise. Over two thirds (67 percent) of all respondents indicated that they are either "very" (36 percent) or "somewhat" (31 percent) worried. Republicans overwhelmingly (83 percent) are either

¹⁷⁷ Nisbet, Erik, Michelle Ortiz, Yasamin miller, and Andrew Smith. "The "Bin Laden" Effect: How American Public opinion About Muslim Americans Shifted in the Wake of Osama bin Laden's Death." *Ohio State University*. 20 July 2011. URL: http://www.eriknisbet.com/files/binladen_report.pdf Accessed 15 September 2011. Poll and report.

¹⁷⁸ Staff. "Group Sues to Stop Mosque Near New York's Ground Zero." *FOX New/AP*. 4 August 2010. URL: <http://www.foxnews.com/us/2010/08/04/group-sues-stop-mosque-near-new-yorks-ground-zero/> accessed 25 October 2011. Print.

“very” (54 percent) or “somewhat” (29 percent) worried about rising Islamic extremism. Over half of Republicans also think that there is “support” for extremism by the Muslim American community.¹⁷⁹ These numbers indicate that in spite of being a very small minority of the population, there is an inordinate fear of Islam. The primary influence in anti-Islam public opinion is the media. Pew found that about one third of the general public and almost half of those with negative or anti-Islam views credit the media for influencing them.¹⁸⁰

The King hearings, coming in the early months of 2011 during the extremely polarised fight over whether building Park51 Community Center should go forward, exacerbated anti-Islamic opinion. During the hearings some polls asked questions regarding public perceptions of Muslims. A survey by the Public Religion Research Institute asked a variety of questions related to the King Hearings on the radicalisation of Muslims in the US. Fully 56 percent thought that holding such hearings was a “good idea” and 49 percent disagreed that Muslim Americans “have been unfairly targeted by law enforcement”. In addition 46 percent thought the Muslim community has not done a sufficiently good job of “opposing extremism in their own communities” and just over one quarter relied on FOX News as their “MOST” (their emphasis) trusted source to “provide accurate information about politics and current events”.¹⁸¹

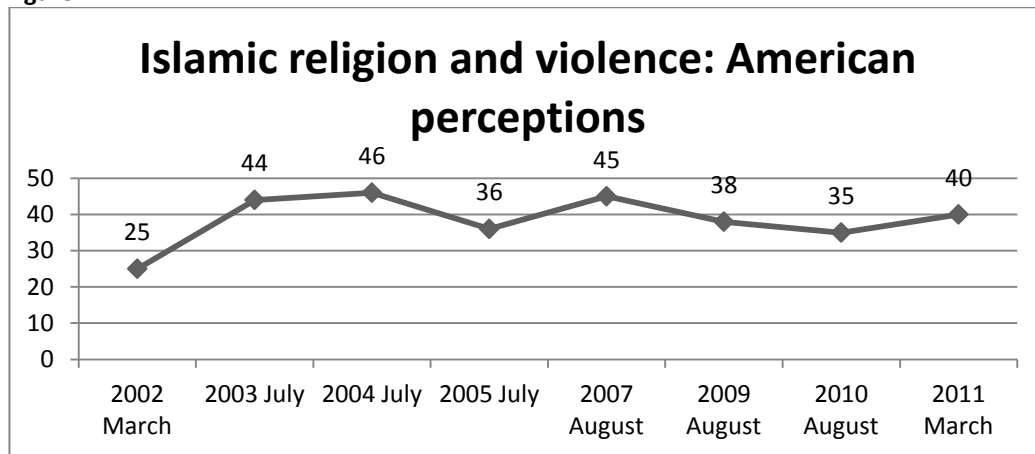
¹⁷⁹ “Concern about Islamic extremism.” *Pew Research Center*. 20-24 July 2011. URL: <http://www.people-press.org/files/legacy-pdf/9-1-11percent20Sept.percent2011percent20Release.pdf> accessed 28 August 2011. Poll.

¹⁸⁰ “Public expresses mixed views of Islam, Mormonism.” *Pew Research Center*. 25 September 2007. URL: http://pewforum.org/uploadedfiles/Topics/Religious_Affiliation/religionviews07.pdf accessed 18 August 2011. Poll.

¹⁸¹ “PRRI/RNS Religion News Survey.” *Public Religion Research Institute*. 11-13 Feb 2011. URL: <http://publicreligion.org/site/wp-content/uploads/2011/02/February-2011-Religion-News-Survey-Muslim-Attitudes.pdf> accessed 30 August 2011. Poll.

In March 2011 a USA Today/Gallup poll found that 36 percent (50 percent of Republicans) agreed when asked if Muslims living in the US are “[t]oo extreme in their religious beliefs”. The poll also found that 52 percent of the general population thought the hearings “appropriate” with 69 percent of Republicans supporting them.¹⁸² The latest poll from August 2011 was commissioned by Secure America Now and conducted by its founders McLaughlin and Associates and Caddell Associates. Their results showed that 62.9 percent¹⁸³ of respondents support the continuation of the King hearings. King used this polling data to justify more hearings citing that “9/11

Figure 4



Source: Pew Research Center data¹⁸⁴

Question: “Is the Islamic Religion more likely than others to encourage violence?” This chart displays the percent of people who think it is more likely.

Commission Co-Chair Lee Hamilton testified that ‘the greatest current terrorist threat to the United States is from Islamist extremists’¹⁸⁵ and that we

¹⁸² Newport, Frank., “Republicans and Democrats Disagree on Muslim Hearings.” *Gallup*. 9 March 2011. URL: <http://www.gallup.com/poll/146540/republicans-democrats-disagree-muslim-hearings.aspx> accessed 30 August 2011. Poll and report.

¹⁸³ McLaughlin & Associates and Caddell Associates National Survey.” *SecureAmericaNow.org*. 10 August 2011. URL: http://secureamericanow.s3.amazonaws.com/68/Of/8/161/National_SAN_09-19-11_PRESS_Topline_FINAL.pdf accessed 30 August 2011. Poll.

¹⁸⁴ “Continuing divide in views of Islam and violence.” *Pew Research Center*. 9 March 2011. URL: <http://pewresearch.org/pubs/1921/poll-islam-violence-more-likely-other-religions-peter-king-congressional-hearings> accessed 25 October 2011. Poll.

¹⁸⁵ Stephen Harper seems to echo this opinion only a few weeks later.

also face ‘the addition of home-grown threats,’”¹⁸⁶ It is currently unknown when the next round of hearings will take place.

American attitudes over time about whether they think the Islamic religion is more likely to encourage violence offers an additional commentary about who is more likely to think this. The numbers in Figure 4 show that within two years of the September 2001 attacks the percent of Americans who think this jumped almost twenty percentage points to the mid forties and has never dropped below 35 percent since then. When the first poll was taken in March of 2002, six months after the attacks, only 25 percent of Americans thought the Islamic religion encouraged violence. This seems to indicate how very powerful the media are in disseminating information – whether it be entirely accurate or not. In this case, an argument may be made that they were very successful in persuading the public to fear Islam.

In the 2000 presidential election, George W Bush won approximately 70 percent of the Muslim vote based on his outreach to Muslim Americans and “his pledge to end the use of so-called secret evidence in immigration deportation hearings.”¹⁸⁷ He was the first president to state that Islam was one of three religions in America along with Christianity and Judaism. After 9/11 however he was not able to silence the group within his party that is the political driving force behind much of the current Islamophobic rhetoric in government. That along with policy and action primarily the Iraqi war, the Patriot Act, detention, extraordinary rendition, and other policy sent over half

¹⁸⁶ Kouri, Jim., “Poll: Americans support King Hearings on Islamic radicalization.” *The Cypress Times*. 22 September 2011. URL: http://www.thecypresstimes.com/article/News/National_News/POLL_AMERICANS_SUPPORT_KING_HEARINGS_ON_ISLAMIC_RADICALIZATION/50888 accessed 9 November 2011. Print.

¹⁸⁷ “AFP Report: Muslim vote went to Bush, says survey.” *American Muslim Perspective*. 17 November 2000. URL: http://www.ampolitics.ghazali.net/html/afp_report.html accessed 15 November 2011. Print.

the GOP Muslim support primarily to the Democrats by November 2004.¹⁸⁸ Where general public opinion was relatively moderate in 2002, it still represented the opinion of one in four Americans and the beginning of the rhetoric in the public sphere though media was slowly driving public opinion especially for groups such as older Americans and especially those with a specific personal philosophy and bias. Two thirds of both conservative Republicans and Tea Party members, and 60 percent of evangelical Protestants agree that Muslims are more likely to encourage violence.¹⁸⁹

A Time poll from August 2010, nearly nine years after the 9/11 attacks, reports a large segment of Americans remain critical of American Muslims. One in four believe that Muslims in the US are not patriotic Americans, with another 21 percent not sure. These reservations are evident in Americans views on the proposed mosque near “ground zero”. Nearly two times as many Americans believe the building of the mosque near the World Trade Center site would be an insult to those who died on 9/11 (44 percent) than believe the Mosque would serve as a symbol of religious tolerance (23 percent). Within this statistic the results indicate that 68 percent of Republicans see the mosque as an insult.¹⁹⁰

This may be in no small part attributed to the saturation by the news media on the subject. Between the blogs from Islamophobes Geller and Spencer and almost nonstop coverage once the national media became

¹⁸⁸ Beutler, Brian. “GOP Muslims Fear Failure Of Bush Outreach Efforts After Anti-Mosque Furor.” *TPM Media*. 18 August 2010.

URL: <http://tpmdc.talkingpointsmemo.com/2010/08/republican-muslims-to-gop-youre-on-thin-ice.php> accessed 15 November 2011. Print.

¹⁸⁹ “Continuing divide in views of Islam and violence.” *Pew Research Center*. 9 March 2011. URL: <http://pewresearch.org/pubs/1921/poll-islam-violence-more-likely-other-religions-peter-king-congressional-hearings> accessed 25 October 2011. Poll.

¹⁹⁰ Brohinsky, Seth and Mark Schulman. “Americans View Ground Zero As No Place For Mosque; Many Hold Resentment Toward Muslims.” *Time Magazine/ABT SRBI*. 19 August 2010. URL: http://www.srbi.com/Religion_Poll.html accessed 15 September 2011. Poll and report.

involved, it emerged as the top religious story of 2010. A poll conducted by Pew and the Project for Excellence in Journalism found that the top religious story of 2010 was the Park51 “controversy” at 22.7 percent, compared to the 2 percent dedicated to religious issues in 2010. An interesting fact from the report is that religious stories in the media doubled in 2010 to make up two percent of all news stories for the year and of that two percent approximately half of them were related to Islam: the Park51 community centre, the Qur’an burning, Obama’s religion, and the 9/11 anniversary accounting for four of the top five religious stories covered.¹⁹¹ Even more notable is that it was the main topic in the blogosphere, more even than in the television and newsprint media sources. It figured as one of the “most-discussed topics on blogs in 12 of the 48 weeks ... In three of those weeks, the plan to build a mosque and Islamic center near ground zero was among the top subjects.”¹⁹²

A Newsweek poll conducted in late August 2010, a couple of weeks after Obama made his remarks on the Park51 community centre and mosque, asked whether they thought “Obama sympathizes with the goals of Islamic fundamentalists who want to impose Islamic law around the world. From what you know about Obama, what is your opinion of these allegations?”¹⁹³ The results showed 31 percent of the general population felt it was either “definitely” (7 percent) or “probably” (24 percent) true. Within this result though 52 percent of Republicans agree with 14 percent thinking it was “definitely” and 38 percent that it was “probably” true. The same survey asked

¹⁹¹ “Religion in the News: Islam was No. 1 Topic in 2010.” *Pew Research Center*. 24 February 2011. URL: http://pewforum.org/uploadedFiles/Topics/Issues/Politics_and_Elections/PEJ-2010percent20Religionpercent20inpercent20thepercent20news-webPDF.pdf Accessed 15 September 2011. Poll.

¹⁹² *Ibid.*

¹⁹³ “Obama/Muslims.” *Newsweek*. 27 August 2010. URL: <http://nw-assets.s3.amazonaws.com/pdf/1004-ftop.pdf> accessed 30 August 2011. Princeton Survey Research Associates International poll.

if Obama panders to Muslim American interests to the detriment of other groups of Americans or was he fair to all groups. One in three of the general population agreed that he favoured Muslim Americans with 59 percent of Republican respondents agreeing.¹⁹⁴

Rhetoric objecting to proposed mosques around the U.S over the last two years is being tracked by Pew. They have an interactive map that is regularly updated showing the status of thirty-seven current projects around the country. Some of the objections are common to building a place of religious worship such as “traffic, noise, parking and property values”¹⁹⁵ a good number are related to general fears about Islam. Some complaints and some actions by non-Muslim groups to the mosques currently in some phase of construction include the following, varying according to their state of origin:

California: “social and cultural implications”... “Islamic domination of America”... “bringing dogs to protests”... Florida: “fear of Islamic radicalism”... “alleged religious discrimination”... Tennessee: “worry of ties to terrorists” Kentucky... “stop the mosque”... “stop the takeover of our country” by Muslims”... Maryland: “fear of Islam”... Wisconsin: “speaking against the mosque and Islam in general”... “Islam at odds with American way of life”... Michigan: “a whole lot of fear mongering”... Massachusetts: “mosque leadership with ties to radical groups”... Connecticut: “concern over Muslims’ treatment of women”... New York: “allegations that the Muslim American Society

¹⁹⁴ Ibid.

¹⁹⁵ “Controversies Over Mosques and Islamic Centers Across the U.S.” *Pew Research Center*. 29 September 2011.

URL: <http://features.pewforum.org/muslim/controversies-over-mosque-and-islamic-centers-across-the-us.html> accessed 11 November 2011. Interactive map and report.

has ties to terrorism”... “perceived connections to terrorism”... New Jersey: “change city zoning law to block mosque”... Illinois: “fear of the spread of mosques in the neighbourhood”... “a mosque acting as a front for the Iranian nuclear program”¹⁹⁶

This rise in objections to the building of mosques may be coincidental however; it coincides with the much publicised objections to Park51 in NYC and the Murfreesboro mosque in Tennessee. Indeed a firm that tracks public opinion such as Pew would not be documenting these events if there was not a perceptible rise in negative reactions to mosques. And the perceived rise in new mosque building seems to exacerbate fears of Muslims and that “creeping Islam” really is taking place.

The Public Religion Research Institute conducted an extensive survey for Brookings Institute to coincide with the tenth anniversary of 9/11. Included in the survey are a number of questions about attitudes toward Muslim Americans as well as extensive demographic information that tends to support the notion that there is a direct correlation between certain negative opinions of Muslim Americans and the television network most trusted by respondents. Additionally the report found that there is a double standard regarding violence and religious affiliation. While only 48 percent of Christian Americans doubt that a person committing an act of violence in the name of Islam is not really a Muslim, 44 percent tend to believe it. Conversely, 83 percent of Christians indicate that a person committing a violent act in the name of Christianity is not really a Christian. Within the statistics the data

¹⁹⁶ “Controversies Over Mosques and Islamic Centers Across the U.S.” *Pew Research Center*. 29 September 2011.
URL: <http://features.pewforum.org/muslim/controversies-over-mosque-and-islamic-centers-across-the-us.html> accessed 11 November 2011. Interactive map and report.

shows that 55 percent of Republicans believe if a Muslim commits an act of violence in the name of Islam, they are true Muslims. Some 40 percent of Democrats and Independent voters share that belief. Recall FOX's Bill O'Reilly saying it is "impossible" for Anders Breivik to be a Christian although Breivik professed Christianity in his manifesto. O'Reilly insists that "no one believing in Jesus commits mass murder."¹⁹⁷ So O'Reilly fits the profile of the 83 percent who simply cannot believe that a person who is Christian can commit violent acts of terror in the name of God. Such statements, made by authoritative commentators such as O'Reilly, heavily influence viewer perceptions.

