

Violating the Spirit of America's First Amendment

*Congressional legislation condemns ill-defined "Islamophobic"
speech, hate and animus*

A Center for Security Policy Analysis

Deborah Weiss
December 19, 2017

VIOLATING THE SPIRIT OF AMERICA'S FIRST AMENDMENT

*Congressional legislation condemns ill-defined "Islamophobic"
speech, hate and animus*

BY DEBORAH WEISS, ESQ.



THE IMPORTANCE OF FREE SPEECH

Freedom of speech is a cornerstone freedom, and a necessary underpinning for religious freedom, human rights and national security. Tyrannical governments around the world understand the implications of free speech and therefore often employ censorship as a tool of power.

Islamist organizations such as the Organization of Islamic Cooperation (OIC) and Muslim Brotherhood front groups understand the importance of language. That's why they are working diligently to control, manipulate, and ultimately criminalize all speech that sheds a negative light on Islam in a way that is tantamount to Islamic blasphemy laws.

In the West, we are quickly losing our free speech rights as encroachments seep in from a range of Islamic supremacist groups and their leftist allies who argue that freedom from insult should be prioritized over all other existing rights and freedoms, despite the fact that such a "right" is not cited in any human rights document.

Censorship efforts run rampant in America throughout college campuses, the mainstream media, interfaith groups, cultural institutions, government agencies, and alarmingly, even Congress.

This article will focus on congressional legislation that violates the spirit of America's First Amendment right to freedom of speech. The bills and resolutions reviewed demonstrate a desire by elected officials to impinge on the constitutional right of Americans to freely express their political views by starting down the slippery slope of condemning so-called "Islamophobic speech," "hate speech," "hate groups" or "animus," without ever defining these terms.

BILL CONDEMNING "ANTI-MUSLIM RHETORIC" (H.R. 569)

For example, after a wave of Islamic terrorist attacks throughout the West in 2015, 145 out of 186 Democrats in the House of Representatives cosponsored a bill that singled out Muslims for preferential treatment. H.R. 569 was titled, "condemning violence, bigotry and hateful rhetoric towards Muslims in the United States." This bill painted Muslims as victims but failed to offer condolences to the true victims of Islamic terrorist attacks. It conflated "hateful rhetoric" with violence, an important distinction both legally and factually.

Deborah Weiss, is an attorney, author, and expert specializing in free speech and terrorism-related issues. Formerly, she was the Manhattan Director for the Forbes for President Campaign; Assistant Corporation Counsel in the Giuliani Administration, and a Counsel for the Committee on House Oversight in Congress. She is the author of a monograph titled, "The Organization of Islamic Cooperation's Jihad on Free Speech," is a regular contributor to FrontPage Magazine, and speaks regularly throughout the country. Ms. Weiss is a survivor from the 9/11 attacks in New York City. A partial listing of her work can be found at: www.vigilancenow.org.

The bill asserted that “hate speech” based on faith is in “contravention to the founding principles” of religious freedom. This idea is totally false and shows a complete disregard for the founding principles of freedom of speech.

The bill also declared that Muslim civil rights need to be protected. This is of course true for Muslims as it is for everyone, but abridging Americans’ free speech rights does not constitute a valid “civil rights protection” in any legal sense of the term.

Additionally, the bill affirmed “the inalienable right of every citizen to live without fear...” However, no such right exists, inalienable or otherwise. If members of Congress really want Americans to live fear-free, perhaps they should address the very real threat of Islamic terrorism and stop concerning themselves with a concocted “right” to be free from offense.

Finally, this bill argues that “anti-Muslim speech” plays into the false narrative by terrorist groups that the West hates Islam, and thus causes a violent reaction. In other words, the bill is claiming that Islamophobic speech causes terrorism. While it is true that some jihadists have used blasphemous speech to justify terrorism (as we saw in the Charlie Hebdo attacks in Paris), jihadist terrorist attacks pre-date the modern concept of Islamophobia and often have nothing to do with Islamic blasphemy.

The whole notion that speech causes terrorism is an argument advanced by the OIC and the Council on American-Islamic Relations (CAIR) to rationalize their demands for speech censorship. By convincing Western governments that speech is causing violence, they’re implying that restricting speech will quell it. Yet, we know this is not true. Indeed, countries with blasphemy laws show an increase in violence, not a decrease.

Moreover, under the Judeo-Christian value of personal responsibility, the people responsible for acts of violence are the violent actors, not those who utter a comment, draw a cartoon or produce a film that some find offensive.

Still, after the Danish newspaper *Jyllands-Posten* published illustrations of the Muslim Prophet Muhammad which sparked riots in Denmark and

across the Middle East, the OIC and other Islamists held the cartoonist responsible for the riots and not the rioters themselves. The same was true with Charlie Hebdo and similar jihadi attacks in response to Islamic blasphemy.

