

THOMAS JEFFERSON'S

*Qur'an*

Islam and the Founders

DENISE A. SPELLBERG



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*In memory of those who arrived first:*

*Sebastiana Campochiaro Pavone and Antonio Pavone*

&

*Dvira Goldman Spellberg and Zvi Hersch Spellberg*

*And for all my students, with hope*

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## Preface and Acknowledgments

When a stranger resides with you in your land, you shall not wrong him. The stranger who resides with you shall be to you as one of your citizens; you shall love him as yourself, for you were strangers in the land of Egypt.

—Leviticus 19:33–34 (New JPS Translation)

ONE RAINY APRIL MORNING in 2011, I requested Thomas Jefferson's Qur'an from the Rare Book Room in the Library of Congress. Outside, tulips blazed in bright patches of red around the Capitol building. The flowers reminded me of their origins in the Ottoman Empire. The sultan had first sent them as diplomatic gifts to European rulers in the sixteenth century, and by the mid-seventeenth, the trade in the bulbs of these plants had reached a frenzied pitch in the Netherlands.<sup>1</sup> Jefferson would add them to his garden at Monticello in 1806.<sup>2</sup> And so it was that, through contact with Muslims long ago, this stunning flower had eventually reached North America, where it now reigns as a sign of spring.

Summoned with nothing more than the requisite library card and the relevant call number, the two volumes of Jefferson's Qur'an arrived unceremoniously at my desk in less than ten minutes. I sat amazed. A national treasure was mine to peruse. As a historian and a citizen, I'd thought for years about what Jefferson's Qur'an might have meant. Now, suddenly, I could touch the brown leather bindings, and hear the slight crackle of the yellowing pages as I turned them. The volumes were far too delicate, I thought, to be touched by *anyone*. I could not help but recall that eight months earlier in Florida an addled pastor of a

## AFTERWORD

## Why Can't a Muslim Be President?

Eighteenth-Century Ideals of the Muslim Citizen  
and Their Significance in the Twenty-First Century

All, too, will bear in mind this sacred principle, that though the will of the majority is in all cases to prevail, that will to be rightful must be reasonable; that the minority possess their equal rights, which equal law must protect, and to violate would be oppression. . . . And let us reflect that, having banished from our land that religious intolerance under which mankind so long bled and suffered, we have yet gained little if we countenance a political intolerance as despotic, as wicked, and capable of as bitter and bloody persecutions.

—Jefferson's first inaugural address,  
March 4, 1801

And I should like to assure you, my Islamic friends, that under the American Constitution, under American tradition, and in American hearts, this Center, this place of worship, is just as welcome as could be a similar edifice of any other religion. Indeed, America would fight with her whole strength for your right to have here your own church and worship according to your own conscience.

The concept is indeed part of America, and without that concept we would be something else than what we are.

—President Dwight Eisenhower's speech  
at the opening of the Islamic Center Mosque,  
Washington, D.C., June 28, 1957

TO MANY of his political opponents, Thomas Jefferson may have been our first Muslim president. That a Muslim might legally have attained the office in the eighteenth century was not out of the question, insofar as the U.S. Constitution affirmed the possibility in theory. Jefferson was no practitioner, and his views of Islam, while mostly negative, remained mixed, based on his positive appreciation for the faith's central tenet of absolute monotheism. Nevertheless, he had been defamed and denigrated as a Muslim since 1791—especially during the vicious presidential campaign of 1800—as an infidel and atheist.

The accusation that Jefferson was a Muslim placed him, unknowingly, in the same category as his intellectual hero John Locke, who was charged with professing “the faith of a Turk,”<sup>1</sup> and even George Sale, the British translator of his Qur'an, derided as “half a Musulman.”<sup>2</sup> These three (and others before them) became, as this book documents, victims of a long-standing tradition of anti-Islamic defamation perpetrated in the name of Christianity. The provocations were various. Sale had refused to sanction violence toward Muslims and had not vilified the Prophet Muhammad as thoroughly as his fellow Anglican Protestants would have wished. Political opponents condemned both Locke and Jefferson for advocating religious toleration, including civil rights for Muslims, as well as embracing Deism and Unitarianism.

The same charge made against Jefferson in the campaign of 1800 would be used in the twenty-first century against American citizens—some actually Muslim, some not—seeking national political office. In either case, the tactic is part of a strategy attempting to discredit legitimate candidates, whether for Congress or the presidency, by casting them as un-American and even anti-American. As in Jefferson's case, each candidate labeled a Muslim, whether accurately or not, would prevail when the votes were counted. Yet such defamations have persisted as political weapons. In fact, they have evolved into a broader campaign by a well-funded few to disenfranchise American Muslim citizens, denying them the civil rights granted them by the Founders.

This afterword briefly explores the practical life of Muslim civil rights as defended in theory by Jefferson and others—a defense that set the parameters of religious freedom and civic inclusion for all non-Protestants. Today, as in the eighteenth century, the civil rights of American Muslims symbolize the universality of religious pluralism in

the United States. Thus challenges to Muslim civil rights continue to represent threats to the rights of all Americans. How the nation responds to these threats against this signal religious minority will determine whether or not founding ideals of inclusion will survive in practice or succumb to rank fear, prejudice, and discrimination.

In his first inaugural address of 1801, Jefferson attempted to unite the country after a polarizing presidential campaign. Characteristically, he argued for the rights of the minority in a democratic system, reminding his fellow Americans that "though the will of the majority is in all cases to prevail, that will to be rightful must be reasonable; that the minority possess their equal rights, which equal law must protect, and to violate would be oppression." While asserting that Americans had "banished from our land religious intolerance," the president knew that the legal and social reality remained well short of the constitutional ideal.<sup>3</sup>

In 1802, Jefferson was reminded by his ally the Baptist leader John Leland and his followers of the very real religious intolerance and political inequality they and all other non-Congregational Protestants continued to suffer in New England. Contemplating "a political intolerance as despotic, as wicked, and capable of as bitter and bloody persecutions,"<sup>4</sup> Jefferson had reason to fear that the bigotry he had fought his whole life to extirpate might never disappear from the nation. For if Protestants still faced intolerance from other Protestants, what hope for non-Protestants in America?

Three years after his election, fears of Jefferson's ungodly and possibly Islamic presidency persisted. In January 1803, a Walpole, New Hampshire, newspaper editor observed that "every candid friend of religion must . . . be convinced from Jefferson's own writings that he is an infidel."<sup>5</sup> It was the third time Jefferson's religious beliefs had been indicted by way of such an accusation. But he was adamant in his convictions, writing privately to a friend that same year, "I will never, by any word or act, bow to the shrine of intolerance, or admit a right of inquiry into the religious opinions of others."<sup>6</sup> That code he would maintain until the end of his days.

In 1834, eight years after Jefferson's death, his Baptist supporter John Leland recalled the dire predictions made in the wake of Jefferson's 1800 election but that never materialized:

When Mr. Jefferson was elected president, the pulpits rang with alarms, and all the presses groaned with predictions, that the Bibles would all be burned, meeting houses destroyed; the marriage bond dissolved, and anarchy, infidelity and licentiousness would fill the land. These clerical warnings and editorial prophecies all failed.<sup>7</sup>

By this time, Leland, who had also defended the rights of Muslims and all other believers, revealed that he too had been "advertised in the newspapers, through the states, as an infidel and outcast." In response to being thus condemned with the same epithet applied to both Locke and Jefferson, Leland replied humbly, "May the Lord increase my faith and make me more holy, which will be the best refutation of the libel."<sup>8</sup>

Although the ideal that citizenship would one day extend to American Muslims existed in the founding discourse, the eighteenth century remained a time when ignorance and fear about Islam predominated among Protestants. Because of racism and slavery, the earliest known American Muslims were never granted equal rights. It would not be until a century later, in the wake of the Civil War, that the Fourteenth Amendment, ratified in 1868, granted citizenship status to American-born former slaves of African descent, a population that still included practicing Muslims.<sup>9</sup> We do not know how many of the descendants of these first American Muslims, a scattered minority under pressure to conform to Protestantism prevalent among slaves, retained their faith into the twentieth century. Most could not create sustained communities of believers or pass down their religious beliefs over generations.<sup>10</sup>

But there were exceptions to this pattern.<sup>11</sup> In Georgia, for example, in the 1930s, the grandson of a former Muslim slave described aspects of Islamic prayer and ritual observance practiced in his family for two generations. His descendants continued to name their children Mahomet and Fatima.<sup>12</sup> By then, however, religion was no longer the chief impediment to the full rights of citizenship faced by Muslims in America.

The first American citizens to be legally defined as Muslims were not born in the United States; they were immigrants from the Middle East. Since 1790, they could not lawfully be denied citizenship based on their religion. But the Naturalization Act of that year, in addition to requiring "good moral character," limited citizenship among new arrivals to "free white persons."<sup>13</sup> Most Muslims, thought to be not

white but either black or Asian, were excluded on that basis. In fact, the U.S. Census Bureau would classify Middle Easterners from Syria, Palestine, Armenia, and Turkey as non-white "Asiatics" as late as 1910.<sup>14</sup>

RACE, RELIGION, AND A PROTESTANT NATION:  
DISCRIMINATION AGAINST JEWS, CATHOLICS, AND MUSLIMS  
IN THE NINETEENTH AND TWENTIETH CENTURIES

An estimated sixty thousand Muslim immigrants arrived in the United States between 1890 and 1924.<sup>15</sup> Most hailed from what is today Syria, Lebanon, and Turkey, but a few others came from Eastern Europe and South Asia.<sup>16</sup> They were mostly young, uneducated male laborers, who sent money back to their dependents in their countries of origin.<sup>17</sup> By 1870, a new Naturalization Act had overridden the 1790 act's requirement that naturalized citizens be white, thus expanding the ranks of the qualified to include "aliens of African nativity and . . . persons of African descent."<sup>18</sup> This allowed for the immigration of Muslims from Africa in principle, but race and ethnicity would continue to be common reasons for denying citizenship to many of the first Muslim immigrants.

The arrival of these Muslims from abroad newly tested the limits of American national identity. As Kambiz GhaneaBassiri argues in his pathbreaking history of Islam in America, Muslim immigrants arrived in the nineteenth century to find a national ideal that was still very much white and Protestant.<sup>19</sup> And despite the influx during this same period of millions of immigrant Jews and Catholics, this ideal continued to be identified with the hope for national progress.<sup>20</sup> As their numbers increased, each non-Protestant group would be branded as foreign and a threat to the government of the United States. Eventually, Jews and Catholics would win acceptance, but Muslims would be the last to struggle for inclusion from among the founding triad of non-Protestant outsiders.

At the turn of the century, the stigma of being a Muslim immigrant in the United States prompted some aspirants to citizenship to change their names. For example, in 1903 Mohammed Asa Abu-Howah became A. Joseph Howar.<sup>21</sup> Many Jews did likewise, lest their names announce their religion.<sup>22</sup> Non-Protestant arrivals from Eastern and Southern Europe also changed their names for similar reasons. Muslims, however, faced discrimination based on race, not just religion.