In accordance with other polls and data, the Brookings report also found that over two thirds of those who trust FOX as their primary source of knowledge regarding the political discourse and current events are much more likely to see that Muslim values are at odds with American values. Conversely, those who "trust broadcast network news (45 percent), CNN (37 percent), or public television (37 percent) agree that Islam is at odds with American values."¹⁹⁸ It is quite extraordinary that such large percentages of respondents, even those that watch public television, consider Muslim values at odds with American values. While the data indicates that 30 percent of Americans think that Muslims want to "establish Shari'a law" in the United States, political and ideological differences are evident in who make up the majority of that thirty percent: Republicans (45 percent), Tea Party (54

¹⁹⁷ O'Reilly, Bill. "The O'Reilly Factor." *FOX News*. 25 July 2011. URL: <http://www.youtube.com/watch?v=gmtNPMVl0Xc&skipconrinter=1> accessed 25 October 2011. Video clip.

¹⁹⁸ Jones, Robert P., Daniel Cox, William A. Galston, and E.J. Dionne Jr. "Attitudes in an Increasingly Diverse America Ten Years after 9/11." *Public Religion Research Institute and Brookings Institute*. 1-14 August 2011. URL: http://www.brookings.edu/~media/Files/rc/reports/2011/0906_american_attitudes/0906_american_attitudes.pdf accessed 15 September 2011. Poll and report.

percent), White evangelical Protestants (46 percent) and those who trust FOX News (52 percent).¹⁹⁹

Data directly comparing Canada and US opinions on terror threat levels are relatively sparse, however; available data tend to offer some greater insight as to the relationship between levels of fear and actions such as public policy in the two countries to counter perceived threats. Fear of terrorism is certainly a part of the answer; however, the degree of fear and suspicion of Muslims living in and practicing Islam in Canada and the US are equally indicative of the type of public policy each country is willing to use in an effort to stop the perceived infiltration of Shari'a law.

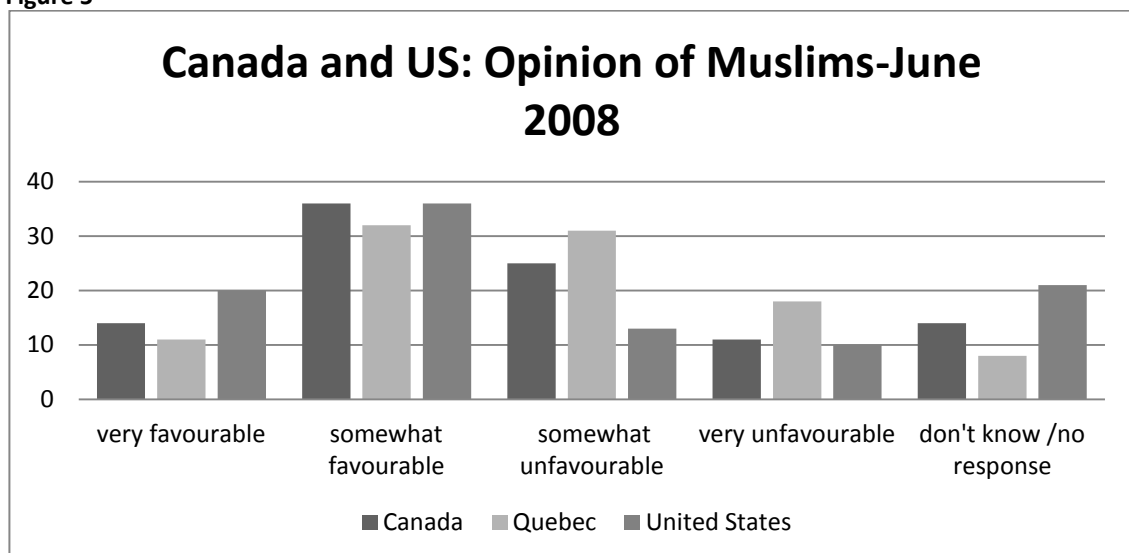
An Ipsos International poll conducted for the Associated Press compared levels of respondents' fear of a terrorist attack that included both Canada and the US in late September 2004 during the Iraqi insurgency. This was compared to the same question asked in mid February before the insurgency began and shows a significant rise in public concern, although the pre insurgency polling numbers are significant in themselves. In mid February 2004, data show that 63 percent of US and 39 percent of Canadian respondents were very or somewhat worried about some sort of domestic terror threat. By the beginning of October the respective numbers were 70 percent and 48 percent, showing overall US citizens were much more fearful of a domestic terrorist attack than Canadians. However, fear in Canada went up by 9 percent compared to 7 percent in the US

¹⁹⁹ Jones, Robert P., Daniel Cox, William A. Galston, and E.J. Dionne Jr. "Attitudes in an Increasingly Diverse America Ten Years after 9/11." *Public Religion Research Institute and Brookings Institute*. 1-14 August 2011. URL: http://www.brookings.edu/~media/Files/rc/reports/2011/0906_american_attitudes/0906_american_attitudes.pdf accessed 15 September 2011. Poll and report.

A Pew World Opinion poll released in July 2005 asked participants whether they worried about Islamic extremism in their country. 70 percent of US and 56 percent of Canadian respondents answered yes.²⁰⁰ Taken in perspective, May 2005 was the deadliest month at the hands of the Iraqi insurgency²⁰¹ and this was most likely in most of the respondents' minds.

In spring 2008 the Association for Canadian Studies accessed two surveys, Pew in the US and Leger Marketing in Canada and asked if the respondents had a favourable or unfavourable opinion of Muslims. The

Figure 5



Source: Leger Marketing in Canada and Pew Research in US spring 2008.²⁰²
 Question: Would you say that you have a favourable or unfavourable opinion of Muslims?

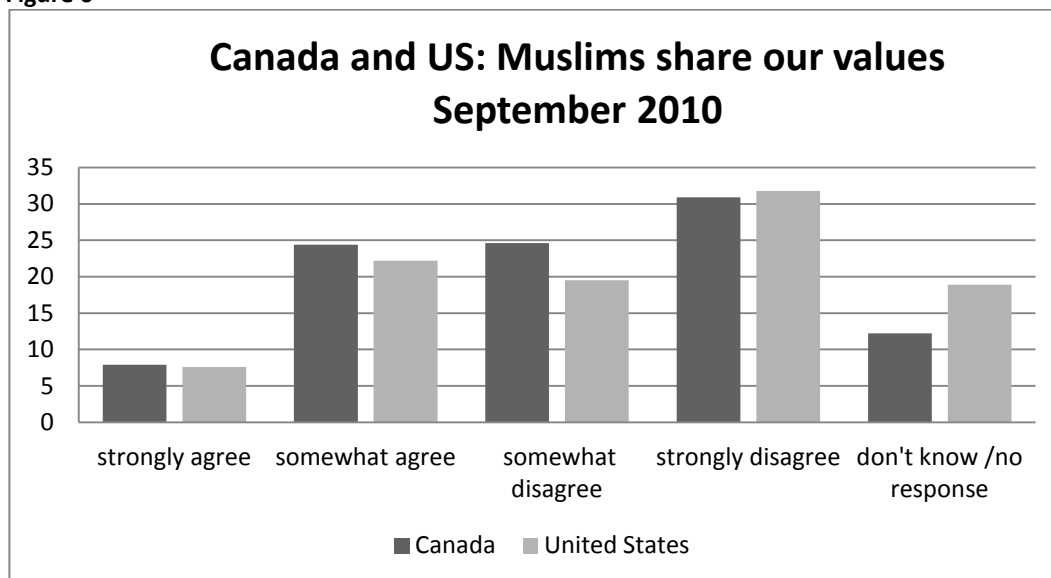
American result showed that 23 percent held either a somewhat or very unfavourable opinion of Muslims. In Canada the aggregate total was 36 percent with 49 percent of Francophones and 33 percent of Anglophones

²⁰⁰ "17-Nation Pew Global Attitudes Survey." *Pew Research Center*. July 14, 2005. URL: <http://www.pewglobal.org/files/pdf/248.pdf> accessed 15 October 2011. Poll.

²⁰¹ Deflem, Mathieu and Suzanne Sutphin. "Policing Post-War Iraq: Insurgency, Civilian Police, and the Reconstruction of Society" November 2006. *Sociological Focus* 39(4)265-283. URL: <http://www.cas.sc.edu/socy/faculty/deflem/zpoliraq.pdf> accessed 5 November 2011. Print.

²⁰² "Attitudes towards Jews and Muslims: Comparing Canada with the United States and Europe." *Association for Canadian Studies*. 19 September 2008. URL: <http://www.acs-aec.ca/pdf/polls/11897130265510.pdf> Accessed 20 August 2011. Poll.

Figure 6



Source: Canadian Race Relations Foundation and the Association for Canadian Studies poll taken week of 6 September 2010.²⁰³

Question: Do Muslims share our values?

holding negative opinions of Muslims.²⁰⁴ In September 2010 The Canadian Race Relations Foundation surveyed American and Canadian respondents for the Association for Canadian Studies

This survey seems to show an increase in this negative trend in response to a question that asked if they thought Muslims share the same values as them. 55.5 percent of Canadians and 50.3 percent of Americans disagreed with the statement: “Muslims share our values.” In Canada 49.7 percent disagree but extremely negative Francophone (74 percent) opinion shifts the results up almost 6 percent higher.²⁰⁵ This may be related to being the only Francophone nation in North America. There is a very strong belief in Québec of being a “distinct society” with preservation of the culture and language an imperative.

²⁰³ “Muslims and non-Muslims in Canada and the United States: Nine Years after 9-11.” *Canadian Race Relations Foundation for Association for Canadian Studies*. 10 September 2010. URL:

http://www.crr.ca/divers-files/en/survey/muslims_canada_usa.pdf accessed 19 August 2011. Poll.

²⁰⁴ “Attitudes towards Jews and Muslims: Comparing Canada with the United States and Europe.”

Association for Canadian Studies. 19 September 2008. URL: <http://www.acs-aec.ca/pdf/polls/11897130265510.pdf> Accessed 20 August 2011. Poll.

²⁰⁵ “Muslims and non-Muslims in Canada and the United States: Nine Years after 9-11.” *Canadian Race Relations Foundation for Association for Canadian Studies*. 10 September 2010. URL: http://www.crr.ca/divers-files/en/survey/muslims_canada_usa.pdf accessed 19 August 2011. Poll.

So much so that in 1974 the Québec government made French the sole official language of the province. This fear of being swallowed up through immigration from “other” groups tends to exacerbate this negative reaction to Muslims. This fear is arguably the reason why the majority seem to hold the view that all people residing in the province should become Québécois. This policy seems more closely aligned with the idea of the US melting pot rather than the official Canadian position favouring multiculturalism.

After Osama bin Laden was killed on 1 May 2011, polls were conducted to measure public opinion including how secure people felt from reprisal terrorist attacks. Between 3 and 5 May 2011 Vision Critical Practice conducted a survey for Angus Reid and determined among other things that only 11 percent of Canadians felt less safe. However 62 percent thought it “very” or “moderately likely” that the US could be attacked within twelve months.²⁰⁶ On the US side the Survey Research Institute at Cornell University and the University of New Hampshire Survey Center were conducting a poll during the month before and after bin Laden was killed. This produced some interesting data that allow for both an internal before and after comparison as well as a Canada/US comparison after the event. The poll found that 17 percent felt the US was a “more dangerous place to live”, and after the killing the number rose to 25 percent. The survey also found that before only 16 percent thought a terrorist attack was likely in the next few months while after the assassination the number went to 40 percent.²⁰⁷ So while two of five

²⁰⁶ “Celebrations of Bin Laden’s Death Justified for Canadians and Britons.” Angus Reid Public Opinion. 9 May 2011. URL: http://www.angus-reid.com/wp-content/uploads/2011/05/2011.05.09_BinLaden.pdf accessed 9 November 2011. Vision Critical Practice poll.

²⁰⁷ Nisbet, Erik, Michelle Ortiz, Yasamin Miller, and Andrew Smith. “The “Bin Laden” Effect: How American Public Opinion About Muslim Americans Shifted in the Wake of Osama bin Laden’s Death.” *Ohio State University*. 20 July 2011. URL: http://www.eriknisbet.com/files/binladen_report.pdf Accessed 15 September 2011. Electronic PDF.

Americans think an attack is likely, three in five Canadians think such an attack will occur. While negative views of Islam persist, the opposite is true of Jewish peoples in Canada and the US. The Association for Canadian Studies conducted a poll in late September and early October 2011 and only 43 percent (35 percent in Québec) felt “very” or “somewhat” positive about Muslim Canadians. Jews were viewed favourably by 75 percent.²⁰⁸ A 2009 Gallup poll reported that 43 percent of Americans were “a great deal, some, or a little” prejudiced against Muslims as opposed to an aggregate of 15 percent who were prejudiced against Jews.²⁰⁹ According to these two sets of data Canadians hold even less favourable views of Muslims than Americans. In both countries the Jewish faith is viewed near the top in favourability in both countries. This is arguably due to intense influence peddling by powerful pro Israeli and Jewish groups and their immediate accusations of anti-Semitism thrown at whoever does not agree with them. This results in US and Canadian foreign policy that tends to offer rather blind support of Israel while turning an equally blind eye to the plight of occupied and exiled Palestinians. The media echoes and amplifies the biased view and the public tends to reflect it back in polling data.

So with factoids and misinformation legitimised and the public suitably convinced that Islam is bent on imposing Shari’a on the vulnerable Christian nations of the world the next step is to prevent it from happening. The public policy intended to stop Shari’a is found to be most effective and easily

²⁰⁸ Jebwab, Jack. Association for Canadian Studies Survey “Canada Muslims Face Negative Perceptions” *OnIslam & Newspapers*. 16 October 2011.
URL: <http://www.onislam.net/english/news/americas/454312-canada-muslims-face-negative-perceptions.html> accessed 11 November 2011. Print.

²⁰⁹ “In U.S., Religious Prejudice Stronger Against Muslims” *Gallup Center for Muslim Studies*. 31 October-13 November 2009.
URL: <http://www.gallup.com/poll/125312/religious-prejudice-stronger-against-muslims.aspx> accessed 11 November 2011. Poll report.

implemented when Shari'a is not mentioned. The next two chapters will detail how two provinces and several states have used public policy to ban Shari'a and how they continue to pursue anti-Shari'a policy.

Chapter 6: Creating anti-Muslim public policy in the US

Anti-Shari'a legislation in the US has been well planned and follows certain patterns. The model for the anti-Shari'a legislation was written by David Yerushalmi, a lawyer and Hasidic Jew, with close connections to the Islamophobic blogosphere and think-tanks, especially Frank Gaffney's Center for Security Policy. The states that have introduced or are in the process of attempting to put in place his anti-Shari'a legislation are overwhelmingly Republican and generally southern and/or historically more conservative and/or evangelical. The extreme anti-Islamic rhetoric particularly since 9/11 results in consistently high percentages of US citizens having negative feelings toward Muslims and fear of terrorist attacks. While a few of these state legislatures began to introduce Yerushalmi's 2009 model legislation, "American Laws for American Courts" (ALAC) (Appendix item 2), his 2007 and explicitly anti-Shari'a model legislation, the "Anti-Shari'a Draft Act," (Appendix item 1) appeared in Oklahoma's constitutional amendment. (Appendix item 3) The resounding success of the ballot measure in Oklahoma and passage of policy in Arizona began a concerted effort to promote the legislation across the country by high profile politicians such as Sarah Palin and Newt Gingrich; former CIA director, R. James Woolsey; ACT! for America, an anti-Islam site run by Islamophobe Brigitte Gabriel; and The American Public Policy Alliance, formed to recruit lawyers to sponsor the legislation.²¹⁰ This has been followed by loud and angry rhetoric over the so called "ground zero" mosque that eventually became somewhat of

²¹⁰ Elliott, Andrea. "The Man Behind the Anti-Shariah Movement." *New York Times*.