H.R. 569 was never put to a vote only because Republicans retain control of Congress, but it reflects the mindset of the Democrat party and what is to come if they gain the majority.

Similar anti-Islamophobia motions, statements and conferences are popping up all over the U.S. and Canada in local legislatures, interfaith groups, and other societal institutions.

RESOLUTION CONDEMNING “HATE GROUPS” (S.J. RES. 49)

Despite the best efforts by of the leftist-Islamist alliance to condemn Islamophobic speech through legislation, most Republican politicians refused to support them. However, alternative language has yielded more ominous results, sometimes without the aid of those pushing for censorship.

A case in point is S.J. Res. 49, a joint Senate-House resolution condemning the violence and domestic “terrorist attack” that took place between August 11 and August 12, 2017 in Charlottesville, Virginia.

This resolution recognizes the first responders who died while monitoring the events, offers condolences to the families and friends of those killed, provides sympathy to those injured, and expresses support for the Charlottesville community.

This resolution rejects “white nationalists, white supremacists, the KKK, neo-Nazis and other hate groups” and urges the President and his cabinet to use all available resources to address the threats posed by those groups.

S.J. Res. 49 was introduced by Senator Mark Warner, (D-VA) on September 6, 2017 and passed September 11, 2017 by unanimous consent. Its counterpart resolution was introduced into the House on September 12, 2017. It passed the same day, also by unanimous consent at the request of Congressman Goodlatte, (R-VA). This bill was signed into law on September 14, 2017.



“Antifa” protesters march in Berkeley, California, August 27, 2017. (Shutterstock.com photo)

Although this legislation was passed with the best of intentions after the deadly violence in Charlottesville, there are many problems with condemning “hate” and unspecified “hate groups” in legislation.

First, hate is an emotion; it is subjective and vague.

Second, hate is a characterization, not an objective description. Who will be the arbiter of what is and what is not hateful? Should government make this determination and should state censorship be the solution?

Additionally, the “hate group” label merely constitutes the tactic of name-calling designed to avoid debating issues on their merits. It is a term based on opinion, devoid of facts and is often biased or applied unevenly to conservative groups, even those that are legitimate and mainstream. On the other hand, politically motivated left-wing groups that commit widespread violence are often left out of the mix.

Some conservatives argue that leftist groups such as Antifa, Students for Justice in Palestine, and Black Lives Matter should be included under the umbrella of hate groups and that the term should apply to the full range of groups that are “hateful” from left to right. However, a better alternative would be not to characterize, smear or name-call any of these groups and instead address the political and policy positions that these groups advocate.

Moreover, although this resolution does not expressly condemn hate speech, a condemnation of “bigotry in all its forms” can be interpreted to include unpalatable speech by those determining what constitutes bigotry or hate. The designation of bigotry is not expressly limited to violent or discriminatory action.

Further, despite the fact that this resolution is non-binding, it calls on the Trump Administration to use its resources to address the “threat” of the hate groups mentioned, as well as those which were unspecified. Again, the call for action is one sided, targeting white supremacists and the KKK, while ignoring leftist hate groups such as Antifa, Black Lives Matter, the Southern Poverty Law Center, and jihadists.

The threat posed by the KKK and white supremacists is miniscule. Therefore, focusing on these groups is a diversion from the real threat of the Global Jihad Movement.

Furthermore, this resolution mirrors criticism of President Trump’s comments in the aftermath of Charlottesville when he correctly stated that “there’s blame on both sides,” as some in the march were there simply to oppose tearing down statues and some on the left committed violence in the name of Antifa.

The condemnation of “white nationalists” in addition to “white supremacists” is also suspect in light of the fact that the President and his supporters who believe in “America first” or “making America great again” are often denounced as white nationalists by many Democratic congressmen and the mainstream media.

Besmirching political viewpoints with derogatory labels is a convenient attempt to eradicate those views without ever having to counter them. Smears such as “bigot,” “Islamophobe,” and “white nationalist” can, will, and have been used to denounce President Trump’s travel ban, sound national security strategy, and obfuscate America’s jihadist enemies in ideological terms, while evading factual analysis.

THE ROLE OF THE SOUTHERN POVERTY LAW CENTER (SPLC)

The term “hate group” is a term used and abused by the SPLC, a far-left partially Soros-funded group which has hijacked this term for its own political ends.

The SPLC lumps in legitimate mainstream conservative groups like the Center for Security Policy or the Family Research Council together with groups that have genocidal or supremacist aspirations, making no distinction among them. The SPLC admits its refusal to add Antifa or Black Lives Matter to its list of hate groups, despite their inherent violence.

Included on the SPLC’s list of “extremist ideologies” is the alt-right, anti-immigration, anti-Muslim, KKK, and neo-Nazis. There is no mention whatsoever of Islamic extremism.