The Civil Rights Act of 1964 began to end legalized "discrimination and segregation of any kind on the ground of race, color, religion or national origin,"<sup>23</sup> but before its passage, most Muslim immigrants, whether from Africa, Asia, or Europe, were at pains to insist that they were "white."<sup>24</sup> Most Americans would not have been prepared to see them that way, and religion certainly figured into their perceptions. In 1915, for instance, a federal judge would rule immigrants of Syrian origin to be officially "white," largely because most arrivals from Syria were Christian.<sup>25</sup> The ruling therefore offered no useful precedent for Muslims of other ethnicities. And Americans would continue to view Muslims as "not-quite-black, not-quite-white, not-quite American."<sup>26</sup>

Even when religion was not the explicit focus of immigration policy, Arab ethnicity remained problematic. In 1942, one judge denied citizenship to a Yemeni Arab immigrant because, he argued, "Arabs are not white persons within the meaning of the act." (The jurist here referred to the superseded 1790 Naturalization Act, deliberately ignoring the 1870 revision, which included persons of African descent.) Occasionally, the same label would not provoke condemnation: In 1944, for instance, a judge in Michigan granted an Arab from Arabia citizenship based on a quite accurate appreciation of the historical presence of Muslims in Europe and their contributions to Western civilization. That judge wrote, "The names of Avicenna and Averroes, the sciences of algebra and medicine, the population and the architecture of Spain and Sicily, the very words of the English language remind us as they would have reminded the Founding Fathers of the action and interaction of Arabic and non-Arabic element of our culture."<sup>27</sup> Such sentiments, however, were not representative of how most American Protestants saw Islamic history. Even Jefferson's expansive reading on the subject did not lead him to such conclusions, thanks to the distortions in most of his European sources.

Nativism would periodically flare with great intensity against Jews and Catholics, based on charges that would later be directed against Muslims. Beginning in the 1920s, extremist Protestant hate groups such as the Ku Klux Klan promoted violent resistance to the citizenship of immigrant Jews and Catholics, as well as African Americans. The Klan's slogan spoke to an ideal far from dead in America: "Native, white, Protestant supremacy."<sup>28</sup> In 1926, an imperial wizard of the KKK argued that Catholics were "incapable of American patriotism and democracy" because their church was "separatist, anti-democratic, and run by for-



eigners."<sup>29</sup> The charge that Catholics were eternal "aliens," who owed allegiance to a foreign power, was hardly changed from the eighteenth century, with slogans such as "Rome shall not rule America."<sup>30</sup> The difference now, however, was that the American Catholic population had expanded from twenty-five thousand at the time of the founding to twelve million by 1900, to become the largest religious denomination in the country.<sup>31</sup>

Also in 1926, the same KKK leader published the forged anti-Semitic libel *The Protocols of the Elders of Zion*, which stoked American Protestant fears of "a Jewish plot to take over the world."<sup>32</sup> This tract had been preceded by the arrival of two million Jewish immigrants by 1920, a massive increase from the original two thousand resident in 1776.<sup>33</sup> Resistance to the political equality of Catholics as well as Jews could also be found at the highest levels of American business and government. Henry Ford, the founder of the Ford Motor Company, despite eventually employing many immigrant Muslims, supported the *Protocols* and published a steady stream of anti-Semitic propaganda.<sup>34</sup> In 1942, President Roosevelt would confide to his sole Jewish cabinet member (only the second in U.S. history) and to a Catholic member of his government, "You know this is a Protestant country, and the Catholics and Jews are here under sufferance."<sup>35</sup> As Kevin Schultz documents, "discrimination in employment, housing, and social fraternization" against Jews and more generalized discrimination against Catholics in "civic and political affairs" persisted into the mid-twentieth century in the United States.<sup>36</sup> These prejudices have still not been eradicated, though the derogatory political discourse they fed had mostly disappeared from the mainstream by the 1970s.

In order to refute the national ideal of Protestant supremacy, groups of Protestants, Jews, and Catholics came together in the 1920s. As Schultz's important history reveals, organizations such as the National Conference of Christians and Jews promoted a religiously plural ideal of a "tri-faith America," in which Catholics and Jews would be equal to Protestants.<sup>37</sup> From this egalitarian vision issued the new phrase "Judeo-Christian,"<sup>38</sup> which, although it can be dated to 1899, did not enter usage in the United States until the 1930s, becoming a commonplace of popular expression in the 1950s.<sup>39</sup> It remains a common but largely unexamined characterization of the nation's religious identity.<sup>40</sup>

As a practical matter, the "Judeo-Christian" rubric excluded Muslims despite their explicit mention in the eighteenth-century founding

discourse, though in 1953 only one member of the National Conference of Christians and Jews recognized this inconsistency: "And so American popular prejudice against the peoples of the Middle East, among others, based as it largely is on false concepts of their religious beliefs and institutions, is now a serious factor in American foreign policy, as anti-Catholicism was a generation ago."<sup>41</sup> Nor did all Americans embrace the phraseology. For one thing, it was not historical, insofar as no eighteenth-century Founder, including supporters of the most expansive religious pluralism like Jefferson and Washington, had ever used it. Others found it misleading for other reasons. In 1971, Arthur Cohen rejected the term as "myth": "We can learn much from the history of Jewish-Christian relations, but one thing we cannot make of it is a discourse of community, fellowship, and understanding."<sup>42</sup> Preferring perhaps not to dwell on past divisions, in the 1980s American Muslim scholar and activist Isma'il Raji al-Faruqi suggested the country be described as "Judeo-Christian-Islamic," a nod to unifying features of the three Abrahamic faiths.<sup>43</sup> More recently, the historian Richard W. Bulliet renewed an objection to papering over Jewish/Gentile animosities: "No one with the least knowledge of the past two thousand years of relations between Christians and Jews can possibly miss the irony of linking in a single term two faith communities that decidedly did not get along during most of that period." In fact, he has advanced a new "case" for what he calls an "Islam-Christian civilization," arguing that far from a "clash," the encounter of these two civilizations has been one of important convergences.<sup>44</sup>

The "Judeo-Christian" rubric embraced by Protestant Americans as a counter to discrimination against Jews and Catholics in the twentieth century inadvertently became the basis for discrimination against Muslims in the twenty-first century, overwriting the founding "Protestant promise" of universal religious and political equality.<sup>45</sup> In part, this happened because the American Muslim population before World War II was relatively small, with a few Arab arrivals in New York and Chicago during the 1930s and 1940s, the majority settling in Dearborn and Detroit, Michigan, and finding jobs on the Ford automotive assembly line.<sup>46</sup> Still, the immigration quota system of the 1920s ensured that Middle Eastern immigration was minimal.

Not until the passage of the Immigration and Nationality Act in 1965 would preferences for arrivals from Europe be lifted, allowing significant numbers of Muslims from the Middle East and South Asia



to enter the country and seek citizenship.<sup>47</sup> In contrast to the earliest Muslim immigrants, these new arrivals were often professionals or students, who chose the United States as an alternative to repressive political and economic conditions in their countries of origin. The American Muslim population has grown rapidly ever since, through the last forty years of the twentieth century and into the twenty-first, helping to create what Diana Eck, a scholar of religious pluralism, describes as "the world's most religiously diverse nation." Also included in the new wave of immigrants have been Hindus, Buddhists, Sikhs, Jains, and Zoroastrians, none of whom fit under the Judeo-Christian rubric.<sup>48</sup>

How many American Muslim citizens now reside in the United States? Scholars and pollsters disagree, with estimates ranging from two to eight million.<sup>49</sup> A Pew Research poll of August 2011 put the total at just under three million out of a total U.S. population of just over three hundred million.<sup>50</sup> (Since the U.S. Census cannot ask Americans about their religion, claims about the number of American Muslims remain unverifiable.) What is clear, despite these divergent estimates, is that no American Muslim monolith exists: American Muslims represent the most ethnically, racially, and theologically diverse Islamic community in the world. American Muslim citizens hail from seventy-seven countries of origin.<sup>51</sup> Sixty-three percent were born abroad, with 37 percent indigenous to the United States. For those in the former category, the Middle East and North Africa were originally home to 26 percent, with Pakistan, India, Bangladesh, and Afghanistan accounting for another 26 percent of the population. The remaining 11 percent among the foreign-born come from sub-Saharan Africa, Europe, and other places.<sup>52</sup>

Of the 37 percent indigenous American Muslims, the largest group, 40 percent, are African Americans whose families at some point "reverted" to what they perceived as their original African faith. Many opted for Islam in response to the racism and slavery associated with the Christian past.<sup>53</sup> But the ranks of American Muslim converts are racially diverse: 18 percent are white, 10 percent are Asian, 10 percent are Hispanic, and 21 percent claim to be of mixed racial origin.<sup>54</sup> Hispanic converts, like African Americans, also identify Islam as their ancestral faith in Spain prior to the fifteenth century.<sup>55</sup> As to varieties of Islam, 65 percent of American Muslims identify as Sunnis, with 11 percent professing Shi'ism, and another 24 percent refusing classification as either. Many American Muslims also embrace the mystical

strain of Sufism, which may explain a certain degree of nonsectarianism.<sup>56</sup> In any case, Islam is the fastest-growing religion in the country.<sup>57</sup> Among the high number of foreign-born Muslims, 81 percent have won U.S. citizenship.<sup>58</sup>

#### AMERICAN MUSLIM CITIZENS AND CIVIL RIGHTS BEFORE AND AFTER 9/11

Resistance to the founding ideal of citizenship for Muslims is not new, but Muslim citizenship is no longer merely a theoretical concept. Consequently, the nature of resistance to it has evolved. Anti-Muslim hate groups, members of major and fringe political parties, and certain extreme conservative elements among Protestants and Jews have all been party to defaming American Muslims and denying their religious and political equality. Many of these movements were galvanized by the events of September 11, 2001, when nineteen foreign extremists rationalized their violence in the name of Islam and perpetrated deadly terrorist attacks against the United States. On that day, some Americans expressed a willingness to indict all American Muslims en masse as potential co-conspirators in terrorism. For their part, American Muslims refused to equate their faith with acts of terrorism against their own country.

