

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA**

RAJA'EE FATIHAH,

Plaintiff,

v.

CHAD NEAL (d.b.a. Save Yourself Survival  
and Tactical Gun Range) and NICOLE  
MAYHORN NEAL (d.b.a. Save Yourself  
Survival and Tactical Gun Range),

Defendants.

No. 6:16-cv-00058-JHP

**DEFENDANTS' DISCLOSURE  
OF EXPERT TESTIMONY**

[Fed. R. Civ. P. 26]

Pursuant to Rule 26 of the Federal Rules of Civil Procedure, Defendants Chad Neal and Nicole Mayhorn Neal hereby disclose the testimony of their expert witness, Stephen C. Coughlin.

A copy of the expert's written report is attached.

Respectfully submitted,

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### **CERTIFICATE OF SERVICE**

This is to certify that pursuant to the written agreement of the parties, on November 21, 2016, I served this document via email on counsel for Plaintiff.

/s/ Robert J. Muise  
Robert J. Muise, Esq.

**FEDERAL RULES OF CIVIL PROCEDURE 26**  
**DISCLOSURE OF EXPERT TESTIMONY**  
**STEPHEN C. COUGHLIN, ESQ / MAJ MI USAR (RET)**

Case: *Raja'ee Fatihah v. Chad Neal, et al.*

Case No. 16-CV-58-JHP

**Expert's Background and Experience:**

I am an attorney, a member of the Minnesota State Bar (License No. 0257308), and a retired, decorated United States Army Reserve officer who served in the Military Intelligence branch. I received a Master of Science Strategic Intelligence (MSSI) from the National Defense Intelligence College, Defense Intelligence Agency, where my thesis explaining the direct relationship between Islamic law and jihadi terror doctrines was accepted in 2007. I am Lincoln Fellow at the Claremont Institute, a Senior Fellow at the Center for Security Policy, and was a Visiting Fellow of the *International Assessment and Strategy Center's* National Security Law Project. I am currently associated with Unconstrained Analytics, Inc., an organization I founded.

Often cited as the Pentagon's leading expert on the nexus between Islamic law and jihad, I was in demand as a lecturer at leading Defense training institutions, including the National Defense University, the Army War College, the Naval War College, Marine Corps HQ-Quantico at multiple levels, including the Expeditionary Warfare School and War College, the US Army's FA-30 Information Operations Course, the US Army's School for Advanced Military Studies, Command and General Staff College, the Joint Forces Staff College, the John F. Kennedy Special Warfare School, the US Army Asymmetric Warfare Group, the FBI Washington Field Office, the FBI Behavioral Analysis Unit, and other agencies and private sector groups including those at State and CIA. I continue to meet with Members of Congress, their staffs and committee staffers. I have also worked with U.S. and state legislators, as well as state and local law enforcement at their request.

In October 2001, I was mobilized to the Deputy Directorate for Targeting, Directorate for Intelligence (J2), the Joint Chiefs of Staff where, among other responsibilities, I was assigned to support the National Security Council's Interagency Perception Management Threat Panel, the open source intelligence cell, and to support counter propaganda efforts. Upon being demobilized, I was requested by-name to return to the Joint Staff as a consultant where I was asked to continue in efforts to address the Islamic legal nexus (law of jihad) to terrorism in actionable ways, participate in the State Department sponsored Interagency Task Force on Strategic Communications, and to support Deputy Directorate for War on Terror (DD-WOT), Directorate for Strategic Plans and Operations (J5), Joint Chiefs of Staff. As a USAR officer, I was asked to associate with United States Central Command, Directorate for Intelligence (J2), Intelligence Support to Information Operations and Strategic Communications where I supported USCENTCOMs Strategic Engagement Group in both the Headquarters element at McDill AFB, Florida and in the forward headquarters in Doha, Qatar.

I graduated from the University of Minnesota, College of Liberal Arts with a BA in History/Russian Area Studies in 1991; a *Juris Doctorate* from William Mitchell College of Law in 1995; and a Master of Science Strategic Intelligence (MSSI) in 2007 from the National Defense Intelligence College. I also

graduated from the Russian Basic Course, Defense Language Institute, Presidio of Monterey in 1985. I also served on the Board of Governors for the Minnesota State Bar.