Moreover, only two Muslims are listed on the SPLC’s list of “extremist individuals,” one of whom is Louis Farrakhan. However, both are categorized as “Black separatists.” Individuals who adhere to jihadist ideology and wish death to America and Israel are conspicuously absent from the SPLC’s hate lists.

Despite the SPLC’s lack of objectivity, SPLC hate lists are increasingly cited as a credible source by the mainstream media and the Left to legitimize a false narrative that right-wing extremists constitute the real threat to America and not jihadists.

Moreover, the SPLC promotes the contention that hate incidents are on the rise. But so-called “hate incidents” are distinguishable from “hate crimes.” Hate crimes constitute illegal conduct (usually violent in nature), the motivation for which targets the victim because that person is a member of a minority group (race, gender, etc.)

By contrast, a hate “incident” may include activities which are not criminal, are subjectively perceived, and are totally legal. “Stop the Hate Project,” a lawyer’s civil rights organization working to “combat hate,” defines a hate incident as “an occurrence which may or may not constitute an official crime” but is “perceived” by the victim or any other person as being motivated by prejudice or hate.

Thus, legal activity, speech, and even mere glances can be deemed “hate incidents” if the person observing this conduct perceives, believes or assumes the activity was motivated by bigotry, even when there is no objective evidence to support such a claim.

Additionally, because speech without accompanying illegal conduct is protected by the First Amendment, labeling speech uttered without accompanying illegal activity and manifest bigotry as a “hate incident” is a backdoor way to marginalize or silence speech that is constitutionally protected.

“Hate incidents” can be vague, subjective or inaccurate, even purposely so. They are not necessarily verified. Anyone can make a hate incident report to be included in the data and statistics. In other words, hate incident data cannot be regarded as reliable.

RESOLUTION CONDEMNING “ANIMUS” TOWARD MINORITIES (H.RES. 257)

Another problematic resolution, House Resolution 257, was introduced by Congresswoman Barbara Comstock (R-VA). This resolution condemns hate crimes and any form of racism, religious or ethnic bias, discrimination, incitement to violence or “animus” targeted toward a minority in the United States.

The bill calls on law enforcement to investigate hate crimes, incidents and threats against minorities. Additionally, it asks the president and his Administration to enhance security measures for religious institutions and other institutions targeted due to their affiliation to minority religious, racial or ethnic groups.

The enhanced protections suggested in the bill do not apply to institutions for all races or religions, just those of minority religions and groups. This creates an aura of victimhood for these groups, claiming they are in need of protection, even if they’re not.

The Senate version of this resolution, S.Res. 118, was originally co-sponsored by Senators Marco Rubio, Diane Feinstein, Susan Collins and Kamala Harris and passed unanimously in April, 2017. As of this writing, the House Resolution is still pending.

It is of note that the text of this resolution was initially drafted by the Muslim Public Affairs Council (MPAC) and EMERGE USA, both of which are Islamic supremacist organizations. MPAC is a Muslim Brotherhood front group formed by adulators of Hezbollah. EMERGE was a Muslim organization that sponsored speakers who advocated for the obliteration of Israel and had ties to terror-linked mosques.

EMERGE recently morphed into EMGAGE (Empowering Engaged Muslims), an Islamist political organization that is pushing anti-hate legislation and works with the Stop the Hate Project. Before rushing to support these nice-sounding resolutions, politicians should familiarize themselves with the groups advocating them and their political agendas.

As the Muslim Brotherhood stated in its 1991 strategy memo to defeat North America, they will destroy civilization by “their hands” (meaning the hands of infidels) and the hands of believers (meaning Muslims).

ANALYSIS

In terms of the language, the legislative bills reviewed in this article have moved from Islamophobia to racism to hate. After all, no one wants to support “hate.” They have moved from hate crimes to hate incidents, and from targeting violence and discrimination to hatred and animus.

These resolutions do not merely constitute a sense of Congress. Often, they call for action. America already has binding hate crime and anti-discrimination legislation. If the purpose of these resolutions was to address these issues, they would be redundant.

The main problem with these resolutions is that they are worded in a way that is overbroad, vague, subjective and open to interpretation. They are intended not just to stamp out violence or discrimination, and not even to simply clamp down on speech. Rather, they are designed to intimidate and shut down political opposition on policy matters.

The resolutions sometimes reference the “fear” by Muslims and other minorities. This fear is often manufactured. The real climate of fear emanates from

the Red-Green Axis: by Facebook closing accounts with conservative viewpoints; in employment with people fired from jobs for expressing politically incorrect views; and on college campuses when students or professors support conservative or pro-Israel positions.

Moreover, as previously indicated, the resolutions condemning “Islamophobic speech,” “hate speech” or “hate groups” divert attention from the real threat of the Global Jihad Movement and its mission to implement world-wide Sharia.