30 July 2011. URL:

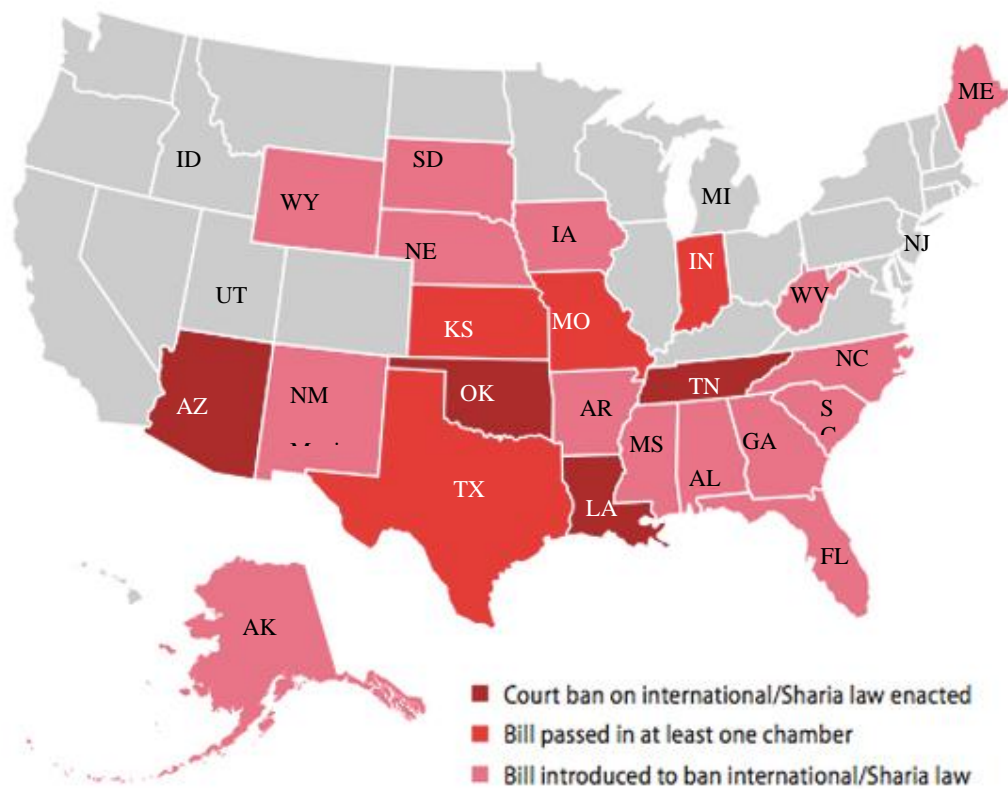
<http://www.nytimes.com/2011/07/31/us/31shariah.html?ref=us&src=me&pagewanted=all>

Accessed 15 September 2011. Print.

a national issue followed by the King hearings on Muslim radicalisation in the US, which has all helped to maintain the fear levels. In fact, consistently high polling numbers over years show people still are both worried about and/or think a terrorist attack is inevitable. Taken together these forces have provided the impetus for the current legislation that has been introduced in twenty-seven states and currently passed in five.

Figure 7

Map of the twenty-seven states that have sponsored anti-Shari'a legislation



Source: Tim Murphy.²¹¹

Court ban: Arizona, Idaho, Louisiana, Oklahoma, and Tennessee.

Bill passes in at least one chamber: Indiana, Kansas, Missouri, and Texas.

Bill introduced to ban International/Shari'a law: Alabama, Alaska, Arkansas, Florida, Georgia, Iowa, Maine, Mississippi, Nebraska, New Mexico, North Carolina, South Carolina, South Dakota, West Virginia, and Wyoming.

Bill introduced and withdrawn: Utah.

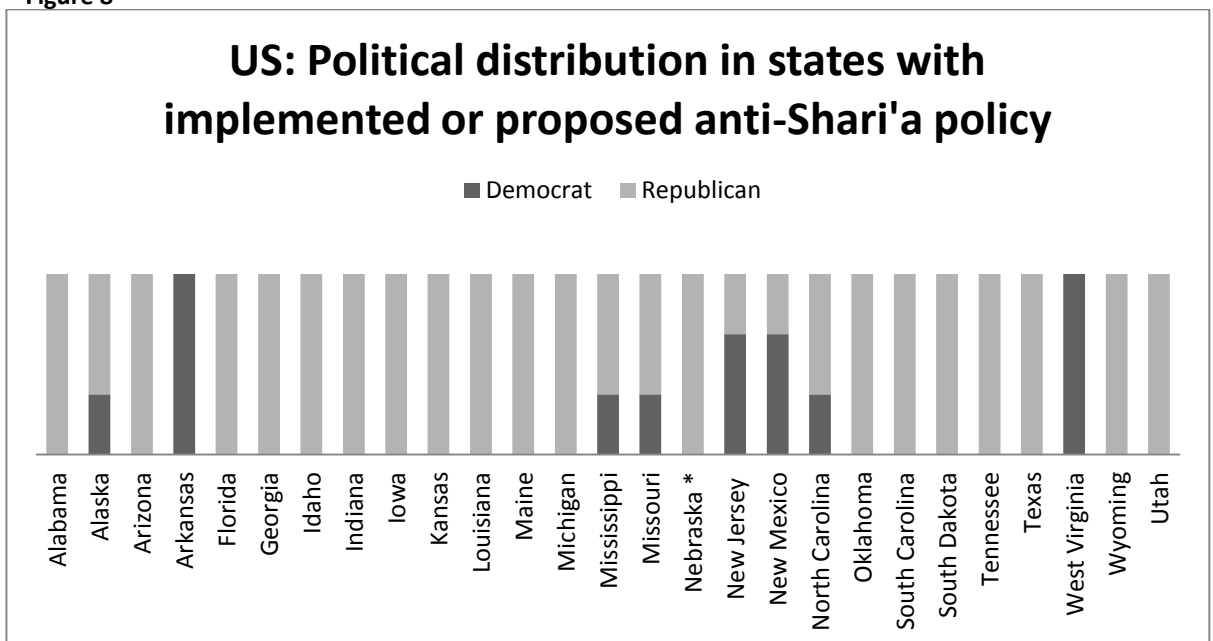
Bill introduced after the map was drawn: Michigan, New Jersey.

²¹¹ Murphy, Tim. "Shari'a Map." *Mother Jones*. 26 August 2011. URL: <http://motherjones.com/mojo/2011/08/anti-sharia-panic-how-lie-becomes-bill> accessed 15 September 2011. Map.

Figure 8 shows the political affiliation of the twenty-seven states that currently have at least introduced some form of anti-Shari'a public policy. The vast majority are Republican dominated and in the four where Democrats are in a majority, the legislation was introduced by Republicans.

Oklahoma's November 2010 referendum was the first high profile win for Yerushalmi. The legislation amending the state constitution sponsored by Republican

Figure 8



Source: Wikipedia lists of current party affiliations.

http://en.wikipedia.org/wiki/List_of_United_States_state_legislatures and

http://en.wikipedia.org/wiki/List_of_current_United_States_governors

All the states listed above have three parts to their legislators: a Governor, Senate, and a House of Representatives. The graph shows how each state government is currently distributed between Republicans and Democrats.

*Nebraska does not have a Senate and House of Representatives. It has a "unicameral and non-partisan senate made up of 49 members of whom 34 are Republican and 15 are Democrat. The Governor is Republican, hence the "all Republican" designation.

Representative Rex Duncan used language borrowed from ALAC and the earlier Yerushalmi model legislation from 2007 called the "Anti-Shari'a Draft

Act.”²¹² Duncan proposed the bill as “a “pre-emptive strike” that would stop “activist judges” from imposing the type of repressive justice found in the most oppressive Islamic regimes.”²¹³ Its constitutionality was immediately challenged and is currently going through a judicial appeals process.²¹⁴ Two years before he produced the ALAC model legislation, Yerushalmi produced his “SANE Immigration Proposal”²¹⁵ that was intended “to deal with the threat posed by Islamic jihādists residing in America and the security risks associated with open or effectively open borders.”²¹⁶ The “Anti-Shari’a Draft Act” model legislation accompanying his proposal singled out Islam though professed only to mean “Shari’a-faithful Islam.”²¹⁷ This is the source for the controversial bill that caused the legal action in Oklahoma. This constitutional issue in 2010 as well as an earlier failed attempt to implement the 2007 model policy federally, presumably to make America Shari’a free at one fell swoop, is good reason for Yerushalmi to recommend his ALAC policy model, and he does.

In 2008 the first anti-Shari’a bill also known as the “Jihād Prevention Act” was introduced. It was lifted directly from Yerushalmi’s 2007 model legislation. Short, at one page, and to the point, it proposes prohibiting anyone

²¹² Yerushalmi, David. “Anti-Sharia Draft Act.” SANE. 14 February 2007. URL: <http://www.saneworks.us/indexnew.php> accessed 28 August 2011. Draft Legislation.

²¹³ Nelson, Leah. “Oklahoma’s Shariah Law Ban Creates Controversy.” *Southern Poverty Law Center Intelligence Report*. Spring 2011, Issue 141. URL: <http://www.splcenter.org/get-informed/intelligence-report/browse-all-issues/2011/spring/oklahoma-shariah-law-ban-creates-controversy> accessed 20 November 2011. Report.

²¹⁴ Sacirbey, Omar. “Oklahoma Sharia Amendment Heads To Appeals Court.” *Huffington Post Canada*. 8 September 2011. URL: http://www.huffingtonpost.com/2011/09/08/oklahoma-sharia-appeal_n_954474.html accessed 24 November 2011. Print.

²¹⁵ This particular piece is found at the very bottom of SANE’s public area. Yerushalmi credits “Lawrence Auster and others” from the web log site [View From the Right](#) for the basis of his “Anti-Shari’a Draft Act.” Yerushalmi suggests that “[t]his [immigration] threat is made grotesque by the privilege we Americans give to “religion” and its free exercise. If religion can mean anything, then it means nothing. The question that Auster begins to address is whether Islam is a religion properly accorded constitutional protection or something else far more sinister.” URL: <http://www.saneworks.us/indexnew.php> accessed 28 August 2011. Print.

²¹⁶ Yerushalmi, David. “SANE Immigration Proposal.” and the “Anti-Shari’a Draft Act.” 14 February 2007. URL: <http://www.saneworks.us/indexnew.php> accessed 28 August 2011. Print.

²¹⁷ Ibid.

from entering the US if they would not swear to renounce support of Shari'a law in the US. It goes on to state that if the alien refuses to forswear Shari'a legality in the US, they would be refused entry and any Muslims currently residing in the US could have their visas revoked and would face detention followed by deportation.²¹⁸ It was introduced federally by Tom Tancredo, a Republican congressman from Colorado.²¹⁹ The legislation was hailed as a courageous statement by the Islamophobic blogs including Jihād Watch and Atlas Shrugs. His raised profile with Spencer and Geller is clear because both quote him extensively; especially when Tancredo explains that the need for such legislation is because overly lax US immigration policy has been an open invitation for millions of radical Muslims and their ideology. His solution is that they could be stopped from immigrating in the first place through the legislation.²²⁰ Tancredo's anti-Muslim anti-immigration policy stance also resulted in a brief and tumultuous relationship with the Tea Party movement.

In an outpouring of support for the bill, an online petition was begun the day Tancredo introduced it in the House of Representatives, 19 September 2008. There were just over twelve hundred signers and some of the comments indicate how intensely people felt about it. Most of the petition signers shared a common philosophy on Shari'a law; primarily they seemed to think that:

Sharia law needs to be banned permanently! Muslims need to evolve out of the stone ages. Seperate [sic] Law from religion"... "Civilized, humane law, not sharia savagery, thanks!"... "sharia law should be

²¹⁸ Tancredo, Tom. "HR 6975: Jihād Protection Act." *US Congress*. 18 September 2008. URL: <http://www.gpo.gov/fdsys/pkg/BILLS-110hr6975ih/pdf/BILLS-110hr6975ih.pdf> accessed 17 November 2011. US congressional bill.

²¹⁹ Tancredo is also known for his hard-line stance against Mexican immigration.

²²⁰ Spencer, Robert. "Tancredo introduces anti-Sharia "Jihād Prevention Act." *Jihād Watch*. 19 September 2008. URL: <http://www.jihadwatch.org/2008/09/tancredo-introduces-anti-sharia-jihad-prevention-act.html> accessed 19 November 2011. Blog entry.

*banned in the world, ot [sic] only in America.”... “We are FREE and we CAN'T accept this STYLE OF LIVE [sic]. Sharia is the law of the devil, See videos that shows you how Sharia work [sic]. I abhor this disgusting thing. INFORM YOURSELF!!!!*²²¹

The bill never went anywhere but Obama’s election a couple of months later inspired the Tea Party movement, which provided an opportunity for Yerushalmi to create his less contentious model legislation in 2009, deciding that pursuing anti-Shari’a policy at state level and in a less confrontational way was a better plan.²²² In this he has been very successful – at least in getting this legislation in front of the policy makers in over half the states.

Arizona, Louisiana, and Idaho have all approved adaptations of Yerushalmi’s model that limits judges’ ability to consult “religious, foreign or international laws...”²²³ Yerushalmi does not actually have the word “Shari’a in his ALAC model legislation, the references to “foreign laws” are sufficiently ambiguous to avoid legal hold ups. ALAC is relatively noncontroversial compared to the 2007 anti-Shari’a anti-immigration legislation model.

Tennessee is illustrative of this problem. In the beginning Republican sponsors, Senator Bill Ketron and Representative Judd Matheny introduced probably the most controversial bill seen because it incorporates the spirit as well as the words of Yerushalmi’s 2007 legislative model. In February the

²²¹ Unknown author. “Anti-Sharia Law.” *Petition Online*. 19 September 2008. URL: <http://www.petitiononline.com/petitions/gty65nde/signatures> accessed 25 September 2011. Petition.

²²² Elliott, Andrea., “The Man Behind the Anti-Shariah Movement.” *New York Times*. 30 July 2011. URL: <http://www.nytimes.com/2011/07/31/us/31shariah.html?ref=us&src=me&pagewanted=all> Accessed 15 September 2011. Print.

²²³ Elliott, Andrea., “The Man Behind the Anti-Shariah Movement.” *New York Times*. 30 July 2011. URL: <http://www.nytimes.com/2011/07/31/us/31shariah.html?ref=us&src=me&pagewanted=all> Accessed 15 September 2011. Print.

“Material Support to Designated Entities Act of 2011” twin bills was introduced simultaneously in both chambers. In its original form “Shari’a is mentioned forty-eight times, “jihād” fourteen times, and “terror(ist)(ism)” nine times in the twenty page document. The original bills also contained a section about mandatory imprisonment for providing material support for terrorists. In an interesting line of reasoning, the two sponsors of the bill justified it because

*Sharia requires all its adherents to actively and passively support the replacement of America’s constitutional republic, including the representative government of this state with a political system based upon sharia.*²²⁴

In the end, the law that passed in June 2011 was reduced from twenty pages to three and removed all references to Shari’a and jihād, though terrorist remained. It seems it was necessary to avoid a constitutional legal battle such as Oklahoma’s, which is still under litigation. The more faithful renditions of Yerushalmi’s ALAC model seem to have more success in passage through state legislatures and constitutional challenges than ones that explicitly refer to Shari’a.

Yerushalmi’s “interest in Islamic law began with the Sept. 11 attacks... when he was living in Ma’ale Adumim, a large Jewish settlement in the Israeli-occupied West Bank.”²²⁵ Yerushalmi relocated to New York after 9/11, where he says he began to study Islam, and became increasingly involved in anti-Islam endeavours. He became legal counsel for the Islamophobe bloggers

²²⁴ Tenety, Elizabeth. “Sharia law ban proposed in Tennessee.” *The Washington Post*. 14 February 2011. URL: http://onfaith.washingtonpost.com/onfaith/undergod/2011/02/sharia_law_ban_proposed_in_tennessee.html accessed 15 October 2011. Print.

²²⁵ Elliott, Andrea. “The Man Behind the Anti-Shariah Movement.” *New York Times*. 30 July 2011. URL: <http://www.nytimes.com/2011/07/31/us/31shariah.html?ref=us&src=me&pagewanted=all> Accessed 15 September 2011. Print.