A coalition of American Muslim organizations issued a joint statement immediately after 9/11:

American Muslims utterly condemn what are vicious and cowardly acts of terrorism against innocent civilians. We join all Americans in calling for the swift apprehension and punishment of the perpetrators. No political cause could ever be assisted by such immoral acts.<sup>59</sup>

The Muslim Students' Association's national headquarters, representing seven hundred organizations on campuses across the United States, issued press releases about their "grief and support for the larger American community."<sup>60</sup> But these statements were largely ignored, a response since described as "selective deafness."<sup>61</sup> As a result, American Muslims continue to be criticized for their supposed failure to denounce terrorism.<sup>62</sup>

Sixty American Muslims perished in the World Trade Center on September 11, 2001, but this fact was not remembered by most non-

Muslim Americans. American Muslims were in fact victimized twice by the attacks: once by the criminals who profaned their faith by their violent actions, and a second time by many of their fellow citizens who suspected their loyalty.<sup>63</sup> The case of Talat Hamdani is striking: As a New York City police cadet and emergency technician trainee, the Pakistani-born Hamdani, a U.S. citizen since 1990, had raced into the World Trade Center to render aid. With his disappearance at the site of the attack, accusations against him as a potential terrorist persisted until his body was recovered in 2002 under the North Tower—in thirty-four pieces.<sup>64</sup> Only then was his name cleared. The New York City police commissioner “called him a hero.” But his mother’s bitterness about the slander of her son remains: “My anger comes from his own country casting suspicion on him.” She concluded of all those killed on 9/11, “They died for one reason. Not because they were Muslims or from Pakistan or anywhere else. They died because they were Americans.”<sup>65</sup>

It is notable how much the anti-Islamic invective inflamed by 9/11 resembles the denigration of Islam in America as far back as the seventeenth century. The evangelical Protestant minister Franklin Graham’s assertion that Islam is “a very evil and wicked religion”<sup>66</sup> could have equally been uttered by any number of Protestant leaders over the centuries. Perhaps this is because while there have been few encounters with the Islamic world since the founding, the limited experience of the twentieth century tended only to reinforce negative impressions.

Lack of knowledge about Islam and the Middle East ensured that twentieth-century media coverage of major news events involving U.S. interests in the region portrayed the Muslim world as the inevitable adversary of the West. These include the 1973 oil embargo; the 1979–80 Iranian Revolution and seizure of American hostages; the 1983 car bombing of the U.S. embassy in Beirut with the death of hundreds of marines; the hijacking of a TWA flight to Beirut; the murder of Leon Klinghoffer during the seizure of the *Achille Lauro* cruise ship; and the First Gulf War of 1990–91.<sup>67</sup> Adding to this steady stream of images of anti-American violence in the news, according to Jack Shaheen, were hundreds of American movies depicting Arabs negatively, mostly as terrorists.<sup>68</sup> As Shaheen asserts, Hollywood has “indicted all Arabs as Public Enemy #1—brutal, heartless, uncivilized, religious fanatics and money-mad cultural ‘others’ bent on terrorizing civilized Westerners, especially Christians and Jews.”<sup>69</sup> Television also promoted the story line of American Muslims as enemies within.

This negative imaging did not begin with 9/11.<sup>70</sup> After the 1993 bombing of the World Trade Center in New York City, one poll found that 43 percent of Americans defined their fellow Muslim citizens as “religious fanatics” and associated them with violence.<sup>71</sup> It is therefore not surprising that in 1995 most Americans assumed the bombing of the federal building in Oklahoma that killed 168 must be the work of foreign Muslims. The devastation was, of course, perpetrated by two white, homegrown American terrorists. One, Timothy McVeigh, was associated with the white supremacist “radical Christian Identity Movement,” but there was no backlash against Protestant Christians as a result of his violent acts.<sup>72</sup> In contrast, after 9/11 American Muslims “immediately feared for their lives.”<sup>73</sup> Not without cause.

Days after the 9/11 attacks, three murders prompted by hatred for Muslims occurred. On September 15, 2001, an American Sikh, who wore a turban as a sign of his faith, was wrongly identified as a Muslim and shot dead in Mesa, Arizona. On the same day, an American Muslim citizen of Pakistani descent was gunned down in his own store in Dallas by a white supremacist. Incidents of physical and verbal violence against other American Muslims mounted in the days that followed.<sup>74</sup> On September 17, President George W. Bush spoke to the nation, declaring that “Islam is peace” and attempting to end the violence by affirming that “America counts millions of Muslims amongst our citizens, and Muslims make an incredibly valuable contribution to our country.”<sup>75</sup> But his words did not stem the tide of intimidation felt by American Muslims throughout the country.

Two days after President Bush’s speech, an American Muslim of Yemeni descent fleeing an attacker in Lincoln Park, Michigan, was shot in the back. In early October 2001, the Indian American owner of a gas station was shot in Mesquite, Texas, by the same white supremacist who had a month earlier murdered an American Muslim in the Lone Star State.<sup>76</sup> In 2001, anti-Islamic hate crimes reported to the FBI numbered 546, a huge spike from the previous year’s thirty-three.<sup>77</sup> Between 2001 and 2006, the Department of Justice’s Civil Rights Division investigated seven hundred cases of crimes motivated by religious bigotry against Muslims, Sikhs, Arabs, and South Asians. Federal courts tried twenty-seven cases, while local law enforcement pursued 150.<sup>78</sup>

Beginning in the fall of 2001, the FBI and other law enforcement authorities held “voluntary” interviews with almost eight thousand young Muslim men with student or visitor visas throughout the coun-

try. Faced with the unannounced interrogations, none dared refuse to answer questions focused on their religious and political views. None of those interviewed would be accused of any tie to terrorism. Seven hundred immigrant Muslim men were arrested while trying to register under the new National Security Entry-Exit Registration System. There followed detentions without cause, and for those with visa infractions, deportations. In addition, three American Muslim citizens, including one captain in the U.S. Army, were "arrested, held in solitary confinement for weeks, and labeled 'terrorists.'" <sup>79</sup> Eventually, all three would be exonerated, but the American Muslim community at large would grow suspicious of their own government.

The 342-page USA PATRIOT Act (H.R. 3162), hastily passed by Congress and signed into law by the president on October 26, 2001, provided the government unprecedented powers to monitor all American citizens. Intended to "deter and punish terrorist acts in the United States and around the world, to enhance law enforcement investigatory tools, and for other purposes," the law actually targeted the American Muslim community directly, despite its disclaimer that "Arab Americans, Muslim Americans, and Americans from South Asia play a vital role in our Nation and are entitled to nothing less than the full rights of every American."<sup>80</sup> What most security-conscious Americans have failed to appreciate, however, is that these laws also may be used against non-Muslim citizens as part of any investigation in which the possibility of terrorism is alleged. In this way, too, the civil rights of American Muslims serve to test those of all Americans.

The PATRIOT Act's Section 213, for example, eliminates previous legal requirements that a warrant be provided to the owner of any home or business at the time of a search. Instead, legal authorities can "sneak and peek" without informing the subject until weeks or months later.<sup>81</sup> Although the Supreme Court has ruled that such secret searches violate the Fourth Amendment's protection against "unreasonable searches and seizures," the act "has discarded this interpretation of the Fourth Amendment."<sup>82</sup> Section 215 allows the government, all without probable cause, the right to seize any document or record of any individual suspect being investigated for criminal activity. These materials include e-mails, computer records, and medical and education documents, as well as credit and bank statements.<sup>83</sup> Legal experts have noted that the provisions are particularly damaging to the rights of Muslim immi-

grants with legal visas and green cards. Section 412 states that these would-be citizens may be indefinitely detained, jailed, or deported, whether or not charges of terrorism are ultimately substantiated.<sup>84</sup> As the sociologist Lori Peek asserts, the PATRIOT Act's provisions have led to the "systematic erosion of civil rights for all Americans but have been especially devastating to Arab and Muslim communities."<sup>85</sup>

In addition, American Muslim citizens have been subject to religious profiling at airports. (Enterprising young Muslims created T-shirts that read "FLYING WHILE MUSLIM—IT'S NOT A CRIME.")<sup>86</sup> Special surveillance of mosques continues, and not until recently has the FBI's infiltration of Muslim Student Associations in New York and New England colleges in 2005-6 been made public.<sup>87</sup> Such policies have resulted in no convictions but have very effectively emboldened those inclined to suspect their fellow citizens who happen to be Muslim, as well as fortifying the stereotype of a religious minority as an enemy within.<sup>88</sup>

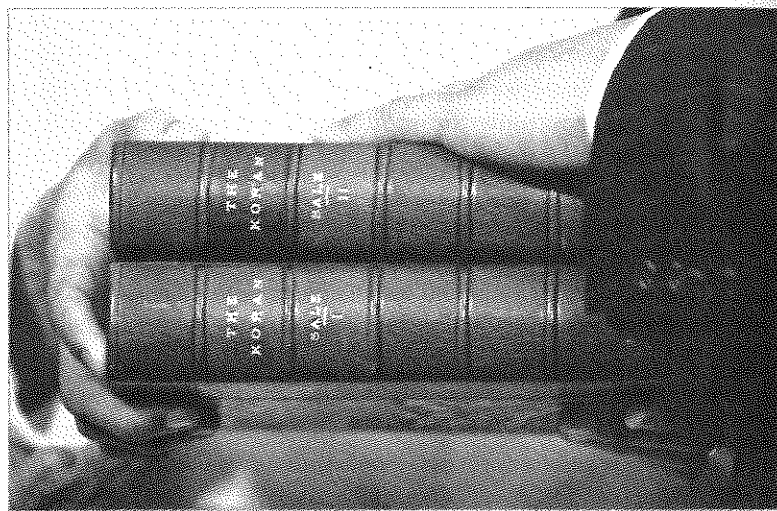
Some American Muslims have responded by redoubling their efforts at public education and forging closer ties with Jewish and Christian organizations.<sup>89</sup> Young American Muslims have undertaken campus outreach, including comedy tours attempting to neutralize bigotry with humor.<sup>90</sup> There have been those among the young for whom 9/11 permanently confirmed a sense of alienation and exclusion, as was the case of one young man interviewed in 2003: "I look different from them. I believe different things. I think that is when I figured out that to be American was to be Christian and Jewish. To be Muslim and brown was to be not American."<sup>91</sup>

Still, despite experiencing prejudice, many American Muslims have seized the opportunity for greater civic engagement at the local and national levels, including running for public office. Such political involvement has been identified as an important alternative path for the frustrations that might have led to domestic terrorism.<sup>92</sup> Yet Muslims remain underrepresented in American politics, even as they are called upon to run in order to "defend" the community's civil rights and to "consolidate the sense of ownership and belonging of this vulnerable minority."<sup>93</sup> But those who answer the call often face an intensified version of the hostilities directed against the community. The election of the first American Muslim congressman, while cause for communal celebration, also resulted in an unprecedented demonstration of anti-Islamic bigotry.

## THE FIRST AMERICAN MUSLIM CONGRESSMAN

Thomas Jefferson's Qur'an made headlines in the twenty-first century resting beneath the hand of the Democrat Keith Ellison, the first Muslim elected to Congress. Ellison's election in 2006 and his decision to use Jefferson's Qur'an in his private swearing-in ceremony in January 2007 stirred a controversy in which American ideals about universal civil rights clashed with long-held anxieties about American Muslim citizens as the "distrusted Other."<sup>94</sup>

Ellison's election was answered with "hostile phone calls and e-mail," along with "some death threats."<sup>95</sup> Republican congressman Virgil Goode Jr. wrote a letter to constituents in Virginia warning that Americans must "wake up"; otherwise, there might "likely be many more Muslims elected to office and demanding the use of the Koran."<sup>96</sup> The Virginia congressman failed to remind those he represented that Ellison's use of the Qur'an had followed a formal pledge of allegiance to the Constitution, the only form of oath he was obliged to take. For Ellison, the Qur'an was optional and private, but also personal.<sup>97</sup> Why, after all, should he swear upon a religious text in which he did not believe? Ironically, Representative Goode's district included Thomas Jefferson's Monticello home, the site near where, in 1776, this Founder first quoted John Locke: "[He] sais 'neither Pagan nor Mahamedan nor



Congressman Keith Ellison taking the oath on Jefferson's Qur'an in 2007.