Under President Obama, the term, “violent extremism” gained traction and entered into the lexicon of our national security agencies. Initially, it served as a politically correct euphemism for Islamic terrorism and was designed to avoid “offense” or “insult.” But we have moved passed euphemisms and are now completely redefining words.

This is no coincidence. The purpose of language is to communicate. But if you redefine terms or make them vague and unclear, the ideas these words represent become vague and perhaps even unknowable.

Some of the above resolutions expressly condemn Islamophobic speech or hate speech. However, even those that don’t directly reference speech and instead indict “hate groups” are problematic. The devil is in the details. And the details are the words in the resolutions and their intended meanings.

Once the intention of a word becomes known to the public, those who want to hide their intentions simply start using another word but apply the same meaning. Because the language of the congressional resolutions is shifting from anti-Islamophobia motions which single out one group of people and ideas to broader, seemingly more inclusiveness language, resolutions targeting hate groups and animus are now being co-sponsored and passed in a bipartisan manner.

Lately it seems that Congress can’t get anything done. Even with control of the House, the Senate and the White House, Republicans have been unable to repeal the Affordable Care Act, put a ceiling on the debt, or pass a reasonable infrastructure bill.

But on this issue, some Republicans have joined forces with Democrats and the likes of EMGAGE, MPAC and the politically correct, to condemn, intimidate and shut down speech that they don't like.

CONCLUSION

The underlying purpose of including “hate speech” in “free speech” is that we should have a marketplace of ideas and robust political debate. The way to counter bad speech is with more speech, not by shutting down debate.

In today's world, even factual reporting on terrorism-related issues or simply espousing mainstream

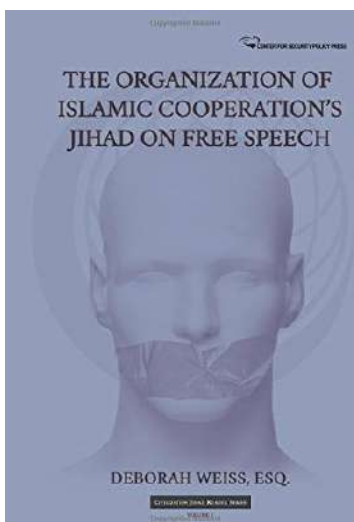
conservative viewpoints is often considered hate by the media, academia and many politicians.

We are in a war, but it is not a War on Terror, for terrorism is only a tactic. We are in a war of ideas between the Islamist-Marxist alliance and freedom. Jihadists and their leftist bedfellows plan to win this war, not on the battlefield, but by manipulating our language, silencing opposing viewpoints, and ultimately destroying our freedom.

We must not let them win.

Copyright © 2017 by Deborah Weiss, Esq. All rights reserved.

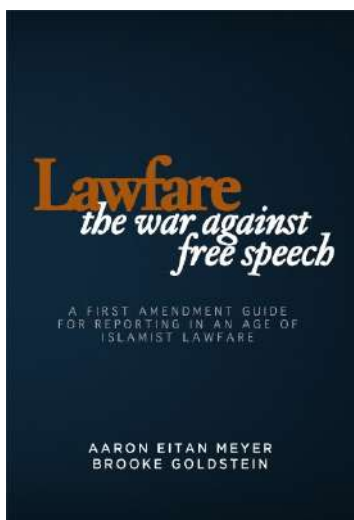
Further Reading from the Center for Security Policy Press



The Organization of Islamic Cooperation (OIC), the largest Islamic organization in the world has long been trying to silence, and ultimately criminalize, all criticism of Islam, specifically targeting America and the West. What has largely gone unremarked is the help the OIC has received from the Obama administration to this end.

Deborah Weiss reveals in *The Organization of Islamic Cooperation's Jihad on Free Speech* how the OIC is working through multilateral organizations and other international vehicles to advance its agenda to combat so-called “Islamophobia” and “defamation of religions.” In practice, this means banning any discussion of Islamic supremacism and its many manifestations including jihadist terrorism, persecution of religious minorities and human rights violations committed in the name of Islam.

This book is available as a free PDF download from the Center's website, SecureFreedom.org. Print copies also are available from the Center and from Amazon.com.



In this important book, *Lawfare: the War Against Free Speech*, Brooke Goldstein and Aaron Eitan Meyer expose the history, use and methodology of Islamist lawfare to censor anyone who speaks or writes about militant Islam, terrorism and their sources of financing. The book is a first of its kind and intended to help reporters write about national security issues, by outlining the legal framework within which they are entitled to operate. Lawfare outlines the free speech rights of investigative journalists, bloggers, and authors under U.S. law.

Print versions of this book can be ordered from the Center and from Amazon.com.