Spencer and Geller and began to develop his model policy where he converted his “controversial statements on race, immigration, and Islam”²²⁶ into his model legislation. His alliance with Gaffney has proved to be mutually beneficial creating the data to support the premise that “Shariah [sic] as one of the greatest threats to American freedom since the cold war.”²²⁷ Though not explicitly naming Shari’a it implicitly is directed at Shari’a; an interpretation that is almost universally taken as such by both critics and acolytes. The former perhaps are convinced of this because the latter are so determined to put it into law and plainly say it is to stop Shari’a. This is quite literally so as the investigative piece Fear Inc. graphically shows how legislators in Alaska, South Carolina, and Texas have “cut and pasted” directly from Yerushalmi’s ALAC model legislation.²²⁸ For example, the sponsors of Alaska’s bill take portions of the model legislation almost verbatim as may be seen in the following excerpt calling for the state to:

protect its citizens from the application of foreign laws when the application of a foreign law will result in the violation of a right guaranteed by the constitution” [while the actual Alaskan bill reads] “citizens of the state should be protected from the application of a foreign law if application of the foreign law would violate an

²²⁶ Elliott, Andrea. “The Man Behind the Anti-Shariah Movement.” *New York Times*.

30 July 2011. URL:

<http://www.nytimes.com/2011/07/31/us/31shariah.html?ref=us&src=me&pagewanted=all>

Accessed 15 September 2011. Print.

²²⁷ Elliott, Andrea. “The Man Behind the Anti-Shariah Movement.” *New York Times*.

30 July 2011. URL:

<http://www.nytimes.com/2011/07/31/us/31shariah.html?ref=us&src=me&pagewanted=all>

Accessed 15 September 2011. Print.

²²⁸ Ali, Wajahat, Eli Clifton, Matthew Duss, Lee Fang, Scott Keyes, and Faiz Shakir. “Fear Inc. The Roots of the Islamophobia Network in America.” *Center for American Progress*. August 2011. URL:

http://www.americanprogress.org/issues/2011/08/pdf/islamophobia_chapter1.pdf

individual's right guaranteed by the Constitution. (Emphasis theirs).²²⁹

In his sponsor statement, Alaska Republican House Representative Carl Gatto offers Shari'a as the only example of the type of international law the bill is attempting to prevent from "creeping" into the US system. Gatto gives Yerushalmi credit as his source for this information.²³⁰

So within just a few years Yerushalmi rises in prominence in Islamophobic circles as legal counsel in Spencer and Geller's action against Park51 Community Center and the various "freedom of speech" suits. He is also the official legal counsel for Frank Gaffney's Center for Security Policy in Washington D.C.²³¹ and the author of "Mapping Shari'a in America", one of the studies that allegedly found that eighty percent of mosques harbour radical Islamist elements. But all of that seems to be simply the vehicle he has created to distribute and propagate anti-Shari'a hate rhetoric through his model of anti-Shari'a legislation making the rounds in so many states.²³² In 2006 he started the think-tank "Society of Americans for National Existence" (SANE). By early 2007 the "Ant-Islam Draft Act" was completed; a policy model that "advocate[ed] for the criminalization of Shari'a."²³³ His association with Gaffney and the American Center for Security Policy provided Yerushalmi later in 2007 with the funding to begin "mapping Shari'a" to "test the

²²⁹ Ali, Wajahat, Eli Clifton, Matthew Duss, Lee Fang, Scott Keyes, and Faiz Shakir. "Fear Inc. The Roots of the Islamophobia Network in America." *Center for American Progress*. August 2011. URL: http://www.americanprogress.org/issues/2011/08/pdf/islamophobia_chapter1.pdf

²³⁰ Gatto, Rep Carl. "Use of Foreign Law." *Alaska State Legislature*. 14 March 2011. URL: <http://www.housemajority.org/spon.php?id=27hb88> accessed 20 November 2011. Sponsor Statement: House Bill 88.

²³¹ "Biography of David Yerushalmi." *SANE*. URL: <http://www.saneworks.us/david-yerushalmi.html> accessed 23 October 2011. Biography.

²³² See index 2 for a copy of the model legislation. Index 3 contains the earlier "Anti-Sharia Draft Act".

²³³ Yerushalmi, David. "SANE Immigration Proposal." and the "Anti-Shari'a Draft Act." 14 February 2007. URL: <http://www.saneworks.us/indexnew.php> accessed 28 August 2011. Print.

proposition that Shari'a amounts to a criminal conspiracy to overthrow the US government²³⁴ through a process of probing into and grading mosques and associated madrasas on their level of obedience to Islamic law.²³⁵ If such a conspiracy could be determined through the probing he uses Section (4) of his 2007 anti-Shari'a model to recommend that "[i]t shall be a felony punishable by 20 years in prison to knowingly act in furtherance of, or to support the, adherence to Shari'a"²³⁶ as suitable punishment. Yerushalmi's report, derived from the "mapping" investigation, is "Shari'a and Violence in American Mosques." It expertly provides the factoids necessary to bolster the premise and later to provide evidence to bolster legitimacy for Peter King's hearings on Muslim radicalisation in America. Besides, in turn it provides evidence for the necessity to implement Yerushalmi's anti-Shari'a legislation model.

An even earlier document called "SANE War Manifesto" (now unavailable in the SANE public area of the site but quoted in a March 2011 article by the Anti Defamation League) "called on Congress to declare war on the "Muslim nation," ... defined as "Shari'a-adherent Muslims,"²³⁷ The remarks quoted from Yerushalmi's "War Manifesto" suggests a person who sees a conflict between Islam and the US (West) as a classic Huntingtongesque "clash of civilisations". In the publicly accessible area of SANE, Yerushalmi does not mince words, stating that "[i]t is only when we fight Limited Wars in an effort to construct democracies that we expose our weakness and encourage

²³⁴ Staff. "David Yerushalmi: A Driving Force Behind Anti-Sharia Efforts in the U.S." *Anti Defamation League*. 25 March 2011. URL: http://www.adl.org/main_Interfaith/david_yerushalmi.htm accessed 21 November 2011. Print.

²³⁵ Ibid.

²³⁶ Yerushalmi, David. "SANE Immigration Proposal." and the "Anti-Shari'a Draft Act." 14 February 2007. URL: <http://www.saneworks.us/indexnew.php> accessed 28 August 2011. Print.

²³⁷ Staff. "David Yerushalmi: A Driving Force Behind Anti-Sharia Efforts in the U.S." *Anti Defamation League*. 25 March 2011. URL: http://www.adl.org/main_Interfaith/david_yerushalmi.htm accessed 21 November 2011. Print.

their insurgencies and worldwide jihād.”²³⁸ Yerushalmi states in this same piece that Western civilisation as we know it only exists because “Christian Europe defeated the Muslim armies in war, slaughtered them mercilessly, and pushed them out of Europe.”²³⁹

So by comparison the ALAC policy model is milquetoast and, at first glance, appears to indicate a softening of his ideological position overtime. More plausibly it is a calculated and pragmatic decision by Yerushalmi. Making the text relatively innocuous and vague enables it to pass constitutional scrutiny while promoting the actual subtext that intends it to be the method to banning Shari’a. The promotional campaign to this end appeals to base fears of those who see it as a way to save the American people from this latest source of terror. The susceptibility of people to this type of rhetoric is exemplified in the Oklahoma case.

Most of the rest of the twenty-seven states that rush in the aftermath of the 2010 midterm gains by Tea Party winners and the very socially conservative sponsor bills that ban the use of “foreign laws” in the US. They have prudently chosen to use the ALAC model. In a very open secret, everyone knows what the real intent of the legislation is though couched in neutral language. Indeed it is only the language of the model legislation that is neutral. The rhetoric surrounding the introduction of the bills is both inflammatory and outright fear mongering. It is daily fair on the Islamophobic blogs, and media commentary. Sponsors of the bills speak of taking pre-emptive action against “creeping Islam.” Yerushalmi, Gaffney, Geller, and

²³⁸ Yerushalmi, David. “SANE Immigration Proposal.” and the “Anti-Shari’a Draft Act.” 14 February 2007. URL: <http://www.saneworks.us/indexnew.php> accessed 28 August 2011. Print.

²³⁹ Yerushalmi, David. “SANE Immigration Proposal.” and the “Anti-Shari’a Draft Act.” 14 February 2007. URL: <http://www.saneworks.us/indexnew.php> accessed 28 August 2011. Print.

Table 1) Status of anti-Shari'a legislation in the US as of 8 December 2011

| State | Type of legislation | Legislation passed | Legislation still before legislatures | "Shari'a" specifically banned |
|-----------------------|---|--------------------------|---|--|
| Alabama | HB597, HB607, SB61, SB62, & SB33 Constitutional Amendments (CA) | No | SB33 Pre-filed for 2012 | No |
| Alaska | HB88 | No | Probably continued to 2012 | No |
| Arizona | HB 2064 "Foreign Decisions Act", HB2582, HCR2083 and HCR1010 (CA) | Yes HB2064 in April 2011 | NA | No |
| Arkansas | SJR10 (CA) | No | No, may return in another form | No |
| Florida | HB1273, HH1294 | No | No, may return in another form | No |
| Georgia | HB45, HB242, SB51 | No | Probably continued to 2012 | No |
| Idaho | HCR44 | Yes March 2010 | NA | No |
| Indiana | HB1078, Sb298, HB 520, SJR16 (CA) | No | Probably continued to 2012 | No |
| Iowa | HF489, HF575, HJR14 (CA) | No | Probably continued to 2012 | Yes HJR14 (CA) |
| Kansas | HB2087 | No | Probably continued to 2012 | No |
| Louisiana | Act 714, Act 886 | Yes both in August 2010 | NA | No |
| Maine | HB811 | No | Probably continued to 2012 | No |
| Michigan | HB4769, SB701 | No | Probably continued to 2012 | No |
| Mississippi | HB301, HB525 | No | No, may return in another form | Yes HB301 |
| Missouri | HB708, HB768, SB308, HJR31 (CA) | No | No, may return in another form | No |
| Nebraska | LB647 | No | Probably continued to 2012 | No |
| New Jersey* | AB3496 | No | No, may return in another form | No |
| New Mexico | SJR18 (CA) | No | No, may return in another form | Yes |
| North Carolina | HB640 | No | May return in another form | No |
| Oklahoma+ | Ballot Bill 755 (CA), HB1552 | Yes (755) November 2010 | 755 in litigation, HB1552 in another form | Yes 755 (CA) |
| South Carolina | HB3490, SB444, | No | Probably continued to 2012 | No |
| South Dakota | SB201, HJR1004 (CA) | No | No, may return in another form | No |
| Tennessee | SB1028, HB1353 | Yes June 2011 as PCN497 | NA | Not in its final form signed into law. |
| Texas | H79A, HB911, HB999, HB1240, HB3027, HJ571(CA) HJR57(CA), | No | No, may return in another form | No |
| West Virginia | HB3220 | No | Probably continued to 2012 | No |
| Wyoming | HJR8 (CA) | No | No, may return in another form | Yes HJR8 (CA) |
| Utah | HB0296 | No | NA | No |

Source: Gavel to Gavel. ²⁴⁰ Shows status of legislation in twenty-seven states as of 3 October 2011.

* New Jersey, 15 November 2011 on reintroduced AB3496 from 2010. ²⁴¹

²⁴⁰ Raferty, Bill. "Bans on court use of sharia/international law: list of all bills since 2010, new 2011 Michigan bill, first 2012 bill prefiled." *Gavel to Gavel*. 3 October 2011. URL: <http://gaveltogavel.us/site/2011/10/03/bans-on-court-use-of-shariainternational-law-list-of-all-bills-since-2010-new-2011-michigan-bill-first-2012-bill-prefiled/> accessed 22 November 2011. Print.

Spencer lead the chorus of voices insisting that Shari'a is already in America and cite some fifty cases where it was consulted in US courts. The one they like to point to the most is the New Jersey case where the judge decided against a woman who complained that her husband raped and beat her ruling, that under Islamic law, it was legal.²⁴²

Table 1 offers a concise illustration of the status of anti-Shari'a legislation as of the middle of November 2011. It is important to note that a good number of the bills that died or were killed at various stages of the legislative process will probably be resurrected in identical or similar form by enthusiastic proponents of anti-Shari'a policy in 2012. As law makers began to realise the possible constitutional problems with explicitly banning Shari'a, they began to turn to the newer version of the model.

Yerushalmi's ALAC policy model is the iteration now recommended by him to policy makers not because he has suddenly taken a softer stance on Islam, quite the contrary, but it is the legislation that can pass. It was slow to get started with only Idaho passing a law in March of 2010 that, in part, said "[f]or any domestic issue, no court should consider or use as precedent any foreign or international law, regulation, or court decision".²⁴³

Republican Carl Wimmer of Utah was also an early enthusiast and introduced a bill that is extraordinarily similar to the ALAC model in February of 2010, but it was withdrawn when worries began that the law could create

²⁴¹ "New Jersey A3496." *eLobbyist*. 15 November 2011. URL: <http://e-lobbyist.com/gaits/view/210581> accessed 23 November 2011. Document

²⁴² Lott, Maxim. "Advocates of Anti-Shariah Measures Alarmed by Judge's Ruling." *FOX News*. 2 August 2010. URL: <http://www.foxnews.com/us/2010/08/05/advocates-anti-shariah-measures-alarmed-judges-ruling/> accessed 15 September 2011. Print.

²⁴³ "House Concurrent Resolution 44." *Legislature of the State of Idaho*. March 2010. URL: <http://www.legislature.idaho.gov/legislation/2010/HCR044Bookmark.htm> accessed 25 October 2011. State policy bill.

legal difficulties for Utah businesses in overseas dealings.²⁴⁴ The policy seemed to languish for a number of months. However, after or perhaps because of the massive Tea Party-led electoral swing to the far right in the November 2010 midterm elections, the political will for anti-Sharia legislation exploded across the country. In just over a year anti-Shari'a legislation has gained tremendous momentum and may have exceeded even Yerushalmi's expectations.

Some state legislators still seem to prefer the earlier and blatant anti-Shari'a policy model and incorporate it into their proposed legislation ever hopeful that it may avoid a constitutional challenge. In the five states where legislators sponsored bills specifically banning Shari'a law none have been put into law. Of these five bills that specifically ban Shari'a law, four: Iowa, New Mexico, Oklahoma, and Wyoming are constitutional amendments while Mississippi is using Yerushalmi's ALAC model with Shari'a inserted.

The typical logic used when introducing anti-Sharia public policy is exemplified by Wyoming Representative Gerald Gay, a Republican who admires Oklahoma's constitutional amendment and said he "was mounting a "pre-emptive strike" on judges from employing Islamic legal code in their decisions."²⁴⁵ His own bill (HJR8: a constitutional amendment) is titled "Shari'a law." In it he states that Wyoming shall use US federal law and state

²⁴⁴ Murphy, Tim. "Anti-Sharia Advocates: We've Not Yet Begun to Fight." *Mother Jones*. 10 December 2010. URL: <http://motherjones.com/mojo/2010/12/sharia-fever-catch-it> accessed 15 October 2011. Print.

²⁴⁵ Tashman, Brian. "Wyoming State Rep's Desire to Invoke His "Christian Faith" in Government Motivated Sharia-Law Ban." *Right Wing Watch*. 2 February 2011. URL: <http://www.rightwingwatch.org/content/wyoming-state-rep%E2%80%99s-desire-invoke-his-%E2%80%9Cchristian-faith%E2%80%9D-government-motivated-sharia-law-ban> accessed 20 October 2011. Blog entry.

law to decide legal matters “provided the law of the other state does not include Sharia law.”²⁴⁶

Iowa’s HJR14 constitutional amendment uses identical wording to the Wyoming bill. The legislator sponsoring the Iowa amendment is Rep. Kim Pearson, a 2010 mid-term Tea Party winner who after less than a year began recruiting other ideological social conservatives and Tea Party-vetted candidates to challenge Republicans that she thinks are too moderate. Ironically, these moderates argue that it “incites political disharmony”²⁴⁷ which is precisely Ms Pearson’s point. Among a long list of thwarted achievements at the hands of the moderates within her own party, she is currently behind a bill to impeach four judges over their 2009 decision that a state law banning same sex marriage was unconstitutional.²⁴⁸

In New Mexico it was introduced, much like Oklahoma, as a constitutional amendment banning Shari’a specifically; while in West Virginia, New Jersey, and Arkansas the bill uses language more closely aligned with the ALAC model where Shari’a is not specifically mentioned. None of the proposed amendments or bills succeeded. However, Arkansas Republicans have prepared a constitutional amendment “Senate Joint Resolution 10”²⁴⁹ as a possible ballot item in the November 2012 general election.²⁵⁰

²⁴⁶ Gay, Rep Gerald. “House Joint Resolution 0008” *Wyoming Legislature 2011 House Bill Index*. URL: <http://legisweb.state.wy.us/2011/Introduced/HJ0008.pdf> accessed 15 September 2011. Constitutional amendment.