Jew ought to be excluded from the civil rights of the Commonwealth because of his religion."<sup>98</sup>

Goode's alarmism failed to consider that Ellison's election had been the result of a democratic process in which the candidate's civic virtues mattered more than his creed, a possibility first predicted by the Federalist Samuel Johnston of North Carolina in 1788: "Another case is, if any persons of such descriptions should, notwithstanding their religion, acquire the confidence and esteem of the people of America by their good conduct and practice of virtue, they may be chosen."<sup>99</sup>

Another faulty assumption on Goode's part was that Ellison as a Muslim must be "foreign," as betrayed in his warning, "I fear that in the next century we will have many more Muslims in the United States if we do not adopt the strict immigration policies that I believe are necessary to preserve the values and beliefs traditional to the United States of America." Ellison, an African American convert to Islam, explained that his ancestors had resided in North America since 1742.<sup>100</sup> Indeed, his conversion may well have been a reversion to the Muslim beliefs of his West African ancestors. Ellison was also Minnesota's first African American congressman, but it was his religion, not his race, that his critics seized upon.

Dennis Prager, the conservative columnist, talk show host, and President George W. Bush's appointee to the Holocaust Museum Board, insisted that Ellison's swearing-in on the Qur'an should not be tolerated "because the act undermines American civilization."<sup>101</sup> He asserted, "The centrality of the Bible as a repository of our values is the main issue," arguing that "if you are incapable of taking an oath on that book [the Bible], don't serve in Congress."<sup>102</sup> His assumption contradicted recent American political practice. Democratic congresswoman Debbie Wasserman Schultz had sworn her private oath of office upon a Tanakh, the Hebrew Bible, termed by Christians the Old Testament. As a Jew, she found the New Testament represented no repository of sacred truth. Why, as the Baptist evangelical John Leland had once asked in the eighteenth century, should anyone of any faith be forced by their government to swear upon a text whose truth they rejected? Such would amount not only to coercion, but also to hypocrisy. Indeed, considering that the Constitution explicitly forbade a religious test, why should an individual be condemned for using or not using any sacred text?

Prager further speculated that Ellison's election would somehow "embolden Islamic extremists and make new ones, as Islamists, rightly



or wrongly, see the first sign of the realization of their greatest goal—the Islamicization of America.”<sup>103</sup> He did not elaborate upon how this implicitly democratic end would be achieved. Would Islamic extremists from abroad arrive in the United States covertly, wait years to gain citizenship, and then *all* run for elected office—and win? Who, after all, would vote for Muslim candidates if their allegedly subversive political goals were unmasked by people like Prager? But if Americans did endorse a slate of American Muslim candidates, would that not simply be an affirmation of the Republic’s democratic health? The suggestion in Prager’s speech of Muslim conspiratorial intentions would not be successfully countered in any media venue, but would fester among select Muslim hate groups, seeping unremarked into mainstream national media and politics.

Immediately after Ellison’s election, Glenn Beck, then with CNN’s Headline News (HLN), congratulated the new congressman but refused to define him as fully American, suggesting rather that he must be in league with the nation’s foreign adversaries. Beck asked, “Sir, prove to me that you are not working with our enemies.”<sup>104</sup> Congressman-elect Ellison had been indicted as un-American and possibly anti-American, based solely on the commentator’s prejudices about Islam. Beck qualified his insistence that the congressman prove his loyalty to the country by adding, “I’m not accusing you of being an enemy, but that’s the way I feel, and I think a lot of Americans feel that way.”<sup>105</sup>

There was no public outcry in response to Beck’s remarks. Ellison’s brief answer was to affirm his “deep love and affection for my country.” He concluded, “There’s no one who is more patriotic than I am. And so, you know, I don’t need to—need to prove my patriotic stripes.”<sup>106</sup> He also wrote an editorial in which he declared, “I was elected to articulate a new politics in which no one is cut out of the American dream, not immigrants, not gays, not poor people, not even a Muslim committed to serve his nation.”<sup>107</sup>

In spite of opposition, many Americans, Muslims in particular, took heart. The editor of the *Arab American News* in Dearborn, Michigan, observed, “It’s a step forward: it gives Muslims a little bit of a sense of belonging. It is also a signal to the rest of the world that America has nothing against Muslims.”<sup>108</sup> Indicating this might be the case, a second Muslim, Democrat André Carson of Indiana, was elected to Congress in 2008, winning reelection in 2010. Carson’s religion would not attract the sort of notice that Ellison’s had. And Ellison would be reelected

repeatedly by his predominantly non-Muslim constituents in Minneapolis. Still, the tactics used to undermine him, far from being retired, would be brought to bear, as early as 2004, against a bigger target, a potential candidate in the 2008 presidential election.

#### COULD A MUSLIM BE PRESIDENT? NO—AND YES

False reports that Senator Barack Obama was a “secret” Muslim began to circulate just after his impressive keynote speech at the Democratic National Convention in 2004, long before a real Muslim, Keith Ellison, became a candidate for Congress.<sup>109</sup> The initial anonymous e-mail, created by a fringe Republican political operative describing himself as “independent,” promoted a range of lies: that Obama concealed “the fact that he is a Muslim”; that his stepfather “introduced his stepson to Islam”; that he was enrolled in a Muslim school in Indonesia where he learned “radical teaching that is followed by the Muslim terrorists”; and that his Christianity was only “politically expedient,” a cover for his true faith. The e-mail’s author also deliberately referred to Obama as “Osama.”<sup>110</sup> The allegations would circulate more widely on the Web in 2006, as Obama actively considered a presidential bid. By 2007, “CNN and others” had “thoroughly debunked the smear,” but as Chris Hayes reported, “the original false accusation has clearly sunk into people’s consciousness.”<sup>111</sup> The idea would not die during the presidential campaign. Indeed, the confusion over Obama’s religion remains for some.

As when Jefferson was branded an “infidel,” attacks on Obama’s Christian self-identification were intended to undermine his appeal among the Christian majority. In both cases, the association with Islam was intended to depict the candidate as decidedly un-American. That Jefferson and Obama would both be elected nevertheless did not prevent enemies from continuing the attack well into the first term of each.

Still, there are key differences in the two smear campaigns. First, unlike Jefferson, Barack Hussein Obama does have an actual Islamic heritage: his father, a Kenyan, and his stepfather, an Indonesian, were both Muslim. Even the name Barack Hussein is Muslim in origin: Barack, *baraka* in Arabic, means “blessing,” and Hussein is the name of the Prophet Muhammad’s grandson. Obama’s stepfather would list the boy’s religion as “Islam” on a school form in Indonesia, but as Obama explained, he practiced no religion until he joined the United Church of Christ in Chicago,<sup>112</sup> his family being, by his own account, not “folks

who went to church every week." Obama relates that he chose Christianity in part because of the centrality of the Golden Rule:

So I came to my Christian faith later in life, and it was because the precepts of Jesus spoke to me in terms of the kind of life that I would want to lead—being my brothers' and sisters' keeper, treating others as they would treat me.<sup>113</sup>

Apart from but not unconnected to claims about Obama's faith were those made about his place of birth. The evolution of what has come to be called "birtherism," or the conspiracy theory denying that Obama was a Hawaii-born American citizen, fed the same fears of foreign infiltration as claims he was Muslim.<sup>114</sup> Indeed, books propagating these myths would proliferate during and after the presidential campaign of 2008 and even into the following election cycle, despite the failure of any proof to materialize after nearly four years of the Obama presidency.<sup>115</sup>

Another difference between the smearing of Jefferson and that of Obama was that in the former case there were no ramifications for actual American Muslims, whereas the treatment of Obama insulted and alienated millions of American Muslim citizens. (It was also designed to instill fear in American Jews, because for some the specter of a Muslim president cast doubt on their country's future support for the state of Israel.) Among a substantial group of voters, the falsehood that Obama was a Muslim had assumed a frightening truth in the campaign. A month before the 2008 election, a Pew Forum poll recorded that 12 percent of Americans believed it, despite repeated media corrections to the contrary.<sup>116</sup> It is not particularly surprising that this number correlated to those who overwhelmingly disapproved of him.

"I can't trust Obama," said one woman at the Minnesota rally for Obama's Republican opponent John McCain, on October 10, 2008. Holding the microphone the candidate had given her to ask a question, she continued, "I have read about him and he's not, he's not uh—he's an Arab. He's not—" At which point McCain reclaimed the microphone, contradicting her: "No ma'am. He's a decent family man [and] citizen that I just happen to have disagreements with on fundamental issues and that's what this campaign is about. He's not [an Arab]." In response, McCain's own supporters booed him as a "liar" and "terrorist."<sup>117</sup> It was a confusing moment, one in which McCain, attempting

to defend his opponent, inadvertently seemed to say that being an Arab (or Muslim) was somehow at odds with being "a decent family man" or a "citizen."<sup>118</sup>

The inflammatory accusation that Obama was a Muslim (and that all Muslims were terrorists) also changed the Democratic candidate's campaign strategy and self-representation. Muslims across the nation had hoped that Obama would be "a long-awaited champion of civil liberties, religious tolerance and diplomacy in foreign affairs." But while he accepted offers to speak to Christian and Jewish organizations, Obama "ignored" invitations from American Muslim voters to address them. He even asked Congressman Ellison not to speak on his behalf at one of the nation's oldest mosques in Cedar Rapids, Iowa, "because it might stir controversy." In June 2008, volunteers for Obama told two American Muslim women in headscarves to move off camera, away from where they were standing behind the candidate as he spoke in Detroit. Obama later telephoned the two to apologize: "I take deepest offense and will continue to fight against discrimination against people of any religious group or background." While some Muslims understood Obama's avoidance of their community, others felt "betrayed." That the candidate's Web site referred to claims about his religion as a "smear," seemed implicitly to affirm the idea that American Muslims were un- or anti-American, even while noting that such "rumors were offensive to American Muslims because they played into 'fearmongering.'"<sup>119</sup> Nowhere had Obama defended the idea that to be a Muslim presented no impediment to being an American citizen.