Books written include:

- *Catastrophic Failure: Blindfolding America in the Face of Jihad*, May 2015.
- *The Red Pill*, (working title; in development)
- “To Our Great Detriment”: Ignoring What Extremists Say About Jihad, (Masters Thesis in development; publication pending).

Papers written include:

- “Burning Down the House: A Strategic Overview of the Threat, the CVE, and Strategic Incomprehension in the War on Terror,” February 4, 2016.
- “Exploiting Ignorance in the Post Subversion Phase: Assessing What ISIS Wants in Light of the ‘Countering Violent Extremism’ Narrative,” August 14, 2015.
- “To Our Great Detriment”: Ignoring What Extremists Say About Jihad, thesis accepted at National Defense Intelligence College, July 2007.
- *Realizing Failure: Operationalizing a Taboo*, 10 September 2004.
- *It’s What the Doctrine Says it Is! Rebuttal to Islamic Ruling on War* (unreleased), September 2005.
- “Is the Iraqi Constitution Fatally Flawed,” 6 March 2007.
- “The Vatican, Islam & Turkey: On the Offensive in a Counter-Submission Campaign,” 21 December 2006.
- “Brief Analysis of the “Draft” Afghanistan Constitution,” 6 January 2004.
- “Reconsidering ‘Choosing Words Carefully: Language to Help Fight Islamic Terrorism,” 3 August 2006.
- “Analysis of Muslim Brotherhood’s General Strategic Goals for North America Memorandum,” 7 September 2007.
- “Treatment of Prisoners in S.K. Malik’s Quranic Concept of War,” 15 May 2007.
- Numerous Unclassified Point Papers
- “The Killing without Right: Islamic Concepts of Terrorism,” 1 July 2010.

- “Strategic Excavation,” 1 July 2010.

Detailed presentations include:

- The Red Pill: Know the Enemy
- The Red Pill: Foreign CVE Influences
- Red Pill: National Security and Jihad Doctrine (The JTTF Brief)
- Red Pill: The Muslim Brotherhood in America: A Primer
- Red Pill: Interfaith Delusion
- The Political Trimaran, Hate Speech, the CVE & Race
- Why Moving to the Middle is a Losing Strategy
- *The Hill Brief, Jihad and Law: The Hill Brief* – this is a sustained introductory presentation that introduces key concepts in Islamic law that both serve as the foundation for Islamic “extremists” doctrines from the Muslim Brotherhood to al-Qaeda as well as providing the known basis for “self-radicalization.” While the brief is broad ranging, the focus is on three concepts, 1) Islamic law of slander, which serves as the leading edge of a hostile information campaign against the West, 2) Islamic law of abrogation, the single most important concept with which to analyze the “radical” agenda, 3) and scholarly consensus.
- *Axis of Defeat* - explains how the ideological subversion campaign works itself into the decisionmaking process through manipulation of the postmodern narrative in the mainstream media and senior government leadership.
- *Wild Slides* (working title) – uses the Geert Wilder prosecution in the Netherlands to introduce the Organization of the Islamic Cooperation (OIC) along with their Ten-Year Programme of Action to make Islamic law of slander the legal standard in every country and international organization in the world. The presentation raises the issue of the wholesale redefinition of commonly understood terms and raises issues that become uncomfortable in their closeness.
- *Hidaya and Zakat and SCF Consequences* – a brief presentation that uses the *Hidaya Foundations* zakat eligibility criteria to demonstrate the “funding jihad” nature of all zakat that becomes apparent when statements on the *Hidaya Foundations* web page of zakat eligibility is mapped against the Shariah law that governs it. Once the principle is established, the same process is done but mapped against the American Muslim group Council for American Islamic Relations - CAIR, to demonstrate that CAIR holds itself out to the public as a purely jihadi institution. The example is repeated with the Adams Center (All Dulles Area Muslim Society - an ISNA entity), and then Islamic Society of North America - ISNA. A

principle point of the presentation is that a Shariah-compliant entity is one that complies with Shariah law and Shariah law of zakat requires funding jihad – defined as warfare.