²⁴⁷ Clayworth, Jason. “Iowa Republican: Kim Pearson’s actions are divisive.” *DesMoinesRegister.com* . 21 September 2011. URL: <http://blogs.desmoinesregister.com/dmr/index.php/2011/09/21/iowa-republican-kim-pearseons-actions-are-divisive/> accessed 20 November 2011. Print.

²⁴⁸ Ibid.

²⁴⁹ Bledsoe, Sen. Cecile. “Senate Joint Resolution 10.” *State of Arkansas*. 8 February 2011. URL: <http://www.arkleg.state.ar.us/assembly/2011/2011R/Bills/SJR10.pdf> accessed 24 November 2011. Constitutional amendment.

²⁵⁰ Coleman, Curtis. “Arkansas Senate Committee Rejects Bill to Protect Arkansans from Foreign Law.” *The New South Conservative*. 27 February 2011.

Oklahoma's midterm ballot item cites Shari'a as the only specific form of international law that requires a state constitutional amendment to ban. The amendment has been temporarily stopped by a federal judge pending the outcome of a legal challenge that argues that it infringes on religious freedom. As Muneer Awad of the "Council on American-Islamic Relations (CAIR)" claimed after the 2 November 2010 elections "Islam was the target of this amendment. This amendment does not have a secular purpose."²⁵¹ Oklahoma State Question 755 is a constitutional amendment taken to a state-wide referendum through a ballot measure. It received a seventy percent "yes" vote so Oklahoma is the first of the twenty-seven states that have explicitly banned Shari'a law though not the first to ban non specific "foreign laws" where it is implicit and less vulnerable to constitutional challenge. Awad is citing the "establishment clause" of the US Constitution that expressly prohibits "government from favoring one religion over another or improperly entangling itself in religious matters."²⁵² In September 2011, Oklahoma Solicitor General Patrick Wyrick defended the State's need to name Shari'a as a banned law in the constitutional amendment before the appellate judges indicated that it was meant "[t]o avoid confusion."²⁵³

Mississippi House Bill 301 is taken directly from Yerushalmi's 2009 model though the sponsor, Republican Representative John Moore, offers

URL: <http://031331b.netsolhost.com/blog1/2011/02/27/arkansas-senate-committee-rejects-bill-to-protect-arkansans-from-foreign-law/> accessed 24 November 2011. Print.

²⁵¹ Ortenzi, T.J. "Oklahoma Sharia Law Blocked by Federal Judge." *Huffington Post*. 25 May 2011. URL: http://www.huffingtonpost.com/2010/11/08/oklahoma-sharia-law-struck-down- n_780632.html accessed 28 August 2011. Print.

²⁵² Elliott, Andrea. "The Man Behind the Anti-Shariah Movement." *New York Times*. 30 July 2011. URL:

<http://www.nytimes.com/2011/07/31/us/31shariah.html?ref=us&src=me&pagewanted=all> Accessed 15 September 2011. Print.

²⁵³ Rayfield, Jillian. "Oklahoma: We Need To Specify Shari'a Ban 'To Avoid Confusion'." *TPMMuckraker*. 14 September 2011. URL: http://tpmmuckraker.talkingpointsmemo.com/2011/09/oklahoma_we_need_to_specify_sharia_ban_t_o_avoid_co.php accessed 15 September 2011. Print.

Shari'a as the sole example of foreign law that citizens must be protected from. According to the "Southern Poverty Law Center", Moore is affiliated with and has spoken at events organised by the White supremacist group "Council of Conservative Citizens (CCC)".²⁵⁴ Every year since 2006 Moore has attempted to have Mississippi's "Civil Rights Education Law" repealed on the grounds that it "will accuse "one group of people" and will be "somebody's philosophical idea of what civil rights are."²⁵⁵

Georgia's proposed bill contains the statement that it is state policy to "protect its citizens from the application of foreign laws when the application of a foreign law will result in the violation of a right guaranteed by the constitution of this state or of the United States"²⁵⁶ In fact the Georgia bill is called "American Laws for Georgia Courts Act" in a nod to ALAC and contains much of the wording of Yerushalmi's model. It is not unlike many of the rest of the states whose more conservative and Tea Party legislators have taken the opportunity afforded by favourable midterm results to "save" their various jurisdictions from Shari'a law.

So after an initial attempt by law makers to ban Shari'a outright, they have settled on the more subtle plan that broadly calls for a ban of all "foreign law, legal code, or system...including...international organizations and tribunals"²⁵⁷ that is not part of US law. Yerushalmi may have saved himself

²⁵⁴ "See no Evil." *Southern Poverty Law Center*. Fall 2004, Issue 115. URL: <http://www.splcenter.org/get-informed/intelligence-report/browse-all-issues/2004/fall/communing-with-the-council/see-no-evil> accessed 22 November 2011. Intelligence report.

²⁵⁵ Somanader, Tanya., "MS Rep Tried To Kill Historic Civil Rights Education Law Because It's 'Accusatory Of One Group'." *Think Progress*. 29 December 2010. URL: <http://thinkprogress.org/politics/2010/12/29/136765/ms-rep-tried-to-kill-historic-civil-rights-education-law-because-its-accusatory-of-one-group/> accessed 15 October 2011. Print.

²⁵⁶ Yerushalmi, David. "American Laws for American Courts (ALAC)." American Public Policy Alliance. 2009. URL: http://publicpolicyalliance.org/?page_id=38 accessed 21 August 2011. Model legislation.

²⁵⁷ Yerushalmi, David. "American Laws for American Courts (ALAC)." American Public Policy Alliance. 2009. URL: http://publicpolicyalliance.org/?page_id=38 accessed 21 August 2011. Model legislation.

some grief and got off to a better start had he looked north and followed the lead of Canada that had responded to the fears of Canadians regarding Shari'a law in 2006.

The next section will look at the unique cases of Ontario and Quebec. Despite coming from very different social and political starting points, they also pursued policy that is a reaction to fear rhetoric and reflects to some degree the polls.

Chapter 7: Creating anti-Muslim public policy in Canada

In the two provinces that enacted anti-Shari'a policy the process was much different than in the US. While the US seeks to implement a uniform policy model as explained in Chapter 6, in Ontario it was a matter of rescinding a law though there should be no doubt that it was to stop Shari'a from having any legal status. It was not until Muslims asked for equal legal status with other religions under the Arbitration act that the provincial legislature rescinded the law. Ontario's anti-Shari'a policy of 2006 was a full two years before the US first introduced legislation. The Québec case study reveals that it harbours a fear that its francophone culture is threatened by multiculturalism so they use an interpretation of "reasonable accommodation" and cite state secularism as a reason to implement that legislation. Québec implemented its first anti-Shari'a policy in May 2005²⁵⁸ "and in 2011 it was "asserted that multiculturalism is not a Québec value"²⁵⁹ essentially disassociating itself from the anglophone approach to accommodating diversity. Unlike US states that tend to use Yerushalmi's ALEC model policy neither the provinces of Ontario nor Québec took a uniform approach. The very different policies and prior attitudes toward ethnic and religious minorities assured very different approaches to the "problem". It is clear from the polling data that a good deal of the motivation behind these current laws may be related to rising anti-Muslim attitudes since 2001. The separation of Church and state is not explicit in the Canadian Charter, however it is implicit through the equality guarantee in Section 15, religious freedom in Section

²⁵⁸ Hurst, Lynda. "Canada: Sharia law out of question, Quebec insists." *Toronto Star*. 26 March 2005. URL: <http://www.wluml.org/node/2163> accessed 15 October 2011. Reprint.

²⁵⁹ Siddiqui, Haroon. "Islamophobia: Paranoia infects North America." *The Toronto Star*. 16 September 2011. URL: <http://www.thestar.com/news/insight/article/1055301> accessed 17 November 2011. Editorial.

2(a), and multicultural provision in Section 27.²⁶⁰ This chapter will analyse the policy change in Ontario as a result of protests by an unlikely coalition, followed by the case of Québec. Despite state secularism there was still a perceived need for anti-Shari'a policy.

The Ontario Arbitration Act of 1991 was put in place as a way of alleviating the overburdened caseload on the civil court system. It allowed religious groups to use alternative dispute resolution mechanisms for consenting individuals to participate in and abide by decisions of their tribunals. The judgments of these tribunals would be legally binding under Ontario law. Groups that used this system included Christians, Jews, Muslims, Mennonites, Aboriginal peoples, and other minorities.²⁶¹ In late 2003 Sayed Mutaz Ali (one of the first Muslim lawyers in Ontario) led the movement to allow Muslims to specifically use Shari'a under the Arbitration Act and suggested that those Muslims who "did not submit cases to Islamic arbitration panels were not "good Muslims."²⁶² Mutaz Ali created a bit of a firestorm with his suggestion; it even caught the attention of Robert Spencer, who suggests in his Jihād Watch blog that Canada's multiculturalism is a slippery slope to Shari'a law because "Failing [to incorporate Islamic law concerning apostasy and blasphemy into the laws of Canada] will be a flagrant breach of equality

²⁶⁰ "Canadian Charter of Rights and Freedoms." *Department of Justice*. URL:

<http://laws.justice.gc.ca/eng/Charter/> accessed 15 September 2011. Document.

²⁶¹ McElroy, Wendy. "Faith based initiative stirs debate." *Enter Stage Right*. 26 September 2005. URL: <http://www.enterstageright.com/archive/articles/0905/0905faithbased.htm> accessed 20 October 2011. Blog entry.

²⁶² Simmons, Harvey. "'One law for all Ontarians.'" *The Toronto Star*. 14 September 2010. URL: <http://www.thestar.com/opinion/editorialopinion/article/860513--one-law-for-all-ontarians> accessed 17 November 2011. Opinion piece.

rights.”²⁶³ This is the first instance when direct influence of the US conservative anti-Shari’a movement would be noticed in Canada.

This was the moment when women’s groups and feminist organisations along with secularists, some dissenting Muslim groups and individuals such as frequent SUN News contributor Salim Mansur protested against Shari’a to keep it out of Ontario. The Canadian Council of Muslim Women issued a statement that said in part that they “prefer to live under Canadian laws, governed by the Charter of Rights and Freedoms, which safeguard and protect our equality rights.”²⁶⁴ The main fears were that if Shari’a gained legal status Muslim women would be subjected to repressive laws and somehow lose access to the civil and secular legal system. In the midst of all this, the specially formed Boyd Commission came out with its report in December 2004 recommending approval of the request of Muslims to use Shari’a-based tribunals to settle individual disputes. The Boyd Commission recommended approval but with some forty-six recommendations to ensure that Muslim women would not suffer discrimination in the religious tribunals.²⁶⁵

These Muslim, women’s, left leaning, and other progressive groups paradoxically provided the Islamophobes with a great opportunity. That is, the opportunity to promote their hate rhetoric and fear mongering under the ‘legitimacy’ of a broad coalition of interests opposed to Shari’a being used in legally binding arbitration in Ontario. This legitimacy, that the other groups

²⁶³ Spencer, Robert. *Jihād Watch*. 2 February 2005. URL: <http://www.jihadwatch.org/2005/02/when-muslims-convert.html> accessed 17 November 2011. Blog entry.

²⁶⁴ Kutty, Faisal. "Canada's Islamic Dispute Resolution Initiative Faces StrongOpposition." *Washington Report on Middle East Affairs* 23.4 (2004): 70-1. Print.

²⁶⁵ "Indepth: Islam. Sharia Law: FAQs." *CBC News Online*. 26 May 2005. URL: <http://www.cbc.ca/news/background/islam/shariah-law.html> accessed 15 November 2011. Frequently Asked Questions.

provided, served the first order Islamophobes greater purpose of offering proof that ‘creeping Islam’ was indeed an imminent threat to Canadian society.

The right wing media responded immediately and vehemently, throwing out headlines that sounded very like Islamophobic rhetoric under banners such as “Canadian judges soon will be enforcing Islamic law...such as stoning women caught in adultery,’ ‘Canada Allowing Sharia Barbaric Laws?’ ‘Tribunal will apply Islamic Law in Ontario.’”²⁶⁶ The media and blogging commentary further emphasised the horrors of Shari’a and escalated the fear by reporting “on stonings, beheadings and beatings, imposed mainly on women, by sharia [sic] courts in the Middle East and Africa.”²⁶⁷

This type of Islamophobic rhetoric in the midst of international terrorist plots, bombings, and heightened alerts helped set in motion a drawn out battle and polarisation of opinions over more than a year and a half that ended in a policy that forbade all legally binding alternate dispute resolution through rescinding that part of the Arbitration Act. Premier Dalton McGuinty announced his intention to rescind the Arbitration Act on 11 September 2005, emphasising that “There will be no sharia [sic] law in Ontario. There will be no religious arbitration in Ontario. There will be one law for all Ontarians.”²⁶⁸

The timing of this announcement is singular in that the decision was made to announce the intention to stop the perceived infiltration of Shari’a law into Canada on the fourth anniversary of 9/11. It carried a huge symbolic message.

²⁶⁶ Kutty, Faisal. "Canada's Islamic Dispute Resolution Initiative Faces StrongOpposition." *Washington Report on Middle East Affairs* 23.4 (2004): 70-1. Print.

²⁶⁷ Simmons, Harvey. "One law for all Ontarians." *The Toronto Star*. 14 September 2010. URL: <http://www.thestar.com/opinion/editorialopinion/article/860513--one-law-for-all-ontarians> accessed 17 Novemeber 2011. Opinion piece.

²⁶⁸ Simmons, Harvey. "One law for all Ontarians." *The Toronto Star*. 14 September 2010. URL: <http://www.thestar.com/opinion/editorialopinion/article/860513--one-law-for-all-ontarians> accessed 17 Novemeber 2011. Opinion piece.

The interesting element of this public policy shift is that, in order to shut out Shari'a law, the Ontario government found it necessary to rescind the right of every other religious group to alternate dispute resolution that had been legally binding under Ontario law since 1991. Though these groups, including Muslims, are still allowed to hold tribunals, their decisions are no longer recognised by the Ontario legal system. It seems that it would have been very difficult to single Muslims out for exclusion from the Arbitration Act, so the only way to avoid legal battles based on discrimination, or more pointedly accusations of Islamophobia, was to universally ban alternative arbitration.

Polling data remind us of the extraordinary degree of fear of terrorism in Canada at the time. In November of 2004, 90 percent of Canadians felt that international terrorism was either a critical (49 percent) or important (41 percent) threat to the country.²⁶⁹ And the perception was that it was coming from the “radical Islamic” community. As well, the US issued two orange alerts through this period, though localised to the US east coast between New York and Washington DC in August of 2004 when an alleged al-Qaeda operative was arrested in Pakistan and information was obtained that indicated the possibility of an attack on the economic centres in the US.²⁷⁰ Then a mass transit orange alert was issued in July of 2005 in the wake of multiple bombings on London’s underground and bus systems.²⁷¹ These threats were

²⁶⁹ “Threat perceptions in Canada.” *Innovative Research Group for the Canadian Defence & Foreign Affairs Institute*. 21-28 October 2004. URL: <http://www.cdfai.org/PDF/Pollpercent20onpercent20Threatpercent20Perceptionspercent20inpercent20Canada.pdf> accessed 6 November 2011. Poll.

²⁷⁰ Staff., “Officials: Arrest in Pakistan led to orange alert.” *CNN US*. 3 August 2004. URL: http://articles.cnn.com/2004-08-02/us/terror.threat_1_al-qaeda-computer-expert-ahmed-khalfan-ghailani-intelligence-official?_s=PM:US accessed 25 October 2011. Print.

²⁷¹ Gerstein, Josh., “America Triggers Tighter Security for Transit Systems.” *The New York Sun*. 8 July 2005.

sufficiently disturbing to the US to cause the localised heightened alert; however Canadians watch American television and all the major Canadian broadcasters report American changes in alert warnings. This was especially alarming in the second instance where the bombers were successful in killing dozens and injuring hundreds.²⁷² This latter event was also committed by terrorists who were Muslim so it seemed to reinforce the fear.