Even after the election, anti-Islamic tactics would continue to affect how President Obama spoke to his Muslim constituents in public. His earliest official speeches in recognition of the American Muslim community were presented to Islamic audiences abroad, in Egypt, not directly to his own constituency in the United States. Not until 2009, after a year as president, would Obama declare in Cairo, "I also know that Islam has always been a part of America's story." Only while speaking to his Egyptian university audience would he allow that "since our founding American Muslims have enriched the United States."<sup>120</sup>

Three days after the incident at the McCain rally, the reporter Campbell Brown, then of CNN, proposed a response that finally reflected American ideals of religious pluralism and political equality. In her commentary, she answered the key question: "So What If Obama Were a Muslim or an Arab?" Brown succinctly described Obama as

"an American" and "a Christian," but then asked reproachfully, "So what if John McCain was Arab or Muslim? Would it matter? When did this become a disqualifier for higher office in our country? When did Arab or Muslim become dirty words? The equivalent of dishonorable or radical?"<sup>121</sup>

Brown admitted that "the media is complicit here, too," pointedly identifying the problem: "We've all been too quick to accept the idea that calling someone Muslim is a slur."<sup>122</sup> (This was the response Congressman Ellison had hoped Obama himself might offer in the face of these accusations.)<sup>123</sup> She recognized that millions of American Arab and Muslim citizens were "being maligned here," and then insisted, "We can't tolerate this ignorance—not in the media, not on the campaign trail." Brown concluded, "Of course, he's not an Arab. Of course, he's not a Muslim. But honestly, it shouldn't matter."<sup>124</sup>

Almost a week later in October 2008, General Colin Powell, former secretary of state under President George W. Bush, endorsed Barack Obama for president. Troubled by the accusation that Obama was a Muslim, Powell focused on the death of Kareem R. Khan, an American Muslim soldier killed in Iraq and buried in Arlington National Cemetery, to rebuke those in his party who defamed citizens because of their Islamic faith. Civic virtue in rendering the ultimate sacrifice of one's life for one's country, Powell reminded Americans, should be considered a testament to loyalty and citizenship, regardless of religion. On the television show *Meet the Press*, Powell echoed Brown's withering question about then presidential candidate Obama: "The really right answer is, what if he is? Is there something wrong with being Muslim in this country? No, that's not America."<sup>125</sup>

Since the eighteenth century, many Americans have feared the possibility of a Muslim or Catholic or Jewish president, echoing the dread expressed by the Federalist William Lancaster in 1788 at what the Constitution had made possible: "But let us remember that we form a government for millions not yet in existence. I have not the art of divination. In the course of four or five hundred years, I do not know how it will work. This is most certain, that Papists may occupy that chair, and Mahometans may take it."<sup>126</sup>

Lancaster's fears of a Catholic president were realized in less than his predicted four or five hundred years, when John F. Kennedy won the office in 1960. That the nation did not then succumb to some "Papist plot" should perhaps have given those errant patriots terrified

by Obama's election some cause for comfort, but there is no indication that these anxieties have abated.

Why not? Why did polls four years into Obama's presidency indicate that 31 to 46 percent of Republicans still thought he was a Muslim?<sup>127</sup> Scholars of conspiracy theory in American politics point out false claims are spread rather than debunked by repetition.<sup>128</sup> Another view suggests that those polled did not actually believe Obama to be a Muslim, but told the pollsters they did in order to register ideological opposition.<sup>129</sup> In this way, the reality of whether or not Obama is a Muslim has become equivalent to what the idea of a Muslim president has come to signify. Could a Muslim become president? Not a few of Obama's detractors may still be convinced that one already has. As to whether an actual, self-described Muslim could ascend to the office, that seems far more problematic until a much larger proportion of the electorate becomes Muslim and/or more non-Muslim Americans take to heart what Jefferson proclaimed in his Bill for Establishing Religious Freedom:

[T]hat our civil rights have no dependance on our religious opinions . . . that therefore the proscribing any citizen as unworthy the public confidence by laying upon him an incapacity of being called to offices of trust and emolument, unless he profess or renounce this or that religious opinion, is depriving him injuriously of those privileges and advantages to which, in common with his fellow citizens, he has a natural right.<sup>130</sup>

In the meantime, democracy may impose its own de facto religious test, where the Constitution and the several states abolished one. No successful U.S. presidential candidate need swear on anything but the Constitution, but during campaigns for the highest office, religion remains, for some, a powerful factor.

Efforts to malign candidates through imputed associations with Islam would seem, as in the cases of Ellison and Obama, to focus exclusively on Democratic contenders for office. But that impression could not be further from the truth. Both parties have in fact been targeted, including two Republican governors who have dared to support their Muslim constituents as citizens and believers.<sup>131</sup> Governor Rick Perry of Texas has been attacked for maintaining a productive friendship since 2000 with the Aga Khan, the progressive leader of one Ismaili Shi'i Muslim sect. Numbering twenty million worldwide, this group includes many U.S. citizens. The Aga Khan's relationship with Governor Perry has



resulted in his funding the "Muslim Histories and Cultures Project," which has trained Texas high school teachers at the University of Texas at Austin to implement new nonsectarian methods for teaching their students about the Islamic world.<sup>132</sup>

Another arrangement, in 2009, between the Aga Khan and Governor Perry provided for more and better cooperation in the "fields of education, health sciences, natural disaster preparedness and recovery, culture and environment."<sup>133</sup> In addition, Governor Perry has been credited with supporting the passage in 2003 of the Texas Halal Law (HB-470), which regulates the accurate labeling of ritually slaughtered meat for Muslim consumers. (In practice, it does what regulated kosher designations of meat and other products already accomplish for the nation's Jewish religious minority.) Right-wing Web sites labeled the governor of Texas "a Muslim enabler" and a supporter of Sharia, or Islamic, law.<sup>134</sup> Both accusations would likely have made the Republican vulnerable to the conservative extreme of his own base had he not suspended his run for the 2012 Republican presidential nomination.

Republican governor Chris Christie of New Jersey also found himself the object of serious criticism from within his own party when he nominated the American Muslim lawyer Sohail Mohammed to the state supreme court in the spring of 2011. While in practice, Christie's appointee had represented Muslims "detained by the FBI" after 9/11. Christie defended Mohammed's work, saying that he had "played an integral role" in "creating trust between the Islamic community and law enforcement." After he was sworn in to the office on July 26, 2011, the Muslim jurist was falsely accused of links to terrorism and of supporting Sharia law rather than state or federal statutes. Governor Christie responded bluntly, "This Shariah law business is crap. It's just crazy and I'm tired of dealing with the crazies."<sup>135</sup>

In contrast, other Republicans, including Michele Bachmann and Newt Gingrich during their bids for the 2012 presidential nomination, have supported the notion that Islamic law is the new great threat to the nation.<sup>136</sup> Indeed, Gingrich declared that only an American Muslim candidate who "denounced" Sharia law could ever win his support for the presidency.<sup>137</sup> In taking this stand, these politicians expressed little understanding of Islamic law, having been briefed by the same small cadre of interconnected anti-Muslim groups.<sup>138</sup> But even some who support the anti-Sharia cause allow that "for all its fervor, the movement is arguably directed at a problem more imagined than real. Even

its leaders concede that American Muslims are not coalescing en masse to advance Islamic law."<sup>139</sup>

#### ANTI-SHARIA AND ANTI-MOSQUE INITIATIVES AS ATTEMPTS TO DENY ALL AMERICAN MUSLIMS THEIR CIVIL RIGHTS

When anti-Islamic attacks against Congressman Ellison and President Obama failed, key components of the conspiracy theory directed against them were expanded to sow fear and undermine the civil rights and citizenship of all American Muslims. Those committed to resisting Sharia law espouse a view of American identity that, contrary to the founding discourse, is exclusively Judeo-Christian or even exclusively Christian, denying the legitimacy of American Muslim citizenship and political rights. According to Islamic legal expert Anver Emon, "more than any particular Muslim man or woman," for these anti-Muslim activists Sharia "represents the enemy within, the terror threat."<sup>140</sup>

Those American Muslims who might follow aspects of Sharia law—and these applications vary widely among believers—do so in their daily prayers, precepts for marriage, divorce, wills, and international commercial transactions. But these commitments do not remotely amount to a collective effort to seize political power in the United States and impose Sharia law on all its citizens. Nevertheless, in seventeen states, laws or amendments to state constitutions now target Sharia law and/or "foreign law" as illegal.<sup>141</sup> As reporters have discovered, this "movement" did not begin as a spontaneous, grassroots political priority; it was manufactured and dispersed by a handful of activists.<sup>142</sup>

In 2006, anti-Muslim activist David Yerushalmi created the Society of Americans for National Existence (SANE), a nonprofit that denounces Sharia law. His "expertise" in Islamic law is not based on any formal academic training. In fact, Yerushalmi has been denounced by the Jewish civil rights organization the Anti-Defamation League as well as by the U.S. Catholic bishops for his bigoted views of Muslims and African Americans.<sup>143</sup> He is the author of the model for many of these anti-Sharia bills, which in some instances repeat the wording of his legislative template exactly.<sup>144</sup> In 2009, with the help of Frank J. Gaffney Jr., president of the conservative Center for Security Policy, Yerushalmi funneled many of his anti-Sharia ideas through the Tea Party movement. Not surprisingly, Gaffney had once promoted the idea that Presi-

dent Obama "might secretly be Muslim." The Gaffney-Yerushalmi connection helps explain how Republican legislatures and primary candidates were briefed to adopt a position on a subject about which they knew nothing of substance. For this service, Yerushalmi received \$153,000 in consulting fees from the Center for Security Policy.<sup>145</sup>

Yerushalmi also served as legal counsel for the 2010 report *Shariah: The Threat to America*, a manifesto promoted by Gaffney's right-wing Center for Security Policy.<sup>146</sup> Running to over two hundred pages, the report was produced by a team headed by two retired generals, William G. "Jerry" Boykin and Harry Edward Soyster. After 9/11, Boykin, then a senior Pentagon official, "described the fight against terrorism as a Christian battle against Satan." President George W. Bush publicly rebuked Boykin for that statement, affirming that the United States was not at war "with Islam but with violent fanatics." After Boykin's retirement in 2007, he became a speaker popular among extreme conservative Christians. Even before helping to author the report on Sharia, he stated that Islam "should not be protected under the First Amendment." In 2012, Boykin's anti-Muslim views resulted in West Point's withdrawal of an invitation for him to address cadets at a prayer breakfast. Speaking anonymously, one cadet noted that the invitation had at first been extended to Boykin despite his anti-Islamic remarks: "I know Muslim cadets here, and they are great, outstanding citizens, and this ex-general is saying they shouldn't enjoy the same rights."<sup>147</sup>

The Center for Security Policy report describes Sharia as "a serious threat" to the United States, while simultaneously admitting that "there may not be a single 'true' Islam" practiced by over one billion Muslims worldwide.<sup>148</sup> Neither does the manifesto deny the claims of "hopeful pundits" who may be "correct in claiming that shariah adherent Islam is not the preponderant Muslim ideology" in the United States.<sup>149</sup> It does, however, propose that all Muslims are liars,<sup>150</sup> an assertion based on the deliberate misinterpretation of the term *taqiyya*, which the authors translate as "lying," but which is better known in Islamic history as "dissimulation," or concealment of one's religious convictions, when threatened with "danger or death." In very few instances have members of the Sunni Muslim majority employed this tactic, though dissimulation has historically served the Shi'i minority, as well as Sufi mystics threatened with persecution by fellow believers. It was in any case never conceived as a way to mislead non-Muslims, nor to have Muslims apply it as such.<sup>151</sup> Both Gaffney and Yerushalmi, the latter the center's self-

styled Islamic legal expert, have been designated as members of "the anti-Muslim inner circle" identified in 2011 by the Southern Poverty Law Center.<sup>152</sup>