- *Death of Discernment* – this presentation attempts to explain how groups like the Muslim Brotherhood undertake religious outreach for the purpose of subversion and how it has worked itself into the interfaith process using the United States Conference of Catholic Bishops (USCCB) and the Vatican as a high profile example.

**The following includes a statement of opinions.**

Chad and Mayhorn Neal (the Neals) own and operate the “Save Yourself Survival and Tactical Gun Range” (the Gun Range). As the owner and manager and on behalf of the Gun Range, the Neals firmly resolve that the business will not arm, equip, or train anyone it believes to be a threat to public safety. Consistent with this policy:

- The business will not arm, equip, or train anyone it believes to be a threat to public safety . . . Consistent with this policy, the business will not serve: (a) anyone who is either directly or indirectly associated with terrorism in any way; (b) anyone associated in any way with an organization that is associated with terrorism; . . . (e) anyone who seeks to do harm to the interests of the United States; and (f) anyone, in the sole judgment of the business, its owners, its employees, or its volunteers, who may pose a threat to public safety based on the person’s behavior, comments, history, dress, background, or other such indicia indicating that the person may be a threat to public safety. (Interrogatory 1, Defendants’ Response to Plaintiffs’ First Set of Interrogatories)

The opinions offered in of support of the Neals recognize that there were two separate events in which the Neals had reasonable safety concerns when denying Raja’ee Fatihah (Mr. Fatihah) membership, and therefore shooting rights, at the Gun Range:

- **First**, the verbal exchange between Mr. Fatihah and the Neals on the morning of October 23, 2015 when Mr. Fatihah first entered the store that Mr. Fatihah memorialized by use of a concealed recording device. (*Fatihah v Neal* Audio Recordings or Recordings)
- **Second**, from the findings of a background check undertaken by Neals as explained in “Defendants’ Response to Plaintiffs’ First Set of Interrogatories” (Defendants’ Response) dated September 2, 2016.

**Part I** of the opinions will focus on the Neals’ decision to defer the granting of shooting privileges at the Gun Range until a background check could be undertaken based on reasonable safety concerns raised by Mr. Fatihah’s statements on the morning of October 23, 2015, including the circumstances in which he made them.

**Part II** will focus on the Neals second denial of membership based on a background search that revealed that Mr. Fatihah was directly affiliated with the Council on American-Islamic Relations (CAIR). Because CAIR is associated with Hamas and the Muslim Brotherhood, the consequences of this relationship will be further developed to demonstrate that the general concerns raised by Mr.

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<sup>1</sup> This is the name taken from the Complaint filed in this case.

Fatihah's initial statements at the Gun Range on the morning of October 23, 2015 became more specifically real in light of Fatihah's known affiliation with the Muslim Brotherhood.

1. As an initial matter, Mr. Raja'ee Fatihah's last name "Fatihah" is also the title of the first surah of the Qur'an, Surah Fatihah. Surah Fatihah states: "In the name of Allah, Most Gracious, Most Merciful. Praise be to Allah, the Cherisher and Sustainer of the worlds; Most Gracious, Most Merciful; Master of the Day of Judgment. Thee do we worship, and Thine aid we seek. Show us the straight way, the way of those on whom Thou hast bestowed Thy Grace, those whose (portion) is not wrath, and who go not astray." Consequently, upon seeing his name, it would be reasonable for a person to conclude that he was a Muslim.

2. **Reliance of the Traveller as reference for shariah.** The opinions in this testimony will rely on *Reliance of the Traveller: A Classic Manual of Islamic Sacred Law (Reliance)* with commentary and translation by Nuh Ha Mim Keller as that main source of reference for shariah – or Islamic law. There are practical reasons for doing so. Not only is *Reliance* ubiquitously available in Islamic bookstores associated with CAIR and associated Muslim Brotherhood entities, one of its authenticating authorities, Dr. Taha Jabir al-'Alwani, certified it not only on behalf of the Fiqh Academy at Jedda (Saudi Arabia and the OIC), but also as President of both the International Institute of Islamic Thought (IIIT) and the Fiqh Council of North America (FCNA). As will be discussed in greater detail later, both the IIIT and FCNA were identified in the Explanatory Memorandum as elements of the Muslim Brotherhood in America. Called the ISNA Fiqh Committee then, FCNA remains a subordinate entity of ISNA. As will also be explained later in this testimony, CAIR is associated with the Muslim Brotherhood in America. Another certification authority for *Reliance* is Al-Azhar, the pre-eminent center of Islamic thought and learning in the Muslim world. For this reason, when relying on *Reliance* for a given point of Islamic law, one can not only reasonably assume that its statements on shariah are valid in a general sense, but also that they reflect the characterizations of shariah known to be acceptable to the Muslim Brotherhood in North America, including CAIR. Because Mr. Fatihah is a board member of a CAIR organization, it is reasonable to conclude that he is in accord with the basic doctrines of shariah as stated in *Reliance*.