News of rescinding the Arbitration Act carried far and wide. Again Robert Spencer the popular US Islamophobic blogger and self-described Islam expert commented, but with tempered enthusiasm, calling it “[a] hard-won victory for human rights. It is only unfortunate that the other religious arbitration arrangements have to be sacrificed, which feeds the assumption that they are all morally equivalent.”²⁷³ He goes on to declare that if Western powers were honest they would admit the distinctive differences between Islam and the rest of the world.²⁷⁴ And that is exactly what the problem seemed to be in Ontario in 2004 and 2005. Multiculturalism can get messy trying to accommodate all the disparate groups that have the right to retain and celebrate their cultural uniqueness. It gets especially messy when it is perceived that certain cultural differences such as the application of Shari’a law may impinge on individual freedoms and notions of equality. It is paradoxical that the very laws intended to protect everyone’s rights in the end was forced to take sides and gave in to political pressure.

URL: <http://www.nysun.com/national/america-triggers-tighter-security-for-transit/16689/> accessed 25 October 2011. Print.

²⁷² Staff., “Special Report: London Attacks. *BBC News*. 8 July 2008. URL: http://news.bbc.co.uk/2/hi/in_depth/uk/2005/london_explosions/default.stm accessed 15 November 2011. Print.

²⁷³ Spencer, Robert., “Ontario premier rejects Shariah law.” *Jihad Watch*. 12 September 2005. URL: <http://www.jihadwatch.org/2005/09/ontario-premier-rejects-shariah-law.html> accessed 10 November 2011. Blog entry.

²⁷⁴ Ibid.

There was another irony in all the heated debate whether to allow Shari'a law to be binding under the Arbitration Act. The protesters against this particular aspect of multiculturalism were groups of both the left and the right and while they rarely agreed on anything they seemed to be of one mind in denying Shari'a legal status in civil matters. These Muslim women's groups, other women's groups, and other supporters who were against allowing Shari'a were protesting in the name of emancipating women from a sometimes oppressive male dominated culture and the right used then to legitimise their agenda. The Islamophobic chorus on the ideological right stated they also wanted to protect women's rights but that could only be accomplished by denying 'creeping Islam' a foothold in the legal system and inevitable imposition of Shari'a for all. Ezra Levant says as much in his closing remarks from a December 2003 article first published in the *Calgary Sun* where he gives a somewhat biased warning that

*[d]evout Muslims -- such as the Sharia court's imams -- do not pick and choose from the Koran. They believe in it all. What do you think will happen -- who do you think will yield -- when the Sharia court inevitably collides with Canadian courts that increasingly believe in nothing?*²⁷⁵

True fear mongering indeed in a couple of carefully crafted sentences that accuses the Canadian legal system of spinelessness, while implying that the commitment of political Islam will win out in an unavoidable battle for legal supremacy in Canada if Shari'a is allowed legal status.

²⁷⁵ Levant, Ezra. "In the name of the law Collision inevitable between Sharia court and Canadian courts." *Calgary Sun*. 3 December 2003. URL: <http://www.nosharia.com/cs.htm> accessed 14 November 2011. Reprint.

The policy changes announced in September 2005 effectively remove all religious arbitration from the public legal sphere to the private informal sphere where, importantly, it is not illegal for individuals or groups that choose to, to informally use and abide by their religious tribunals. In one sense, this agrees with the notion of a secular society that separates the Church from the state and banning all religious tribunals was uniformly applied. In the Ontario case it may have been seen as a step forward except that it was done because Muslims were seeking recognition of their legal system on an equal footing with Christian and Jewish religious law. It is doubtful that the law would have been rescinded if Muslim groups had not requested equality under the law. Though it may be seen, on the one hand, as a disinterested move to apply the law equally; on the other hand, it looks very much like a reaction to a growing fear of Islam deliberately fuelled by the Islamophobes and unwittingly given legitimacy by groups concerned about the application of possibly unequal law.

Québec is unique in Canada for three reasons: its civil law is rooted in France's Napoleonic Code;²⁷⁶ it has a different concept of multiculturalism known as "accommodement raisonnable," or the "reasonable accommodation" of different cultures".²⁷⁷ Also, it has been secular in dealing with religions since the Quiet Revolution of the sixties, which "protects the state from religious conflicts."²⁷⁸

The French interpretation of *laïcité* – that is, complete separation of the state and religion that results in a very strong anti-religion bias – may be the

²⁷⁶ Hurst, Lynda. "Canada: Sharia law out of question, Quebec insists." *Toronto Star*. 26 March 2005. URL: <http://www.wluml.org/node/2163> accessed 15 October 2011. Reprint.

²⁷⁷ Ibid.

²⁷⁸ Ibid.

primary reason why anti-Shari'a policy has been passed in Québec. However, just as France has experienced a large influx of Muslim immigrants largely from its former colonies in Africa, Islam is the fastest growing minority religion in Québec. France's anti-Islam and anti-veil policies also seem to serve as a convenient excuse for exclusionary policies adopted in Québec.

Since the vast majority of Muslim immigrants to Québec concentrate in Montreal, it may appear that they are larger in number than is the actual fact. The perception in Québec seems to interpret Muslim immigration as a possible threat to the policy of *laïcité*. The reality is that while many Muslim immigrants may be devout followers of Islam, others immigrate to Québec precisely because it is a secular society and they wish to benefit from the neutral implications regarding religious observance in such a society.

Québec also shows a different attitude toward immigrants that is reflected in their interpretation of integration. There is a very strong political will that rejects a perceived dilution of Québec culture by immigrants. This is especially notable regarding Muslim immigrants. A Leger poll in 2007 reflected some of this fear indicating that 50 percent of respondents admitted to having a bad opinion of Muslims and 59 percent admitted to some feelings of racism.²⁷⁹ Despite criticism of the poll's methods, the results were defended citing negative media coverage and images of Muslims in the aftermath of 9/11 that continue to be very influential. It seems many Québécois cannot

²⁷⁹ Staff. "59% of Québécois say they're racist: Poll" *CBCNews*. 15 January 2007. URL: <http://www.cbc.ca/news/canada/story/2007/01/15/mtl-racism.html> accessed 15 November 2011. Print.

separate the Islamic extremist from the immigrant Arab community and automatically thought of them when answering the survey.²⁸⁰

While Ontario was deliberating how to remedy the Shari'a "problem", on 26 May 2005 Fatima Houda-Pepin a Moroccan-born secular Muslim and Liberal member of the Québec National Assembly introduced a private members bill that received unanimous approval by the members in attendance. It called for opposition to "the establishment of so-called Islamic tribunals in Québec and in Canada,"²⁸¹ making it the first province to openly ban Shari'a. The fear expressed in justifying such a policy move was that Islamic fundamentalists see Canada's multiculturalism and guarantees of rights as a good place to begin imposing Shari'a.²⁸² The move to ban Shari'a from legal status in Québec seems odd in that if Québec is a secular state that would automatically preclude any religion from having decisions from their tribunals gain legal legitimacy. In the secular state implied by Québec lawmakers, though Bill 94 is still making its way to final approval, religion may flourish in the private sphere but will not be tolerated as a legal decision making body in Québec, it therefore assumes that the civil and criminal court system is the only legitimate authority that makes legal decisions.

In spite of this or perhaps because state secularism is seen as something fragile and in need of constant protection, groups experiencing fear of Islam feel moved to make their own rules. In the francophone homogeneous village of Hérouxville, in the Mauricie region, the council passed a by-law "in

²⁸⁰ Staff. "59% of Québécois say they're racist: Poll" *CBCNews*. 15 January 2007. URL: <http://www.cbc.ca/news/canada/story/2007/01/15/mtl-racism.html> accessed 15 November 2011. Print.

²⁸¹ Dougherty, Kevin. "Quebec Bans Sharia." *CanWest News Service*. 27 May 2005. URL: http://www.sikhtimes.com/news_052705b.html accessed 18 November 2011. Reprint.

²⁸² Ibid.

which foreigners were advised that public stonings, burnings and genital mutilation of women are not allowed in the community.”²⁸³ One of the reasons this is occurring is the relative lack of interaction with other cultures and specifically Muslims in that Québec town. The vast majority, almost 90 percent, of Muslim immigrants live in Montreal so most of the population outside the major population centres of the province have little or no personal knowledge of them. The polling results from the previous section indicate that this is a universal phenomenon and there are other reasons that exacerbate the problem.

Québecers tend to be very protective of their culture and their language and they react strongly to any perceived assault on them. Making French the sole official language is an example of a reaction to their fear of losing their language; initially it was a fear of being subsumed by Anglo Canadian culture and more recently the growing ethnic minorities. There is a perception that if immigrant populations must learn French to get on in Québec culture they will assimilate more readily. They also seem to believe that removing all vestige of public authority from any religious group through legislated state secularism will hasten the process as well. But there seems to be a fear that unless secularism is not constantly reinforced by the state there is the possibility of a religious takeover. Beginning in 1960, the people of Québec rose up in the “Quiet Revolution”.²⁸⁴ After the death of Premier Maurice Duplessis,²⁸⁵ who

²⁸³ Staff. “Bouchard, Taylor deliver their report.” *The Gazette*. 22 May 2008. URL: <http://www.canada.com/montrealgazette/story.html?id=7ee7c4cb-cbf8-4eb8-b90e-072205ebc2bb> Accessed 15 September 2011. Print.

²⁸⁴ Belanger, Claude. “The Quiet Revolution.” *Marionopolis College*. 23 August 2000. URL: <http://faculty.marianopolis.edu/c.belanger/quebechistory/events/quiet.htm> accessed 17 November 2011. Historical reference.

²⁸⁵ Belanger, Claude. “Maurice Duplessis (1890-1959).” *Marionopolis College*. 6 December 2004. URL: <http://faculty.marianopolis.edu/c.belanger/quebechistory/bios/duplessi.htm> accessed 17 November 2011. Biography.

had ruled the province for the better part of twenty-five years from 1936, and by Roman Catholic Church from the province's very beginning²⁸⁶ the people totally rejected the idea of any further meddling by religion in the affairs of the state.

What has resulted is something that some have called “ideological apartheid” [and a] “very denigrating attitude toward religion”.²⁸⁷ The critics go on to argue that it is religious minorities whose practices are being singled out for censure. And specifically Islam, which is the newest and fastest growing religious minority in Québec.²⁸⁸ However, Catholics and Sikhs are not entirely exempt from this secularist policy. It has provoked an official ban on Sikh kirpans in the Québec National Assembly building²⁸⁹ and fined a Catholic woman for conducting a religious service in a “no religion zone” in Lachine. It has been called “state secularism gone overboard”²⁹⁰ though one may infer that this is evidence that the Québec government is even-handed in its defence of state secularism. However, there does seem to be a uniquely pointed reaction toward Muslim practices. The polling data tell us that Muslims are perceived to be very different from the rest of Canadians and it is especially expressed in negative terms in Québec; there is a perception in that province of a harmful influence by the growing Muslim population.

²⁸⁶ Belanger, Claude. “The Three Pillars of Survival.” *Marionopolis College*. 23 August 2000. URL: <http://faculty.marianopolis.edu/c.belanger/quebechistory/events/pillars.htm> accessed 17 November 2011. Historical reference.

²⁸⁷ Scott, Marion. “Québecers rally to put secularism on the agenda.” *The Montreal Gazette*. 22 June 2010. URL: <http://www.vigile.net/Québecers-rally-to-put-secularism> accessed 15 November 2011. Reprint.

²⁸⁸ Ibid.

²⁸⁹ Staff. “Kirpan banned at Que. national assembly.” *CBC News*. 9 February 2011. URL: <http://www.cbc.ca/news/canada/montreal/story/2011/02/09/pq-kirpan-measure.html> accessed 15 November 2011. Print.

²⁹⁰ Hamilton, Graeme. “Quebec’s new secular norm: \$144 fines for religious worship.” *The National Post*. 3 November 2011. URL: <http://life.nationalpost.com/2011/11/03/quebec%E2%80%99s-new-secular-norm-fines-for-worship/> accessed 15 November 2011. Print.

In a piece for the *Toronto Sun* in March 2010, columnist Peter Worthington opines on Québec's new "anti-veil" law. It bans the "niqab and burqa ... for any provincial employee, and anyone dealing with government services ... [but, not the hijab that] ironically, can emphasize and enhance a woman's looks."²⁹¹ Worthington goes on to hail the extraordinarily brave leadership of Québec and suggests that it is pointless to move to a new society if immigrants are simply going to insist on bringing their culture with them and denies that an expectation to adjust to the Canadian culture is scary or threatening.²⁹² He asserts that continuing to allow the niqab and burqa perpetuate these "symbols of oppression, inequality, subservience, etc. - and that they "marginalize women."²⁹³

Premier Jean Charest explains that "[a]n accommodation cannot be granted unless it respects the principle of equality between men and women, and the religious neutrality of the state."²⁹⁴ There is a certain irony behind Charest's words defining reasonable accommodation in Québec when the anti-veil law seems to be patently unreasonable. It, in effect, seems designed to single out a few women and there are indications that very few women do wear a full veil. Why does the face covering cause such a reaction as to fuel a desire to change public policy in the first place? Indeed it harkens back to the fear of Islam that has emerged since 9/11 and the idea that unless you can see a person's face they may well be hiding something. Like Canada, the US has

²⁹¹ Worthington, Peter. "Quebec's burqa ban is not racist: Worthington" *The Toronto Sun*. 30 March 2010.

URL: http://www.torontosun.com/news/columnists/peter_worthington/2010/03/29/13400986.html accessed 15 November 2011. Opinion piece.

²⁹² *Ibid.*

²⁹³ *ibid.*

²⁹⁴ Staff. "Quebec will require bare face for service." *CBC News*. 24 March 2010. URL: <http://www.cbc.ca/news/canada/montreal/story/2010/03/24/quebec-reasonable-accommodation-law.html> accessed 17 November 2011. Print.

few women who choose to wear either a niqab or burqa but they face similar problems of suspicion and racial profiling.²⁹⁵ There is no clear indication that this attitude in the US influences Canadian opinion. It appears to be a spontaneous and simultaneous reaction to 9/11 by both nations.

During the 2007 Bouchard Taylor Commission tour to listen to the public on the issue of immigration there was very little reasonableness in the opinions aired. Comments such as: “In Egypt, I lived among Muslims. I endured them, and it looks like I'll have to endure them again.”²⁹⁶ were not out of the ordinary. The very phrase “reasonable accommodation” has come to be a symbol for many of forfeiting their identity as Québécois. They feel extremely threatened by the steady encroachment as they see it. Indeed Todorov explains that very phenomenon by suggesting that Muslim immigrants remind them of the difficult struggle they went through to free themselves from religious rule. This results in secular societies, such as Quebec, rejecting Islam more vehemently than Christian societies do.²⁹⁷ This seems to closely reflect the policy of France where the policy is also a subject of some contention.

Québec and Ontario do have the largest populations of Muslims in the country where they tend to be concentrated in the largest cities, which may give a skewed perception of the actual percentage. Yet the polling numbers indicate that large percentages of Canadians right across the country have a deep distrust of Muslims and continue to fear terrorist attacks. Making public

²⁹⁵ Hendrix, Steve., “The few U.S. Muslim women who choose full veil face mix of harassment, sympathy.” *The Washington Post*. 13 April 2011. URL: http://www.washingtonpost.com/local/the-few-us-muslim-women-who-choose-full-veil-face-mix-of-harassment-sympathy/2011/04/13/AFLrwzYD_story.html accessed 28 December 2011. Print.

²⁹⁶ Patriquin, Martin. “Not particularly accommodating.” *Maclean's*. 9/24/2007, Vol. 120, Issue 37. Print.

²⁹⁷ Todorov, Tzvetan. *The Fear of Barbarians*. Cambridge: Polity Press. 2010. Print.

policy that bans Shari'a and veils puts the largely White Christian and Western European-derived majority in the undeniable and rather uncomfortable position of reactionary xenophobes.