That all American Muslim citizens who adhere to Sharia are necessarily disloyal and threatening to the U.S. government and its Constitution is a claim carefully weighed and dismissed by scholars of Islamic law, such as Andrew March. In his 2009 book *Islam and Liberal Citizenship: The Search for an Overlapping Consensus*, he asserts that a Muslim "who accepts the security of a non-Muslim state finds himself with a very strict set of duties toward that state, duties that can be argued to fulfill liberal demands of civic loyalty, including a duty to avoid harming or betraying (even during a legitimate war against that state)."<sup>153</sup> As the scholar of law and ethics Martha Nussbaum has pointed out, Muslims are not the only group in America routinely thought treacherous because of the legalism of their faith: "Muslims, like Jews, are always accused of having a double loyalty, and both are seen to submit themselves to a double set of legal requirements—religious law somehow making them bad subjects of civil law."<sup>154</sup> The legitimate question is not whether Islam or Sharia is compatible with democracy, but whether American democratic institutions truly support the religious and legal equality of Muslim citizens, as they claim to do.<sup>155</sup>

The grounds upon which the U.S. Court of Appeals for the Tenth Circuit struck down the legality of Oklahoma's "Save Our State" anti-Sharia constitutional amendment in January 2012 remain instructive. As approved by a majority of voters, the amendment read, in part, that "the courts shall not consider international law or Sharia law." The suit brought by a single American Muslim from Oklahoma was joined by representatives of Islamic, Jewish, Baptist, and secular interest groups such as the Association of the Bar of the City of New York, the Islamic Law Committee, the American Jewish Committee, Americans United for Separation of Church and State, the Anti-Defamation League, the Baptist Joint Committee for Religious Liberty, the Center for Islamic Pluralism, Interfaith Alliance, and the Union for Reform Judaism.<sup>156</sup>

The claimant argued that the law had the effect of "stigmatizing him and others who practice the Islamic faith, inhibiting the practice of Islam, disabling a court from probating his last will and testament (which contains references to Sharia law), limiting the relief Muslims can obtain from Oklahoma state courts, and fostering excessive entanglements between government and religion." Ultimately, the court of

appeals found that the amendment was illegal for “singling out his religion for negative treatment” in violation of “both the Establishment and Free Exercise Clause of the First Amendment” of the Constitution.<sup>157</sup> In response to this precedent, many state legislative attempts to ban Sharia have been altered to regulate only “foreign law,” though the objection to Islamic law remains implicit.<sup>158</sup>

Dovetailing with the anti-Sharia movement was a slew of attempts to attack, threaten, deface, oppose, or even ban the building of mosques at thirty sites throughout the country in 2010. There have been more since.<sup>159</sup> Such opposition is also not new in the United States.<sup>160</sup> But in 2010 sentiments coalesced to resist the Park 51 project in New York City, later known as the Cordoba House Initiative, which had been planned, according to Imam Feisal Abdul Rauf, as a “multifaith worship space, including a dedicated Islamic prayer space (a mosque), in a building that architecturally would be thoroughly American.”<sup>161</sup> Opponents of Cordoba House dubbed the project, inaccurately, “the Ground Zero mosque,” even though the structure is two and a half blocks away from the site of the 9/11 attacks and not visible from there.<sup>162</sup>

The reference to Cordoba, while intended to recall a time when Muslims, Christians, and Jews peacefully coexisted in eighth-century Spain, unfortunately also provided grist for critics who pointed out that this was a period of Islamic rule, when Christians and Jews, though allowed to worship freely, did not enjoy equality. Opponents of the mosque thus charged it with Islamic triumphalism, reminiscent of the appropriation of Spanish churches for Muslim worship. In fact, under the medieval Muslim rule only half of the original cathedral was taken over and turned into a mosque, “leaving the other half free for Christian use—an unmistakable symbol of confessional tolerance.”<sup>163</sup> Eventually, the Muslims purchased the land under the structure that came to be known as La Mezquita from the Christians resident there. But in any case, the custom of taking over houses of worship was not particular to Muslims; Christian conquerors commonly built their churches on the ruins of pagan or Jewish sites, the latter an especially common practice in Christian Spain. It is important to remember that the space for the proposed mosque in New York City was already the property of an American Muslim businessman—and that the two extant local mosques were unable to accommodate all worshippers.<sup>164</sup>

Nonetheless, this planned mosque in Manhattan inflamed for many the painful memory of 9/11, a wound on the national psyche that had

not healed a decade later and remains associated with Islam, despite ample evidence dissociating terrorism from the faith. Loss and fear remain powerful emotions for all Americans who witnessed the attacks. Ironically, those who planned the mosque intended the building to bring Americans of different faiths together, not to divide them. But divide Americans it did.<sup>165</sup>

Anti-Muslim activists like Pamela Geller and Robert Spencer joined the fray insisting that the mosque represented an attempt by Muslims to take over the country, finishing what they claimed 9/11 had left half done. The two are the cofounders of Stop Islamization of America (SIOA), which is defined as a hate group by the Southern Poverty Law Center. In 2011, their film *The Ground Zero Mosque: Second Wave of the 9/11 Attacks* was presented at the Conservative Political Action Conference.<sup>166</sup> (Not surprisingly, Geller believes President Obama to be a Muslim.)<sup>167</sup>

New York City's mayor, Michael Bloomberg, defended the right of American Muslims to build the mosque complex in lower Manhattan in 2010, citing clear constitutional principle in the midst of overwrought emotions: “Whatever you may think of the proposed mosque and community center, lost in the heat of the debate has been a basic question: Should government attempt to deny private citizens the right to build a house of worship on private property based on their particular religion? That may happen in other countries, but we should never allow it to happen here.”<sup>168</sup>

Bloomberg even cited the Flushing Remonstrance of 1657 as a precedent for contemporary freedom of religion. If he had been informed that the religious freedom of Muslims as well as Jews and all sects of Christians had been included in this extraordinary protest by Dutch settlers, his point might have been even more powerful. The Remonstrance clearly espouses a universal religious freedom in the seventeenth century, a time when to do so was to risk jail and banishment, as two members of the community eventually suffered. Still, the signatories insisted:

The law of love peace and libertie in the states extending to *Jewes Turkes and Egiptians* as they are Considered the sonnes of Adam which is the glory of the outward State of *Holland*, soe love peace and libertie, extending to all in Christ Jesus Condemns hatred, warre and bondage; . . . our desire is not to offend one of his little ones in what soever

forme name or title hee appears in whether presbyterian independent Baptist or Quaker, but shall bee glad to see anything of god in any of them: desireing to doe unto all men as wee desire all men shoulde doe unto us which is the true law both of Church and State.<sup>169</sup>

In 1957, President Dwight D. Eisenhower made his own case for the construction of the Islamic Center Mosque in the nation's capital. Visiting the site in June of that year, he offered a definition of American principles that might seem entirely un-American to the anti-Muslim opponents of mosques throughout the United States. Eisenhower saw no difference between the new Muslim "church" in Washington, D.C., and "a similar edifice of any other religion." His message to American Muslims was simple and direct:

Meeting with you now, in front of one of the newest and most beautiful buildings in Washington, it is fitting that we re-dedicate ourselves to the peaceful progress of all men under one God.

And I should like to assure you, my Islamic friends, that under the American Constitution, under American tradition, and in American hearts, this Center, this place of worship, is just as welcome as could be a similar edifice of any other religion. Indeed, America would fight with her whole strength for your right to have here your own church and worship according to your own conscience.

The concept is indeed part of America, and without that concept we would be something else than what we are.<sup>170</sup>

In the same spirit, Eisenhower would authorize the military to identify Muslim servicemen on their dog tags.<sup>171</sup>

Would a majority of Americans still affirm that "America would fight with her whole strength for your right to have here your own church and worship according to your conscience"? It bears mentioning that Eisenhower embraced Muslims as fellow believers "under one God," at a time when the gravest threat to the United States was thought to be "godless" Communists, both at home and abroad.<sup>172</sup> Events in the Middle East that would darken the image of Islam in the latter twentieth century had yet to occur. Nevertheless, it is difficult to deny that acceptance of Muslims into the American fold has deteriorated considerably in the past half century.

#### REMEMBERING THOMAS JEFFERSON'S QUR'AN: A DISPUTE OVER THE PAST AND THE FUTURE

Although many editorials celebrated the existence of Jefferson's Qur'an as a novelty in the midst of Congressman Keith Ellison's swearing-in controversy in 2007, those wedded to fears of Islam were at pains to deny what Ellison had affirmed about Jefferson, that he was "a visionary" who "believed that wisdom could be gleaned from many sources."<sup>173</sup> The Boykin- and Soyster-directed anti-Sharia screed of 2010 argued that Jefferson had purchased the Qur'an in order to better know his enemies: "When confronted with an Islamic threat, they took the effort to consult primary sources and to conduct competent analysis of that threat."<sup>174</sup> According to Boykin and Soyster, the book was merely a remnant of his diplomatic encounter with the Muslim ambassador from Tripoli in London in 1786.<sup>175</sup>

Such assertions ignore the fact that Jefferson actually bought his Qur'an in 1765, twenty-one years before the diplomatic effort in question, and eleven years before he wrote the Declaration of Independence. Although Jefferson doubtless did check the Qur'anic basis for Islamic piracy sometime after his 1786 meeting with the Muslim ambassador in London, he had much earlier documented his interest in the sacred text unrelated to foreign policy. Those who claim otherwise similarly ignore Jefferson's pointed refusal to consider Muslims as either perpetual foreign or domestic enemies and his defense of their future, and that of all non-Christians, as potential citizens.

In March 2011, Bryan Fischer, director of issues analysis for the socially conservative American Family Association, a group with two million members headquartered in Tupelo, Mississippi, denied that Muslims and other non-Christians enjoyed the full protection of the First Amendment. To justify this assertion, he appears to repeat the analysis of Thomas Jefferson's Qur'an found in the 2010 Boykin and Soyster anti-Sharia manifesto, defining Islam not as a religion but as a "totalitarian ideology dedicated to the destruction of the United States." Fischer writes, "The First Amendment was written by the Founders to protect the free exercise of Christianity. They were making no effort to give special protections to Islam." As to Thomas Jefferson's Qur'an, Fischer explains that too in a way that follows the Boykin-Soyster treatise:

We actually at the time were dealing with our first encounters with jihad in the form of the Barbary pirates, which is why Jefferson bought a copy of the Koran. He was told by the Bey of Tripoli that Islam requires Muslims to rob, kill and pillage infidel Christians where they find them. Jefferson naturally found that hard to believe, so he bought a copy of the Koran to read it for himself. Sure enough, it's right in there.<sup>176</sup>

In fact, Jefferson had not met the ruler of Tripoli, but only his ambassador, who told him that the Qur'an provided the rationale for North African piracy. (Jefferson was also told, as chapter 4 of this book attests, that the devil had enabled those successful forays.) Of course, Fischer evinces no awareness that the treaty concluded with Tripoli states at the very outset that "the government of the United States of America is not in any sense founded on the Christian Religion."<sup>177</sup> Nor, one expects, would Fischer be interested in the inconvenient historical truth that Jefferson as president addressed the Islamic rulers of both Tripoli and Tunis with an emphasis on their shared deity: "I pray God, very great and respected friend, to have you always in his holy keeping."<sup>178</sup> Possessing a serviceable knowledge of its basic tenets, Jefferson clearly thought Islam was a religion.