#### **Part I – Mr. Fatihah's Secretly Recorded Declarations at the Gun Range on October 23, 2015**

3. On the morning of October 23, 2015, Mr. Fatihah entered the shop associated with the Gun Range with a concealed recording device. When Mr. Fatihah entered the Gun Range shop, it had been raining (this was an outdoor range); he was dressed in military style clothing; he had a military-style rifle slung over his shoulder; he was carrying a loaded handgun (a Beretta 9mm, which is the handgun issued to the military) with a round in the chamber; and he had fully loaded magazines for his rifle and his handgun. Also, the Neals had received threats from individuals who opposed the posting of their "Muslim-Free" sign on their business. The Neals posted the sign following the Islamic terrorist attack in Chattanooga, Tennessee in 2016.

4. It is in this context that Mr. Fatihah made the unsolicited declaration that "I am a Muslim, I follow shariah." From the Recording, the exchange between Mr. Fatihah and the Neal continues:

- **Mr. Fatihah:** Well, I follow shariah law. Shariah law applies to Muslims. My following Shariah law doesn't impact you in any [way] at all.

- **Mr. Neal:** . . . Your religion, which is shariah law, which says kill the infidel, lie to the infidel, I mean, you can't tell me it's not, because I read it in the Qur'an.
- **Mr. Fatihah:** The Qur'an does not say to kill the infidel.
- **Mr. Neal:** Yes, it does.
- **Mr. Fatihah:** That's false on its face, I mean -
- **Mr. Neal:** How can it be false when its written in the Qur'an
- **Mr. Fatihah:** Show me.
- **Mr. Neal:** I don't have to show you it's written in the Qur'an.
- **Mrs. Neal:** They actually have verses . . . I do have verses.
- **Mr. Fatihah:** I'm sure you have verses, that there are a handful of verses but of course you have to remove them in their context. You can quote anything. Have you, I'm sure these are, you know, if you Google, you know, Islam/terrorism you come up with some verses but are you bothered reading them correctly to see what it's all about? [continues after brief interjection from male owner] There's far more, I mean the Qur'an and the Bible are almost, you know, they're one their almost of the same mind. There is so much more similarity that's in them than the few differences. I know the Qur'an, I know the verses that people like to point to I know the context of those verses, within the Qur'an and also their historical context. And I know I was born and raised here in the United States. I'm a service member. I'm a Muslim. And I know thousands of Muslims; I've been to mosques all over the country and I've never encountered anyone who talks about that - killing the infidel or forcing anyone to convert, or trying to make everyone follow shariah. Shariah is for Muslims only. Shariah is just our religious law, the guidelines we have to live by in accordance with our [inaudible] . . . quite explicit . . . compulsion. If you want an indication of what happens under shariah, if you look at Hindus, these people were under Muslim rule for centuries. If shariah was intended to have people killed everyone who was not Muslim, there would be no Hindus. There's over a billion of them and when they lived under Islamic rule there weren't that many of them. So, if Shariah says kill everybody that's not like me, then, you know, why do Hindus even exist today? One and a half billion Muslims in the world, if this was really about just killing everybody then, I mean, things would really a lot uglier than they are.