In one sense both Ontario and Québec arrived at the same outcome in policy though they arrived at it from very different starting points. The public and very negative discourse in the media and blogospheres perpetuates the great fear of Islam as we saw through the polling numbers and results in public policy determined to stifle multiculturalism. The Québécois' fear of Muslims is inextricably tied to fear of immigrants taking over as well as the media's constant barrage of anti-Islamic rhetoric. It is hard to know if the provincial and federal governments' policies are reflecting public fear or fanning it. Stephen Harper's now infamous and ominous warning that "the major threat is still Islamism...There are other threats out there, but that is the one that I can tell you occupies the security apparatus most regularly in terms of actual terrorist threats."²⁹⁸

This type of rhetoric coming from elected officials reinforces the legitimacy of pseudo pundits inhabiting large sectors of the airwaves. It echoes and amplifies through the various network media, internet news sites, and blogs, and helps sustain high levels of fear in the public. In the end, it produces public policy that may only be seen as coming about because of fear rhetoric and the ability to sustain it.

²⁹⁸ Harper, Stephen. "Harper says 'Islamism' biggest threat to Canada." *CBC News*. 6 September 2011. URL: <http://www.cbc.ca/news/canada/story/2011/09/06/harper-911-terrorism-islamic-interview.html> accessed 15 September 2011. Video interview with Peter Mansbridge on the National.

Chapter 8: Conclusions

The attacks of 11 September 2001 provided an opportunity for a group of people whose political, social, and economic interests relies on maintaining a certain level of power over the system. Fear rhetoric is the preferred method to attain that objective and it has a proven history of success in the United States and Canada. As the polls show, this fear rhetoric created an anti-Muslim meme that eventually persuaded the public to endorse banning Shari'a as a means of preventing something awful from happening. That awful something of course is the alleged imposition of Shari'a law and the end of democracy and the free world as we know it. The rhetoric that surrounds the introduction of anti-Shari'a public policy is the more accurate and explicit reflection of public sentiment than the legislation itself expresses. Without this context, the legislation may appear non discriminatory or simply a random assertion of the authority of domestic secular law. This also alludes to the conflict between what constitutes hate speech and freedom of speech. For the Islamophobes in both countries, the latter trumps the former, so any amount of vitriolic speech that accompanies the mild wording of the actual policy is protected. And it seems to be the case as both Levant and Steyn successfully defended their right to free speech in Canada while Geller has been equally successful defending her right to free speech in the US.

If it was difficult in the aftermath of 9/11 to identify exactly who or what to be afraid of it soon became crystal clear, notwithstanding George W. Bush's conciliatory words, as the Islamophobes with the financial aid of their sponsors informed the public in no uncertain terms that the president was misguided. This is not a new phenomenon; especially in the US where fear

rhetoric has been an integral part of the fabric of that society since its inception.²⁹⁹

However, the most recent and best comparison is the post WW2 era of anti-communism where tremendous public fear and paranoia were generated and in turn dominated and informed the public discourse for a generation. The historical record shows that since 1945 Americans and Canadians tend to respond to fear rhetoric in a predictable way. Recent polling data may fairly represent this former time where prevailing public opinion viewed the object of fear with suspicion in its milder form and hatred and discrimination in its extreme. Just as during the “Red Scare” and the “Cold War”, fear was the common thread that held our respective societies together; it was the fight “against” some “other” that we feared rather than the struggle “for” some societal good that held the greater sway over us.

The anti-communism messages in movies and newsreels at movie theatres along with the emerging medium of television provided the public with a terrifying visual experience of what to expect if communism ever managed to infiltrate and gain a foothold in the West. The post war media moguls who controlled the new and influential means of disseminating information earned the endorsement of and were even commissioned by the government to produce the terrifying images and commentary. This powerful tool was used to control what information the population consumed and frequently it was a message that allegedly urged unwavering vigilance or risk subjugation to a totalitarian regime where individual rights and freedoms would be forever lost, where the ability to innovate and create and get rich

²⁹⁹ Catherwood, Christopher and Joe DiVanna. The Merchants of Fear. Guilford CT: Lyons Press. 2008. Print. p37.

would be exchanged for subjugation and some assembly line ensuring a lifetime of drudgery for the state. This ability to simulate “reality” on film with the approval of the government legitimised, in the public perception, the fact that there was a constant threat of communism, nuclear war, and mutually assured destruction.

The 1979 Iranian hostage crisis and the Soviet Afghan war may be seen as the two major early events that planted the seeds of Islamophobia. When the Soviet Union collapsed a decade later, rather than anticipate a world with the potential to move toward peaceful coexistence, those who prefer the malleability of a fearful population found in Islam and a terrifying “clash” between cultures the answer to their prayers. The fundamentalist evangelical religious right and the block of Christian Zionists helped the small cadre of moneyed foundations, think tanks, and pundits already in place and actively promoting anti-Islam rhetoric throughout the nineties, whenever an incident occurred that could be attributed, even fleetingly, to Islam. The nineties also focused on “morality issues” as the possible next object of universal fear. Fearing homosexuals, gay marriage, and women who wanted control of their reproductive rights failed to appeal in sufficient numbers. This was partly because of the short-comings of those who defended the “moral causes” for example Republican Speaker of the House of Representatives, Newt Gingrich. So the unexpected gift of 9/11 provided the nexus for the Islamophobes to use as the focal point for subsequent and increasingly successful rhetoric aimed at turning the entire Muslim world into one giant terrorist organisation hell bent on world domination and the subjugation of everyone who did not follow Islam.

The leaders in the fundamentalist evangelical Christian and Christian Zionist movements have the ability to mobilise literally millions of followers and have them vote as a block. Since they were first activated around the “Moral Majority” in time to elect Ronald Reagan in 1980, they have grown into one of the most powerful political tools of the right. As the polls show, they are also among the most susceptible to believing the fear rhetoric and they rely heavily on the news and media sources that tend to perpetuate fear and mislead their viewers. Since the people who control these media sources also belong to the group that seeks to maintain the status quo, encouraging these vulnerable groups to continue to watch, listen, and believe what the “fair and balanced” news and pundits say is critical.

While they do not represent the majority in either country, conservative groups wield a disproportionate amount of political power. Note the fundamentalist evangelical and socially conservative influence of the Tea Party movement over both moderate Republican law makers and the US at large since 2009. Much of their rhetoric is driven by a myriad of fears and one of their greatest fears is the infiltration of the United States by radical Islam and the imposition of Shari’a law. In Canada we now have a majority Conservative government in power federally and, in one of the most powerful and fear mongering statements made by a Prime Minister in recent times, Stephen Harper told the Canadian public how the government was going to protect us from “Islamicism”.

Certainly, the spectacularly explosive and horrific statement of hatred seemingly came out of nowhere on 11 September 2001 and, at least in the minds of the majority of citizens, left them momentarily dumbfounded. A few

voices from within the US and Canada suggested that it was probably not because they harboured (American style) “democracy envy” but was possibly an act of retaliation for American foreign policy.³⁰⁰ This suggestion was met with universal rage and withering scorn by politicians, the media, and even the public caught up in patriotic fervour. The United States had been, in the American public’s minds at least, the world’s shining beacon of democracy, freedom, and international largess as only the world’s sole superpower and economic hegemony can. Noam Chomsky and Sunera Thobani were two who faced vilification for suggesting otherwise: Thobani was investigated by the RCMP while Chomsky became the “man who has made a career out of hating America and out of trashing the record of this country.”³⁰¹

Over time the fear rhetoric and hate speech aimed at Muslims has grown into a successful and extremely powerful lobby especially in the US, though the influence of Canadian Islamophobes should not be underestimated. The recent creation of SUN television in Canada is one example and testimony to a growing rather than diminishing influence of fear rhetoric over the last decade. Indeed, the ability of this group on both sides of the border to sustain negative public opinion against Islam at such a stable and relatively high percentage over time is proof that their particular brand of persuasion; that of fear, is especially appealing.

Take the notion of “Hobbesian fear”, a normally unrealistic depiction of human interaction; yet if the various mechanisms of disseminating information are controlled by “those who can persuade us that we are

³⁰⁰ Thobani, Sunera. Presentation to the Ottawa Women's Resistance Conference. 1 October 2001.

URL: <http://print.indymedia.org/news/2001/10/923.php> accessed 10 March 2010. Conference paper.

³⁰¹ Zahn, Paula. “Debate between Noam Chomsky and William Bennett on American Morning.”

CNN.com. 30 May 2002. URL: <http://transcripts.cnn.com/TRANSCRIPTS/0205/30/ltn.01.html> accessed 25 November 2011. Transcript.

surrounded by enemies and thus engaged in a pitiless war; this would be an example of a prophesy creating the reality which it announces.”³⁰² And it is arguably exactly that which is happening in Canada and the US. Muslims represent such a small percentage of the population compared to the hugely disproportionate fear rhetoric directed against them. It is as though the purveyors of this fear rhetoric have created a kind of mass and deeply irrational paranoia out of whole cloth. That it is unwarranted is largely moot; every violent incident planned or perpetrated by a Muslim only adds to the credibility of these allegations.

The experts, pundits, and the media that host them tap into the deeply held fears of the general public, some of whom are arguably physiologically predisposed to conservatism; such people share a natural tendency to be fearful and averse to change.³⁰³ These persuasive voices may be strident, sharing the public’s fear, or they may assume measured professorial tones citing data and case studies that support the same underlying message: “creeping Islam” and the universal imposition of Shari’a law. In turn elected officials who appear to exhibit the same fearful tendencies seem only too happy to introduce laws banning Shari’a. It is not clear if all legislators who introduce anti-Shari’a public policy are as fearful as their constituents or are simply reflecting public opinion. In the United States, it would be fair to suggest that they are as fearful as their constituents, based on anecdotal evidence such as their voting record on other policy initiatives and their own record on sponsoring policy. There appears to be an inordinately high number

³⁰² Todorov, Tzvetan. *The Fear of Barbarians*. Cambridge: Polity Press. 2010. Print.

³⁰³ Kanai, Ryota, Tom Feilden, Colin Firth, and Geraint Rees. “Political Orientations Are Correlated with Brain Structure in Young Adults.” *Current Biology*. 2011 April 26; 21(8): 677–680. URL to document: <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3092984/pdf/main.pdf> accessed 1 December 2011.

of legislators at all levels of government who appear to reflect these very conservative social values. There is certainly the possibility and indeed some probability that a percentage of these elected officials simply exploit the fears of their constituents through perpetuating the alleged threat of Islam while not themselves fearful. Every US case study here indicated the law maker's ideological values being consistent with someone predisposed to believe the rhetoric, and indeed often repeated it in public forums justifying anti-Shari'a policy initiatives.

Shared conservative values may support this idea for the US cases. However, in Ontario and Québec there were differing political ideologies at play in banning Shari'a. In Ontario the government of the day was Liberal when the section of the Arbitration Act regarding all religious arbitration decisions was rescinded. Québec's unique secularist stance led to the Assembly unanimously rejecting, in May 2005, the use of Shari'a in the province's legal system.

It may be reasonably determined that the Islamophobes driving the discourse do believe their own rhetoric and the veracity of their generated data and facts or at least believe that public manipulation is justified to maintain fear in the population. Arguably if the Islamophobes also believe their own rhetoric and are as afraid as the people they are appealing to the whole thing is more believable. That may be true. The motive of the people and foundations funding the Islamophobes is clear. It is about power: economic and political power. A fearful population is a malleable population.

These Islamophobes have done a very good job of persuading and perpetuating a relatively high degree of fear in the minds of large numbers of

Americans and Canadians. The polling data show us that the percentage of people who distrust Muslims and think that they are more inclined to encourage violence has been steady over time. Recall the Pew poll from March 2011 (Figure 4) that shows how American perceptions of Islam has been synonymous with violence for never less than one in three and at times almost one of every two members of the population since July 2003. These numbers are evidence of the extraordinarily successful effort by the Islamophobes and their funders to keep public opinion against Muslims. Mohammad Fadel argues that “[t]here’s a conflation between the idea of Islam being a universalist, proselytizing religion and reducing it to a totalitarian movement,”... “All good propaganda is based on half-truths.”³⁰⁴ And the man who arguably has had the most success in reducing Islam to a totalitarian movement is David Yerushalmi. Success in the sense that he has used the fear generated by the rhetoric and put it to praxis through tangible public policy.

His evolution in producing the model policy banning Shari’a in the US probably began when he returned from Israel after 9/11. His nine years on the West Bank may have contributed to and hardened his ideological position regarding Muslims and Islam. Yerushalmi’s original policy model circa 2007 is very focused on immigration law and how to stop the influx of Muslims. It recommends detention, deportation, and prison sentences as the necessary deterrent to immigration of undesirables. While, as Todorov explains, it is not “politically correct” to be anti-immigration it is seen as courageous to criticise

³⁰⁴ Elliott, Andrea. “The Man Behind the Anti-Shariah Movement.” *New York Times*. 30 July 2011. URL: <http://www.nytimes.com/2011/07/31/us/31shariah.html?ref=us&src=me&pagewanted=all> Accessed 15 September 2011. Print.

Islam.³⁰⁵ Yerushalmi must have had that in mind when he wrote the “Anti-Shari’a Draft Act.” In fact it is completely dedicated to criticising would-be Muslim immigrants.

Yerushalmi seems to base the need for his policy on the theory that there is a “clash” between cultures or religions as espoused by Huntington. The anti-Shari’a policy plays to the fear that people have of the unknown. It implies that Islam is so foreign to our Western Judeo-Christian culture that nothing can bridge the gap and we are doomed to settle it with violent conflict. The discourse has been adjusted to suggest that in spite of state secularism in the West there is nothing more fundamental than its historical Christian religious beliefs. Though the group may no longer allow religion in the public sphere as is the case in Québec, the historical religious context remains intact; bear witness that the recommendation to remove the cross on the wall behind the Speaker’s chair was ignored on “historical” grounds and possibly political ones as well.³⁰⁶ In the US, where there is the so called “wall” between the state and religion, there is paradoxically a most profound religiosity in the culture. If there is consensus that a Muslim should never become president, it is equally abhorrent to the American psyche that an atheist should inhabit the White House. In other words, just as atheists are “godless” so too are Muslims and therefore how can you trust either of them?

While polling data in Canada and the US identify an inclination of significant percentages of the population to implement laws banning Shari’a, there are countervailing powers that reject that notion. In the case of the

³⁰⁵ Todorov, Tzvetan. *The Fear of Barbarians*. Cambridge: Polity Press. 2010. Print.

³⁰⁶ Coggins, Jim. “Quebec commission calls for ‘open secularism.’” *Canadianchristianity.com*. 5 June 2008. URL: <http://canadianchristianity.com/nationalupdates/2008/080604quebec.html#articletop> accessed 15 November 2011. Print.

specific anti-Shari'a policy initiatives in Canada and the US, there is also the matter of Constitutions and Charters of Rights to contend with. While fear rhetoric that arguably borders on hate speech seems to be protected under freedom of speech laws, so far it cannot be successfully inserted into the language set forth in actual policy. The one exception may be the 2005 Québec law banning Islamic tribunals. In Ontario the ban ended up being universal against all religious tribunals though Shari'a was the acknowledged impetus for the ban. In the US the Oklahoma constitutional amendment specifically banning Shari'a is being challenged under the establishment clause of the First Amendment to the US Constitution.

This problem was addressed by Yerushalmi in 2009 with the American Laws for American Courts (ALAC) policy model that replaced the 2007 model and removed all references to Shari'a, Muslims, and Islam. This new "constitutionally challenge proof" version is consequently not nearly as inspiring a read as its predecessor. It may be for that reason that Oklahoma's state constitutional amendment sponsors preferred the 2007 policy model. This has been a lesson for most of the other two dozen or so sponsors of similar bills around the nation. Most have heeded Yerushalmi's advice and use the ALAC model. As each law maker sponsors some version of the ambiguous 2009 policy model, they proudly proclaim to their constituents and the public at large that it is to ban Shari'a, to make a pre-emptive strike against "creeping Islam" and its radical Shari'a law. Never mind that the new bill blandly says "any law, legal code, or system of a jurisdiction outside of any state or

territory of the United States”;³⁰⁷ what it really means, and the sponsors of these bills do not mince words, is to ban Shari’a law exclusively.