Jefferson did not hate Muslims, nor did he allow fear to inform his views of their future in the United States. In direct opposition to the stated goals of Jefferson's most cherished legislation, Fischer's excision of the civil rights of American Muslims also forecloses those of all non-Christian citizens:

Islam has no fundamental First Amendment claims, for the simple reason that it was not written to protect the religion of Islam. Islam is entitled only to the religious liberty we extend it out of courtesy. While there certainly ought to be a presumption of religious liberty for non-Christian religious traditions in America, the Founders were not writing a suicide pact when they wrote the First Amendment.<sup>179</sup>

Nowhere is it more explicit that those who overtly deny the civil rights of Muslims often hold the rights of all non-Christians in equal contempt. And so the ultimate strength of those guarantees that in the eighteenth century deliberately included Muslims are now being tested, together with the seriousness of our national commitment to the cherished ideals of religious freedom, political equality, and pluralism. We

remain in the midst of this struggle over the definition of national identity and citizenship.

#### JEFFERSON, THE GOLDEN RULE, AND THE CIVIL RIGHTS OF MUSLIMS

A year before his death, Thomas Jefferson wrote to a friend's son. The young man's father had urged him to do so in order to "have a favorable influence." Contemplating his own mortality, "as one from the dead," Jefferson advised, "Love your neighbor as yourself, and your country more than yourself."<sup>180</sup> His final reference to the Golden Rule is as clear a signal as we have of its irreducible importance and universal application in his personal ethics, as well as its centrality to his conception of patriotism.

On the very day of his swearing-in upon Jefferson's Qur'an in 2007, Representative Ellison also invoked the Golden Rule as a pointed admonition to fellow citizens. In the editorial he wrote entitled, "Choose Generosity, Not Exclusion," Ellison argued that the Christian majority had a pivotal decision to make about religious pluralism, based on their understanding of the New Testament. Was the Golden Rule applicable only to Christians—or all Americans, no matter their religion?

Will the preacher tell our young couple, "God loves you—but only you and people like you"? Or will the preacher say "God loves you and you must love your neighbors of all colors, cultures, or faiths as yourselves"? One message will lead to a stinginess of spirit, an exclusion of the "undeserving," and the other will lead to a generosity of spirit and inclusion of all.<sup>181</sup>

Even Ellison's opponents might agree that this was now an unavoidable question for the nation, however differently they might phrase it. What cannot be denied is how Jefferson and other important Founders answered.

Invoking the Golden Rule in this way, as a commandment to embrace humanity without qualification, linked Jefferson to a select fraternity of men who had suffered for the sake of this seemingly simple belief. When those who first espoused it in Europe refused to accept violence or coercion in religion's name, they laid the foundation for the crucial question that Jefferson would pose in 1776, answering it



with universal legislation: "Why persecute for difference in religious opinion?"<sup>182</sup> In his own answer, the Italian miller Menocchio invoked his love for all who were his neighbors—whether Muslim, Christian heretic, or Jew—before his death on the Inquisition's pyre in 1601. Just over a decade later, the Baptist Thomas Helwys echoed him from the London prison in which he would die, still proclaiming, "Let them be heretikes, Turcks, Jewes, or whatsoever it apperteynes not to the earthly power to punish them in the least measure."<sup>183</sup> After a little more than thirty years, this same belief in the separation of religion from government and the individual's absolute right to "soul liberty" would be expressed for the first time in North America by Roger Williams, who asserted:

And I aske whether or no such as may hold forth other *Worships* or *Religions* (*Jews, Turkes, or Antichristians*) may not be peaceable and quiet *Subjects*, loving and helpfull *neighbours*, faire and just *dealers*, true and loyall to the *civill government*? It is cleare they may from all *Reason* and *Experience* in many flourishing *Cities* and *Kingdomes* of the World.<sup>184</sup>

Aspects of Christian thought, often articulated as dissent by those the ruling majority decreed heretical, contained the roots of an end to religious persecution and the seeds of pluralism. These same inclusive precedents for the practice of the Golden Rule existed also in the Hebrew Bible.

Now, as in the eighteenth century, American Muslims symbolize the universality of religious inclusion and equality promised at the nation's founding by Jefferson, Washington, Madison, Leland, and others, an ideal still in the course of being fully realized more than two centuries later. Any attack upon the rights of Muslim citizens should be recognized for what it remains: an assault upon the universal ideal of civil rights promised all believers at the country's founding. No group, based on religion, should be excluded from these rights. To do so now would betray both our hard-won national legacy and the genius of those who conceived it.

## Notes

### PREFACE AND ACKNOWLEDGMENTS

1. For the early Ottoman and European trade in this luxury, which actually began in the sixteenth century, see Ariel Salzmann, "The Age of Tulips: Confluence and Conflict in Early Modern Consumer Culture (1550–1730)," in *Consumption Studies and the History of the Ottoman Empire, 1550–1922*, ed. Donald Quataert (Albany: State University of New York Press, 2000), 84, 87, 89; Mike Dash, *Tulipomania: The Story of the World's Most Coveted Flower and the Extraordinary Passions It Aroused* (New York: Crown, 1999), 34, 224. Although tulips were propagated in England as early as 1582 and may have crossed into their North American colonies in the seventeenth century, the flowers also became transatlantic at the same time with the arrival of the Pennsylvania Dutch, who counted the three petals of the tulip as symbols of the Trinity. The Ottomans also imbued the tulip with powerful but very different Islamic religious symbolism.

2. Edwin M. Betts and Hazelhurst Bolton Perkins, *Thomas Jefferson's Flower Garden at Monticello*, revised by Peter J. Hatch, 3rd ed. (Monticello, VA: Jefferson Memorial Foundation, 2000), 25–26.

3. Damien Cave and Anne Barnard, "Minister Wavers on Plans to Burn Koran," *New York Times*, September 9, 2010, <http://www.nytimes.com/2010/09/10/us/10obama.html?pagewanted=all>; Enayat Najafizada and Rod Nordland, "Afghans Avenge Florida Koran Burning, Killing 12," *New York Times*, April 1, 2011, <http://www.nytimes.com/2011/04/02/world/asia/02afghanistan.html?..all>. It is worth noting that the Southern Poverty Law Center has designated the minister Terry Jones and his Dove World Outreach Center based in Florida as an anti-Muslim hate group; see Robert Steinback, "The Anti-Muslim Inner Circle," *Intelligence Report*, no. 142 (Summer 2011), Southern Poverty Law Center.

### INTRODUCTION: IMAGINING THE MUSLIM AS CITIZEN AT THE FOUNDING OF THE UNITED STATES

1. For a study that finds that American magazines included a range of attitudes toward Muslims, including "naïve curiosity, obsessive exoticism, geopolitical calculation, gentle condescension, and unabashed bigotry," see Robert Battistini, "Glimpses

156. Quoted in McLoughlin, *New England Dissent*, 2:929. Leland's position was so extreme that it "bordered upon solipsism," according to Huff, "How High the 'Wall?," 415.

157. Quoted in McLoughlin, *New England Dissent*, 2:929.

158. "In American religion, Leland, not Jefferson, represented the wave of the future," argues Thomas S. Kidd, but he does not recognize Leland's consistent insistence on exploding forever a Christian state, political equality for non-Christians, and religious pluralism in this prediction; see Kidd, *God of Liberty*, 208.

#### AFTERWORD:

##### WHY CAN'T A MUSLIM BE PRESIDENT?

##### EIGHTEENTH-CENTURY IDEALS OF THE MUSLIM CITIZEN AND THEIR SIGNIFICANCE IN THE TWENTY-FIRST CENTURY

1. Quoted in J. A. I. Champion, *The Pillars of Priestcraft Shaken: The Church of England and Its Enemies, 1660–1770* (New York: Cambridge University Press, 1992), 111.

2. Edward Gibbon, *The History of the Decline and Fall of the Roman Empire*, ed. J. B. Bury (London: Methuen, 1911; repr. 1974), 5:356 n. 68.

3. Thomas Jefferson, "First Inaugural Address, March 4, 1801," in *Thomas Jefferson: Writings*, ed. Merrill D. Peterson (New York: Literary Classics of the United States, 1984), 492–93.

4. *Ibid.*

5. *Farmer's Museum or Literary Gazette* (Walpole, NH), January 4, 1803, 4.

6. Thomas Jefferson, *The Writings of Thomas Jefferson*, ed. Andrew A. Lipscomb and Albert E. Bergh, 20 vols. (Washington, DC: Thomas Jefferson Memorial Association of the United States, 1903–7), 10:378.

7. John Leland, *The Writings of the Late Elder John Leland: Including Some Events of His Life, Written by Himself*, ed. L. F. Greene (New York: G. W. Wood, 1845; repr. La Vergne, TN: Nabu Public Domain Reprints, 2011), 652.

8. *Ibid.*, 38.

9. Kathleen M. Moore, *Al-Mughtaribun: American Law and the Transformation of Muslim Life in the United States* (Albany: State University of New York Press, 1995), 23.

10. For the argument that there may be "at least one uninterrupted chain of transmission of Islamic influence from the eighteenth century to the twentieth," see Michael A. Gomez, *Black Crescent: The Experience and Legacy of African Muslims in the Americas* (New York: Cambridge University Press, 2005), 185–200; quote on 186.

11. *Ibid.*, 185–200.

12. *Ibid.*, 154.

13. Quoted in Marilyn C. Baseler, "Asylum for Mankind": *America, 1607–1800* (Ithaca: Cornell University Press, 1998), 330–31.

14. Anny Bakalian and Mehdi Bozorgmehr, *Backlash 9/11: Middle Eastern and Muslim Americans Respond* (Berkeley: University of California Press, 2009), 78.

15. Kambiz GhaneaBassiri, *A History of Islam in America* (New York: Cambridge University Press, 2010), 96.

16. *Ibid.*, 96, 136.

17. *Ibid.*, 293; see Jacob Rama Berman, *American Arabesque: Arabs, Islam, and the 19th-Century Imaginary* (New York: New York University Press, 2012), 179–210.

18. GhaneaBassiri, *History of Islam in America*, 152; quoted in Moore, *Al-Mughtaribun*, 45.

19. GhaneaBassiri, *History of Islam in America*, 135–64.

20. *Ibid.*, 96.

21. *Ibid.*, 141. For other name changes, see Yvonne Yazbeck Haddad, *Not Quite American: The Shaping of Arab and Muslim Identity in the United States* (Waco, TX: Baylor University Press, 2004), 4.

22. Kevin M. Schultz, *Tri-Faith America: How Catholics and Jews Held Postwar America to Its Protestant Promise* (New York: Oxford University Press, 2011), 23.

23. "Transcript of Civil Rights Act (1964)," Section 202, <http://www.ourdocuments.gov/doc.php?doc=97>.