**In his declaration to the Neals, Mr. Fatihah states that he is a shariah compliant Muslim; that shariah is strictly religious law and that it does not apply to non-Muslims.**

6. Groups like al-Qaeda and the Muslim Brotherhood openly state that they fight jihad according to shariah, or Islamic law, in order to establish shariah. Thus, there is a direct connection between violent jihad and adherence to shariah. From al-Qaeda:

- Muslims, and especially those learned among them, should spread *Shari'a* law to the world—that and nothing else. Not laws under the “umbrella of justice, morality, and rights” as understood by the masses. No, the *Shari'a* of Islam is the foundation . . . In fact, Muslims are obligated to raid the lands of the infidels, occupy them, and exchange their system of governance for an Islamic system, barring any practice that contradicts *Shari'a* from being publicly voiced among the people, as was the case in the dawn of Islam . . . They say that our *Shari'a* does not impose our particular beliefs upon others; this is a false assertion. For it is, in fact, part of our religion to impose our particular beliefs upon others . . . Thus whoever refuses the principle of terror[ism] against the enemy also refuses the commandment of Allah the Exalted, the Most High, and His *Shari'a*. (Osama bin Laden 2002)
- And we also stress to honest Muslims that, in the midst of such momentous events and in this heated atmosphere, they must move, incite, and mobilize the Muslim *umma* to liberate itself from being enthralled to these unjust and apostate ruling regimes, who themselves are enslaved to America, and to establish the *Shari'a* of Allah on earth. (Osama bin Laden 2002)

7. From the International Muslim Brotherhood, with its bylaws in Egypt:

- The Muslim Brotherhood is an international Muslim Body, which seeks to establish Allah's law in the land by achieving the spiritual goals of Islam and the true religion
- E—The need to work on establishing the Islamic State . . . Defend the (Islamic) nation against the internal enemies . . . (Bylaws of the International Muslim Brotherhood)

8. Muslim Brotherhood-linked groups in America are dedicated to installing shariah as the law of the land worldwide, culminating in an “Islamic state” or Caliphate (so named because it is governed by Islamic law). As stated in the American Muslim Brotherhood's 1991 *Explanatory Memorandum*,

- The general strategic goal of the Group in America . . . is the “Enablement of Islam in North America, meaning: establishing an effective and stable Islamic Movement led by the Muslim Brotherhood which adopts Muslims' causes domestically and globally, and which works to expand the observant Muslim base, aims at unifying and directing Muslims' efforts, presents a civilization alternative, and supports the global Islamic State wherever it is.” (Explanatory Memorandum: On the General Strategic Goal for the Group)

9. **In his statements to the Neals, Mr. Fatihah states that shariah is strictly religious. What is shariah? Is it strictly religious as Mr. Fatihah contends?** In most books concerning Islam written by Muslims for a Muslim audience, one is likely to find the syllogism that “Islam is not just a religion but a complete way of life governed by Islamic law which comes from Allah who is alone sovereign.” As stated, Islam is a juridical religion predicated on Islamic law that codifies all aspects of life including all aspects of what the West considers to be secular law in ways that fully invert Western notions of Church and State. Pakistani Islamic law Professor Imran Ahsan Khan Nyazee, for example, in his *Theories of Islamic Law: Methodology of Ijtihad*, states that “Islam, it is generally acknowledged, is a ‘complete way of life’ and at the core of this code is the law of Islam.” He goes on to explain this point in a way that makes clear that Islamic law is understood to be the law of the land:

- Islam, it is generally acknowledged, is a “complete way of life” and at the core of this code is the law of Islam. This implies that a Muslim, through his submission to Islam, not only accepts the unity of Allah, the truth of the mission of Muhammad, but also agrees through a contract (*bay’ah*) with the Muslim community that his life be regulated in accordance with the *ahkam* of Allah, and in accordance with these *ahkam* alone. No other sovereign or authority is acceptable to the Muslim, unless it guarantees the application of these laws in their entirety. Any other legal system, howsoever attractive it may appear on the surface, is alien for Muslims and is not likely to succeed in the solution of their problems; it would be doomed from the start. ... A comprehensive application of these laws, which flow directly or indirectly from the decrees (*ahkam*) of Allah, would mean that they should regulate every area of life, from politics to private transactions, from criminal justice to the laws of traffic, from ritual to international law, and from the laws of taxation and finance to embezzlement and white collar crimes. (Nyazee, *Theories of Islamic Law: Methodology of Ijtihad*, 50)