English Canada outside Ontario seems to have no interest in implementing any kind of provincial bans on Shari’a and indeed Ontario is convinced that the matter is settled there; there is now one law for all Ontarians. While levels of anti-Muslim public opinion remain high across the country, the focus seems to be pointed at using racial profiling at ports of entry and remaining convinced that Muslims do not share our values. Quebec law makers seem to be less confident that they have successfully separated the Muslim religion from the state, and as recently as 2010 made the wearing of veils illegal while either working for or accessing government agencies. Québec’s reluctance to reasonably accommodate Muslims and especially religious Muslims is originally related to rejection of the autocratic rule of the Roman Catholic Church in the sixties and now is a rejection of any religion. Keeping religion out of the official public sphere has become almost a national obsession in Québec. In spite of these differences, the common factor is that all religions in Ontario and Québec are equally deprived of having their tribunals recognised in the public legal systems. There appears to be no special rights for Christians or Jews. It is undeniable, however, that the specific policies implemented since 2005 came about in the two provinces because of a fear of Shari’a law gaining legal status.

On 12 December 2011, Federal Immigration Minister, Jason Kenny “announced that Muslim women who wear veils that obscure their faces will be required to remove them when they take the oath of Canadian

³⁰⁷ Yerushalmi, David. “American Laws for American Courts (ALAC).” American Public Policy Alliance. URL: http://publicpolicyalliance.org/?page_id=38 accessed 21 August 2011. Model legislation.

citizenship.”³⁰⁸ This latest policy at the federal level seems to be an extension of the Harper Conservative stance on perceived terror threats and where they originate.

On the surface, the United States seems to be the same. The rhetoric post 9/11 instilled a deep fear in the public and resulted in policy reaffirming that there is no place for religious law in that country. Yet that is not entirely true because a very large part of the anti-Shari’a movement is fundamentalist evangelical Christian.

The Islamophobes seem to be able to use all the language of hate and fear that they want in describing Islam and are protected under the First Amendment of the Constitution but transferring that language to paper and passing it in state legislatures is almost impossible because religious discrimination is prohibited under the First Amendment. Given this, can the champions of anti-Shari’a policy claim success? After all they have been forced to change the written policy to such a degree that it appears universal and redundant because of the First Amendment. The only way to know that it is anti-Shari’a policy is because the sponsors of the bills say so. And as long as they believe they are passing anti-Shari’a policy then it probably is a success.

While the anti-Shari’a movement in Canada only involved two provinces, twenty-seven American states have attempted policy banning it though only four have actually passed any kind of law. This is doubtless just the beginning in the US, especially if there is a change in the White House in 2012. In 2010 Newt Gingrich (GOP presidential hopeful) stated he was

³⁰⁸ Sandborn, Tom., “BC opponents slam gov’t ban on veils at citizenship ceremonies.” *The Tye*. 14 December 2011. URL: http://thetyee.ca/Blogs/TheHook/Rights-Justice/2011/12/14/Veil-Ban-Citizenship-Oaths/?utm_source=mondayheadlines&utm_medium=email&utm_campaign=191211 accessed 16 December 2011. Print.

“totally opposed to any effort to impose Sharia on the United States, and we should have a federal law that says under no circumstance, in any jurisdiction in the United States, will Sharia be used in any court to apply to any judgment made about American law,”³⁰⁹ If this should happen there will be great joy expressed in the Islamophobic blogosphere, the right-wing media, and by the supporters of Israel. In the current political climate the Islamophobic bloggers are not reticent in their dire warnings about the plight of Israel in the face of radical Islam. They insist on the necessity of the United States, and to a lesser degree Canada, to remain “steadfast” in support of Jews and Israel. In the US there is a suspicion that the current resident of the White House is less than committed. For example, on 14 November 2011, regarding possible Israeli military strikes against alleged Iranian nuclear sites, Robert Spencer on his Jihād Watch blogs the following “Israel refuses to tell US its Iran intentions...Good. With Obama in the White House, Israel would be unwise, perhaps suicidally so, to do otherwise.”³¹⁰ In one sentence Spencer not only defends possible unilateral military action by Israel but implies that Obama is not to be trusted by Israel because of his perceived connection to Islam and possible religious affiliation. This implication then furthers the notion in the public conscience that Obama is somehow at odds with the best interests of the American people.

In a post on the Atlas Shrugs blog on 13 November Pam Geller writes “Israel Develops Cancer Vaccine”... [i]n between ducking bombs from a

³⁰⁹ Jessup, Meredith. “Oklahoma Sharia ban may Conflict with US Constitution.” THEBLAZE. 4 November 2010. URL <http://www.theblaze.com/stories/oklahoma-sharia-ban-may-conflict-with-u-s-constitution/> accessed 24 November 2011. Print.

³¹⁰ Spencer, Robert. “Israel refuses to tell US its Iran intentions” *Jihād Watch*. 14 November 2011. URL: <http://www.jihadwatch.org/2011/11/israel-refuses-to-tell-us-its-iran-intentions.html> accessed 14 November 2011. Blog entry.

culture that creates nothing, invents nothing, produces nothing, and aspires to nothing except genocide. That's their major industry -- annihilation of the Jewish people." In an all too typical post from Geller she is relentless in vindictive and vitriolic hate speech against Muslims. She seems to think that anything she says against Muslims is constitutionally protected while anyone who disagrees in even the most innocuous terms is sanctioning hatred and destruction of Jews and Israel. Her blog posts make it quite clear that she would like to stifle any speech that does not reflect her world view.

About a decade after the end of WW2 we were warned about government leaders and the purpose of fear mongering rhetoric by none other than General Douglas MacArthur who stated that

*"[o]ur government has kept us in a perpetual state of fear -- kept us in a continuous stampede of patriotic fervor -- with the cry of grave national emergency. Always there has been some terrible evil at home or some monstrous foreign power that was going to gobble us up if we did not blindly rally behind it"*³¹¹

Such is the current state of affairs though the government is now just one player in the propagation of fear rhetoric. It has been overshadowed by 24/7 industry made up of mass media and Internet by inter-state actors with the vested interest in keeping the population fearful and malleable. They indeed maintain an industry of fear. It is clear that there is a predisposition in so many to fear the "monstrous foreign power" and to remain forever blind.

³¹¹ Catherwood Christopher and Joseph DiVanna. The Merchants of Fear: Why *they* want us to be afraid. Guilford CT: Lyons Press. 2008. Print. p131.

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Appendix 1

Anti-Shari'a Draft Act

Whereas, Shari'a, as defined and understood by traditional and authoritative Shari'a scholars, is a legal-political-military doctrinal system combined with certain religious beliefs; further, Shari'a is based historically and traditionally on full corpus of law and jurisprudence termed fiqah and usul al-fiqah, respectively, dealing with all aspects of a Shari'a-adherent's personal and social life and political society.

Whereas, Shari'a as a political doctrine requires all its adherents to actively support the establishment of a political society based upon Shari'a as foundational or supreme law and the replacement of any political entity not governed and governing by Shari'a with a Shari'a political order.

Whereas, Shari'a requires all its adherents to actively and passively support the replacement of America's constitutional republic with a political system based upon Shari'a.

Whereas, Shari'a in particular includes a war doctrine known as jihad, which is an organic, intrinsic and central feature of the laws and traditions of Shari'a due to a consensus among Shari'a authorities throughout the ages.

Whereas, jihad and Shari'a are inextricably linked, with Shari'a formulating and commanding jihad, and jihad being waged for the purpose of imposing and instituting Shari'a.

Whereas, the unchanging and ultimate aim of jihad is the imposition of Shari'a on all states and nations, including the United States; further, pursuant to its own dictates, Shari'a requires the abrogation, destruction, or violation of the US Constitution or the destruction of the national existence of the United States of America.

Whereas, the imposition of Shari'a on non-Shari'a adherent states is to be brought about both by criminal and violent means, including terrorism, and by lawful and non-violent means, including immigration-fed population growth and the resulting increase of Shari'a-centric political influence and power.

Whereas, adherence to Shari'a is adherence to the legal, political, and military doctrines and law of jihad.

Whereas, adherence to and advocating of or for Shari'a poses an imminent likelihood of violent jihad and acts of terrorism. And,

Whereas, adherence to Shari'a is prima facie evidence of an act in support of the overthrow of the US Government through the abrogation, destruction, or violation of the US Constitution by the use of imminent criminal and seditious violence with the aim of imposing Shari'a on the American People.

THEREFORE, IT IS RESOLVED THAT:

[1] A "Shari'a-adherent" shall be defined as any person who adheres to Shari'a or acts in support of the adherence to Shari'a or who makes any written or oral declaration in support of the adherence to Shari'a.

[2] "Adherence to Shari'a" shall be defined as any act, including any written or oral declaration, in support of Shari'a or in furtherance of the imposition of Shari'a within any territory of the United States of America. "Territory of the United States of America" shall be

defined as any territory under the civilian or military control or governance of personnel acting for and on behalf of the US Government.

[3] “Shari’a” shall be defined as the set of rules, precepts, instructions, or edicts which are said to emanate directly or indirectly from the god of Allah or the prophet Mohammed and which include directly or indirectly the encouragement of any person to support the abrogation, destruction, or violation of the US Constitution or the destruction of the national existence of the United States of America, and which includes among other methods to achieve these ends, **the real possibility of imminent violence**. Any rule, precept, instruction, or edict arising directly from the extant rulings of any of the five authoritative schools of Islamic jurisprudence (the Hanafi, the Maliki, the Shafi’i, the Hanbali, the Ja’afariya, or Salafi school or fiqh) is prima facie Shari’a without any further evidentiary showing.

[4] It shall be a felony punishable by 20 years in prison to knowingly act in furtherance of, or to support the, adherence to Shari’a.

[5] The President of the United States of America shall immediately declare that all non-US citizen Shari’a-adherents are Alien Enemies under Chapter 3 of Title 50 of the US Code and shall be subject to immediate deportation.

[6] No Shari’a-adherent shall be granted an entry visa into the United States of America. Anyone seeking an entry visa into the United States of America from any country or regime which advocates or implements Shari’a bears the burden to establish evidence beyond a reasonable doubt that he/she is not a Shari’a-adherent.

(Source: <http://www.saneworks.us/indexnew.php>)

Appendix 2

Model ALAC Act

AN ACT to protect rights and privileges granted under the United States or [State] Constitution.

BE IT ENACTED BY THE [GENERAL ASSEMBLY/LEGISLATURE] OF THE STATE OF [____]:

The [general assembly/legislature] finds that it shall be the public policy of this state to protect its citizens from the application of foreign laws when the application of a foreign law will result in the violation of a right guaranteed by the constitution of this state or of the United States, including but not limited to due process, freedom of religion, speech, or press, and any right of privacy or marriage as specifically defined by the constitution of this state.

The [general assembly/state legislature] fully recognizes the right to contract freely under the laws of this state, and also recognizes that this right may be reasonably and rationally circumscribed pursuant to the state's interest to protect and promote rights and privileges granted under the United States or [State] Constitution, including but not limited to due process, freedom of religion, speech, or press, and any right of privacy or marriage as specifically defined by the constitution of this state.

[1] As used in this act, "foreign law, legal code, or system" means any law, legal code, or system of a jurisdiction outside of any state or territory of the United States, including, but not limited to, international organizations and tribunals, and applied by that jurisdiction's courts, administrative bodies, or other formal or informal tribunals. For the purposes of this act, foreign law shall not mean, nor shall it include, any laws of the Native American tribes in this state.

As used in this act, "court" means any court, board, administrative agency, or other adjudicative or enforcement authority of this State.

As used in this Act, "religious organization" means any church, seminary, synagogue, temple, mosque, religious order, religious corporation, association, or society, whose identity is distinctive in terms of common religious creed, beliefs, doctrines, practices, or rituals, of any faith or denomination, including any organization qualifying as a church or religious organization under section 501(c)(3) or 501(d) of the United States Internal Revenue Code.

[2] Any court, arbitration, tribunal, or administrative agency ruling or decision shall violate the public policy of this State and be void and unenforceable if the court, arbitration, tribunal, or administrative agency bases its rulings or decisions in the matter at issue in whole or in part on any law, legal code or system that would not

grant the parties affected by the ruling or decision the same fundamental liberties, rights, and privileges granted under the U.S. and [State] Constitutions, including but not limited to due process, freedom of religion, speech, or press, and any right of privacy or marriage as specifically defined by the constitution of this state.

[3] A contract or contractual provision (if capable of segregation) which provides for the choice of a law, legal code or system to govern some or all of the disputes between the parties adjudicated by a court of law or by an arbitration panel arising from the contract mutually agreed upon shall violate the public policy of this State and be void and unenforceable if the law, legal code or system chosen includes or incorporates any substantive or procedural law, as applied to the dispute at issue, that would not grant the parties the same fundamental liberties, rights, and privileges granted under the U.S. and [State] Constitutions, including but not limited to due process, freedom of religion, speech, or press, and any right of privacy or marriage as specifically defined by the constitution of this state.

[4]

a. A contract or contractual provision (if capable of segregation) which provides for a jurisdiction for purposes of granting the courts or arbitration panels *in personam* jurisdiction over the parties to adjudicate any disputes between parties arising from the contract mutually agreed upon shall violate the public policy of this State and be void and unenforceable if the jurisdiction chosen includes any law, legal code or system, as applied to the dispute at issue, that would not grant the parties the same fundamental liberties, rights, and privileges granted under the U.S. and [State] Constitutions, including but not limited to due process, freedom of religion, speech, or press, and any right of privacy or marriage as specifically defined by the constitution of this state.

b. If a resident of this state, subject to personal jurisdiction in this state, seeks to maintain litigation, arbitration, agency or similarly binding proceedings in this state and if the courts of this state find that granting a claim of forum non conveniens or a related claim violates or would likely violate the fundamental liberties, rights, and privileges granted under the U.S. and [State] Constitutions of the non-claimant in the foreign forum with respect to the matter in dispute, then it is the public policy of this state that the claim shall be denied.

[5] Without prejudice to any legal right, this act shall not apply to a corporation, partnership, limited liability company, business association, or other legal entity that contracts to subject itself to foreign law in a jurisdiction other than this state or the United States

[6] No court or arbitrator shall interpret this Act to limit the right of any person to the free exercise of religion as guaranteed by the First Amendment to the U.S. Constitution and by the Constitution of this State. No court shall interpret this Act to require or authorize any court to adjudicate, or prohibit any religious organization from adjudicating, ecclesiastical matters, including, but not limited to, the election, appointment, calling, discipline, dismissal, removal or excommunication of a member, officer, official, priest, nun, monk, pastor, rabbi, imam or member of the clergy, of the religious organization, or determination or interpretation of the doctrine of the religious organization, where adjudication by a court would violate the prohibition of the establishment clause of the First Amendment of the United States, or violate the Constitution of this State.

[7] This statute shall not be interpreted by any court to conflict with any federal treaty or other international agreement to which the United States is a party to the extent that such treaty or international agreement preempts or is superior to state law on the matter at issue.

(Source: http://publicpolicyalliance.org/?page_id=170)

Appendix 3

Oklahoma Constitutional Amendment also known as the “Save Our State” Amendment.

**STATE QUESTION NO. 755
REFERENDUM NO. 355**

LEGISLATIVE

This measure amends the State Constitution. It changes a section that deals with the courts of this state. It would amend Article 7, Section 1. It makes courts rely on federal and state law when deciding cases. It forbids courts from considering or using international law. It forbids courts from considering or using Sharia Law.

International law is also known as the law of nations. It deals with the conduct of international organizations and independent nations, such as countries, states and tribes. It deals with their relationship with each other. It also deals with some of their relationships with persons.

The law of nations is formed by the general assent of civilized nations. Sources of international law also include international agreements, as well as treaties.

Sharia Law is Islamic law. It is based on two principal sources, the Koran and the teaching of Mohammed.

**SHALL THE PROPOSAL BE APPROVED?
PROPOSAL — YES**

FOR THE

**AGAINST THE
PROPOSAL — NO**

(Source: <http://www.ok.gov/elections/documents/sq_gen10.pdf >)

Appendix 4

The ads involved in the New York Transit Authority legal battle.



(Source < <http://www.dailystar.com.lb/News/Middle-East/2011/Sep-21/149330-ads-protesting-us-aid-to-israel-cause-stir.ashx#axzz1hmkzm2ml> >)



(Source < http://tpmmuckraker.talkingpointsmemo.com/2011/09/pamela_geller_planning_lawsuit_over_rejected_subwa.php >)