24. GhaneaBassiri, *History of Islam in America*, 153.

25. *Ibid.*, 158.

26. The idea is GhaneaBassiri's, *History of Islam in America*, 29–30, 380. For the most nuanced consideration of race as a challenging category for American Muslims, see Sherman A. Jackson, "Muslims, Islam(s), Race and American Islamophobia," in *Islamophobia: The Challenge of Pluralism in the 21st Century*, ed. John L. Esposito and Ibrahim Kalin (New York: Oxford University Press, 2011), 93–108.

27. Quoted in GhaneaBassiri, *History of Islam in America*, 159.

28. Quoted in Schultz, *Tri-Faith America*, 20–21.

29. Quoted *ibid.*, 18–19; quote on 19.

30. Quoted *ibid.*, 20.

31. Bret E. Carroll, *The Routledge Historical Atlas of Religion in America* (New York: Routledge, 2000), 91.

32. Quoted in Schultz, *Tri-Faith America*, 22.

33. Carroll, *Routledge Historical Atlas*, 94. The Jewish population was 150,000 by 1860.

34. Richard W. Bulliet, *The Case for Islamo-Christian Civilization* (New York: Columbia University Press, 2004), 5.

35. Quoted in Michael Beschloss, "FDR's Auschwitz Secret," *Daily Beast*, October 13, 2002, <http://www.thedailybeast.com/newsweek/2002/10/13/fdr-s-auschwitz-secret.html>.

36. Quoted in Schultz, *Tri-Faith America*, 23.

37. *Ibid.*, 1–42.

38. *Ibid.*, 28, 42.

39. *Ibid.*, 57–58; Bulliet, *Case for Islamo-Christian Civilization*, 6, emphasizes the acceptance of the term by the 1950s.

40. Bulliet, *Case for Islamo-Christian Civilization*, 6.

41. Quoted in Schultz, *Tri-Faith America*, 35.

42. Arthur A. Cohen, *The Myth of the Judeo-Christian Tradition and Other Dissenting Essays* (New York: Schocken, 1971), xiii; Bulliet, *Case for Islamo-Christian Civilization*, 8–9.

43. Moore, *Al-Mughtaribun*, 2–3.

44. Bulliet, *Case for Islamo-Christian Civilization*, 8–9.

45. This idea of a founding "Protestant promise" is Schultz's premise; *Tri-Faith America*, 3–12.

46. Carroll, *Routledge Historical Atlas of Religion*, 102.

47. GhaneaBassiri, *History of Islam in America*, 292–93.

48. The phrase comprises part of a book title by Diana Eck, *A New Religious America: How a "Christian" Country Became the World's Most Religiously Diverse Nation*, 2nd ed. (New York: HarperCollins E-book, 2007). Eck carefully surveys these non-Judeo-Christian American religious groups.

49. "Muslim Americans: Middle Class and Mostly Mainstream," Pew Research Center, May 22, 2007, <http://pewresearch.org/files/old-assets/pdf/muslim-americans>; GhaneaBassiri, *History of Islam in America*, 2 n. 1, based on the Pew findings estimates around three million; Eck, *New Religious America*, 2–3, suggests six million; John Esposito, *What Everyone Needs to Know About Islam*, 2nd ed. (New York: Oxford University Press, 2011), 221, offers the estimate of five to seven million. Oddly, Bret E. Carroll, *Routledge Historical Atlas*, 103, more than a decade ago estimated eight million.

50. "Muslim Americans: No Signs of Growth in Alienation or Support for Extremism. Section 1: A Demographic Portrait of Muslim Americans," Pew Research Center,



August 30, 2011, <http://www.people-press.org/2011/08/30/section-1-a-demographic-portrait-of-muslim-americans/>, 6, puts the total Muslim population at 2.92 million.

51. Sixty-eight countries of origin are mentioned by Esposito, *What Everyone Needs to Know About Islam*, 221.

52. "Muslim Americans," Pew Research Center, August 30, 2011, 2.

53. Jane I. Smith, *Islam in America*, 2nd ed. (New York: Columbia University Press, 2009), 78-103. These indigenous African American movements included what most Muslims perceive as heterodox Islamic variants, including the Moorish Science Temple, the Nation of Islam, and, more recently the Five Percenters.

54. "Muslim Americans," Pew Research Center, August 30, 2011, 2.

55. Smith, *Islam in America*, 2nd ed., 68-70.

56. *Ibid.*, 70-75.

57. Lori Peek, *Behind the Backlash: Muslim Americans after 9/11* (Philadelphia: Temple University Press, 2011), 10.

58. "Muslim Americans," Pew Research Center, August 30, 2011, 2.

59. Quoted in Peek, *Behind the Backlash*, 24-25.

60. Quoted *ibid.*, 25.

61. Quoted in Bakalian and Bozorgmehr, *Backlash 9/11*, 186.

62. See Riad Z. Abdelkarima and Jason Erb, "How American Muslims Really Responded to the Events of September 11," *CounterPunch*, September 7, 2002, [www.CounterPunch.org/riad0907.html](http://www.CounterPunch.org/riad0907.html).

63. This "double pain" is recorded in an interview with an American Muslim; see Bakalian and Bozorgmehr, *Backlash 9/11*, 171.

64. Rick Hampson, "For Families of Muslim 9/11 Victims, a New Pain," *USA Today*, September 2, 2010.

65. Quoted *ibid.*

66. Quoted in Peek, *Behind the Backlash*, 5.

67. I have re-created the list offered in Bakalian and Bozorgmehr, *Backlash 9/11*, 40. A similar list of violent events in the twentieth century is included in Peter Gottschalk and Gabriel Greenberg, *Islamophobia: Making Muslims the Enemy* (Lanham, MD: Rowman and Littlefield, 2008), 111. Earlier, twentieth-century precedents are also found in GhaneaBassiri, *History of Islam in America*, 329-44.

68. Bakalian and Bozorgmehr, *Backlash 9/11*, 40.

69. Quoted in Jack G. Shaheen, *Reel Bad Arabs: How Hollywood Vilifies a People* (New York: Olive Branch Press, 2001), 4.

70. GhaneaBassiri, *History of Islam in America*, 329; Peek, *Behind the Backlash*, 23.

71. Moore, *Al-Mughtaribun*, xi.

72. Quoted in Peek, *Behind the Backlash*, 24.

73. Quoted in Bakalian and Bozorgmehr, *Backlash 9/11*, 40.

74. *Ibid.*, 2-4.

75. "'Islam Is Peace' Says President: Remarks by the President at the Islamic Center of Washington, D.C., September 17, 2001," [georgewbush-whitehouse.archives.gov](http://georgewbush-whitehouse.archives.gov).

76. Bakalian and Bozorgmehr, *Backlash 9/11*, 3.

77. *Ibid.*, 130.

78. *Ibid.*, 131.

79. This description is based on Peek, *Behind the Backlash*, 34.

80. Sec. 102, "Sense of Congress Condemning Discrimination against Arab and Muslim Americans," U.S. Congress, "Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001, H.R. 3162 (Washington, DC: U.S. Government Printing Office, 2001), 1, 8-10. The best analysis of this contradictory governmental policy is provided by Wendy Brown, *Regulating Aversion: Tolerance in the Age of Identity and Empire* (Prin-

ton: Princeton University Press, 2006), 84. Brown offers this pertinent observation of the U.S. government: "Yet at the same time that the state represents itself as securing social equality and rhetorically enjoins the citizenry from prejudice and persecution, the state engages in extralegal persecutorial actions toward the very group that it calls upon the citizenry to be tolerant toward."

81. Herbert N. Foerstel, *The Patriot Act: A Documentary and Reference Guide* (Westport, CT: Greenwood, 2008), 58-60; Smith, *Islam in America*, 2nd ed., 186-89.

82. Quoted in Foerstel, *Patriot Act*, 60.

83. *Ibid.*, 61-63.

84. *Ibid.*, 66.

85. Quoted in Peek, *Behind the Backlash*, 32; GhaneaBassiri, *History of Islam in America*, 328.

86. Quoted in Bakalian and Bozorgmehr, *Backlash 9/11*, 197.

87. *Ibid.*, 139; Peek, *Behind the Backlash*, 31; "NYPD Monitored Muslim Students All over Northeast," *Huffington Post*, February 18, 2012, [http://www.huffingtonpost.com/2012/02/18/nypd-monitored-muslim-stu\\_\\_O\\_n\\_1286647.htm](http://www.huffingtonpost.com/2012/02/18/nypd-monitored-muslim-stu__O_n_1286647.htm).

88. This is not a new observation; precedents for it may be found in GhaneaBassiri, *History of Islam in America*, 327, and Bakalian and Bozorgmehr, *Backlash 9/11*, 141.

89. GhaneaBassiri, *History of Islam in America*, 362-63.

90. Bakalian and Bozorgmehr, *Backlash 9/11*, 197; GhaneaBassiri, *History of Islam in America*, 365-77. Comedic pioneers include *The Axis of Evil Comedy Tour*, starring Maz Jobrani, Aron Kader, Ahmed Ahmed, and Dean Obeidallah, which aired April 3, 2007 (Chatsworth, CA: Levity Productions, 2007), DVD, and, more recently, Negin Farsad and Dean Obeidallah's hilarious film critique of American Islamophobia, *The Muslims Are Coming!*, which premiered in Austin, Texas, in October 2012.

91. Quoted in Peek, *Behind the Backlash*, 39. For a thoughtful analysis of youthful American Muslim responses to citizenship options, see Sunaina Maira, "Islamophobia and the War on Terror: Youth, Citizenship, and Dissent," in *Islamophobia*, ed. Esposito and Kalin, 113-22.

92. These are the partial findings of a study funded by the U.S. Department of Justice and authored by David Schanzer, Charles Kurzman, and Ebrahim Moosa, "Anti-Terror Lessons of Muslim-Americans," January 6, 2010, [http://www.sanford.duke.edu/news/Schanzer\\_Kurzman\\_Moosa\\_Anti-Terror\\_Lessons.pdf](http://www.sanford.duke.edu/news/Schanzer_Kurzman_Moosa_Anti-Terror_Lessons.pdf).

93. Quoted in Abdulkader H. Sinno, "Muslim Underrepresentation in American Politics," in *Muslims in Western Politics*, ed. Abdulkader H. Sinno (Bloomington: Indiana University Press, 2009), 80-90.

94. I have borrowed this phrase from Peter Gottschalk and Gabriel Greenberg, *Islamophobia*, 111.

95. *Ibid.*; GhaneaBassiri, *History of Islam in America*, 347; Sinno, "Muslim Underrepresentation in American Politics," 80-90.

96. Quoted in Rachel L. Swarns, "Congressman Criticizes Election of Muslim," *New York Times*, December 21, 2006, <http://www.nytimes.com/2006/12/21/us/21koran.html>.

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98. Julian P. Boyd et al., eds., *The Papers of Thomas Jefferson*, 40 vols. (Princeton: Princeton University Press, 1950-), 1:548. Hereafter cited as *Papers of Thomas Jefferson*.

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