10. The American Imam of “Ground Zero Mosque” fame, Imam Feisal Abdul Rauf, concurs with the Pakistani professor’s understanding of shariah. For example, in his monograph, *Islam: A Sacred Law: What Every Muslim Should Know about Shariah*, published in the United States, Imam Rauf stated that:

- But justice and equity, and the concepts of right and wrong, can only be an extension of an attachment to God and abiding by His dictates. And since a *Shari’ah* is understood as a law with God at its center, it is not possible in principle to limit the *Shari’ah* to some aspect of human life and leave out others. ...
- And in reading a typical compendium on Islamic law, you will notice that, having discussed the list of credal (*sic*) and specifically religious ritual topics given above, it goes on to deal with family or personal law (i.e., marriage, divorce, paternity, guardianship and succession and inheritance), then with the law of contracts, or civil wrongs and criminal law; followed by the law of evidence and procedure, and with a multitude of other subjects, to a degree of detail that it covers even the rules of social etiquette, called *adab*. Even “Emily Post” issues are under the umbrella of the *Shari’ah*. The *Shari’ah* thus covers every field of law – public and private, national and international – together with enormous amounts of material that Westerners would not regard as law at all, because the basis of *Shari’ah* is the worship and obedience to, God through good works and moral behavior. Following the Sacred Law thus defines the Muslim’s belief in God. (Rauf, *Islam: A Sacred Law: What Every Muslim Should Know about Shariah*, 58)

**11. As these two representative examples of shariah indicate, Mr. Fatihah’s assertion that shariah is simply religious is inaccurate.**

**12. Does shariah apply only to Muslims as Mr. Fatihah states?** As suggested by the examples provided above, notwithstanding Mr. Fatihah’s claim that shariah does not apply to non-Muslims, it can be shown that serious voices inside Islam seek to exercise Islamic authority over non-Muslim populations through the imposition of shariah.

**13.** When speaking of shariah, it is understood that it extends beyond the theological, what the West might classify as Islamic “canon” law, as it includes the law of the land. Thus, restating what shariah law professor Nyazee said above:

- This implies that a Muslim through his submission to Islam not only accepts the unity of Allah, the truth of the mission of Muhammad, but also agrees through a contract (*bay'ah*) with the Muslim community that his life be regulated in accordance with the *ahkam* of Allah, and in accordance with these *ahkam* alone. No other sovereign or authority is acceptable to the Muslim, unless it guarantees the application of these laws in their entirety. (Nyazee, *Theories of Islamic Law: Methodology of Ijtihad*, 50)

14. Hence, all Muslims are required to follow shariah as expressed in the legal rulings of recognized Islamic authorities. There appears to be no recognized form of shariah that does not obligate Muslims to fully conform his/her life and culture to shariah. Arguments to the contrary should not be accepted at face value but should be resolved by means of a factual inquiry. The direct subordination of the law of the land to shariah is reflected in the national constitutions of many Islamic countries, including the constitutions the United States Government had oversight in drafting for both Afghanistan and Iraq. For example, Article 2 of the Iraqi Constitution states that "Islam is the official religion of the State and it is a fundamental source of legislation: A. No law that contradicts the established provisions of Islam may be established." The Constitution of Afghanistan makes the association with Islam as well in Article 2 [Religions] where it states "(1) The religion of the state of the Islamic Republic of Afghanistan is the sacred religion of Islam (2) Followers of other religions are free to exercise their faith and perform their religious rites within the limits of the provisions of law." Hence, not only is Islam understood to be a complete way of life, but the U.S. Government actually oversaw the production of constitutions in two countries that gave immediate substance to such claims – to the detriment of the democratic principles we fought to inculcate.

#### 15. There is a Quranic basis for application of shariah to non-Muslims.

- *It is He who hath sent His Messenger with Guidance and the Religion of Truth, to prevail it over all religion, even though the Pagans may detest it. (Qur'an 9:33)*
- *It is He Who has sent His Messenger with Guidance and the Religion of Truth, to prevail it over all religion: and enough is Allah for a Witness. (Qur'an 48:28)*
- *Their intention is to extinguish Allah's Light by blowing with their mouths: but Allah will complete the revelation of His light, even though unbelievers may detest it. It is He who has sent His Messenger with Guidance and the Religion of Truth, that he may proclaim it over all religion, even though the Pagans may detest it. (Qur'an 61:8-9)*

#### Shariah as the law of the land is even taught that way to American Muslim students today

16. This concept of the sovereign status of Islamic law is taught at the grade school level. So fundamental is the role of Islamic law to understanding Islam, it is taught at the seventh grade level to American Muslim students. For example, in Yahya Emerick's *What Islam is All About* he states, on page 376, that "to begin with, the law of the land is the Shariah of Allah." This book was also used for instruction in at least one Michigan public school district. While that part of Islam that is represented by the "just a religion" part of the syllogism brings into play First Amendment issues, the part that claims to be "the complete way of life governed by Islamic law" raises genuine Article VI issues ("This Constitution ... shall be the supreme law of the land").

17. In a textbox titled “The Basic Islamic Government,” Emerick states that shariah requires three branches of government:

- **Judicial Branch**
  - **Title:** Qadi System
- **Executive Branch**
  - **Title:** Khalifa and Amir ul Mu’mineen
- **Representative Branch**
  - **Title:** Majlis ash Shura

18. In an associated textbox on the next page, Emerick relies on hadith to instruct American Muslim youth that they do not have to follow political leaders and authorities in the United States who do not follow shariah:

- Once the Prophet was asked by Mu’adth, “What should we do with the orders of an Amir who does not follow your Sunnah or stick to your orders? The Prophet replied, “There is no obedience to one who does not obey Allah.” (Ahmad) (Yahiya Emerick, *What Islam is All About*, 377-378)

19. In the section “Islam and Politics,” Emerick further instructs American Muslim youth that shariah is the law of the land:

- **Muslims know that Allah is the Supreme Being in the universe; therefore His laws and commandments must form the basis of all human affairs.**
- In an Islamic political system, the leader of the community, the **Khalifa**, is the head of the whole Ummah, not just one country or another.
- Next, the Muslim will have a judicial system in which highly educated judges, known as **Qadis**, will administer justice. Scholars of Fiqh and Shari’ah assist in the application of the law.
- **The basis of the legal and political system is the Shari’ah of Allah.** Its main sources are the Qur’an and Sunnah. While the shura is free to make earthly laws for everyday life, there will be certain things that are eternal Islamic principles that must remain unchanged.
- **The duty of Muslim citizens is to be loyal to the Islamic State**, to live as good Muslims, to approve of good and oppose wrong-doing and to answer the call of their leader if he needs them. (4:59) The Blessed Prophet said, “A Muslim must hear and obey, both in what he likes and in what he dislikes, so long as he is not commanded to perform an act of disobedience to Allah, in which case he must neither hear nor obey.” (Bukhari & Muslim)
- The best example to follow is that of the Messenger of Allah and the Sahaba and those righteous people throughout Muslim history who followed Islam sincerely. (Yahiya Emerick, *What Islam is All About*, 381-382)

- Within the text on the Bible, Emerick included subscript references to Verses 4:59 of the Qur'an:
  - O ye who believe! Obey Allah, and obey the Messenger, and those charged with authority among you. If ye differ in anything among yourselves, refer it to Allah and His Messenger, if ye do believe in Allah and the Last Day: That is best, and most suitable for final determination. (Qur'an 4:59)

20. Anticipating the concept of abrogation, Emerick concludes the section "Islam and Politics" by stating that in order to establish the Islamic State, the Muslim community must build its power to take action:

- The Blessed Prophet once said that when we see a wrong being committed, we must try to change it with our own hands. If we can't do that then we must at least speak out against it. But if we can't do that, then we should at least feel bad about it in our hearts. The Prophet then added that the third option was the weakest level of Eman (faith).
- If we want to establish a real Islamic state based on justice and equality for all people, then we must first build our Eman to the level of being so motivated that we have no choice but to take action.

21. As part of this instruction, *What Islam is All About* teaches that jihad is one of the three duties of Islam.

- The three duties are extra things which Muslims do based on commandments of Allah in the Qur'an. They are: 1) *Da'wah*, (Calling others to Islam) 2) *Jihad* (Striving in Allah's Cause) and finally 3), *Encouraging the good while forbidding the wrong*.<sup>(3:110)</sup> We will be exploring each of these aspects of Islam in coming lessons. (See 9:122)
  - Within the text on the Bible, Emerick included subscript references to verses of the Qur'an, 3:110 and 9:122. They are:
    - Ye are the best of peoples, evolved for mankind, enjoining what is right, forbidding what is wrong, and believing in Allah. If only the People of the Book had faith, it were best for them: among them are some who have faith, but most of them are perverted transgressors. (Qur'an 3:110)
    - Nor should the Believers all go forth together: if a contingent from every expedition remained behind, they could devote themselves to studies in religion, and admonish the people when they return to them,- that thus they (may learn) to guard themselves (against evil). (Qur'an 9:122)

**22. Mr. Fatihah's claim that that shariah is only religious law that does not apply to non-Muslims is not only contradicted by shariah and the Qur'an, but also by Islamic instructional materials for Muslim youth in America.**

**23. Does shariah say, “kill the infidel” as Mr. Neal stated or is that an erroneous statement as Mr. Fatihah insists?**

The mechanism for spreading shariah is dawah and jihad. This may take many forms, from outright warfare to economic, political or cultural subversion. As Qur'an Verse 9:29 declares, Muslims are commanded to fight against the “People of the Book,” Jews and Christians, until they submit and feel themselves subdued. This necessarily involves a denial of rights to non-Muslims in Islamic societies – as a divine mandate codified into the permanent body of Sacred Islamic law. As it relates to the United States, it also means a subversion of the Constitution that results in the loss of rights to non-Muslim Americans. Shariah inculcates hostility and discrimination against non-Muslims, including Jews and Christians, who do not accept the Qur'an as the “uncreated word of Allah” and Muhammad as a prophet. For example, from Majid Khadduri's *War and Peace in the Law of Islam*, he states on pages 63-64 that “it follows that the existence of the *dar al-harb* (the world of the infidel and war) is ultimately outlawed under the Islamic jural order; that *dar al-Islam* (the world of Islam and peace) is permanently under jihad obligation until the *dar al-harb* is reduced to non-existence ...” The Qur'an provides weight to this notion of a permanent mandate to fight jihad in Verse 8:39, where Allah commands jihad be waged “until all opposition ends and all submit to Allah.”

24. This understanding is reflected in shariah. For example, *Reliance of the Traveller*, Book 0 “Justice,” Section 9 concerns jihad as defined in Islamic law. At the very beginning of the discussion on jihad, *Reliance* states that:

- Jihad means to wage war against non-Muslims and it is etymologically derived from the word *mujahada* signifying war to establish the religion. And it is the lesser jihad. (*Reliance*, 09.0)

**25. Is the duty of jihad reflected in the Qur'an? Waging Jihad, Killing from the Qur'an:**

- *But when the forbidden months are past, then fight and slay the pagans wherever ye find them, and seize them and beleaguer them, and lie in wait for them in every stratagem of war; but if they repent, and establish regular prayers and practice regular charity, then open the way for them. (Qur'an 9:5)*
- *Those who believe, and suffer exile and strive with might and main, in Allah's cause, with their goods and their persons, have the highest rank in the sight of Allah: They are the people who will achieve salvation. (Qur'an 9:20)*
- *Fight those who do not believe in Allah nor the Last Day, nor hold that forbidden which hath been forbidden by Allah and His Messenger, nor acknowledge the Religion of Truth from among the People of the Book, until they pay the jizyah with willing submission, and feel themselves subdued. (Qur'an 9:29)*
- *O Prophet! Strive hard against the Unbelievers and the Hypocrites, and be firm against them. Their abode is Hell – an evil refuge indeed. (Qur'an 9:73 & 66:9)*
- *And fight them on until there is no more tumult or oppression, and there prevails justice and faith in Allah altogether and everywhere; but if they cease, verily Allah doth see all that they do. (Qur'an 8:39)*
- *That, and also because Allah is He who makes feeble the plans and stratagems of the unbelievers. (Qur'an 8:18)*

- *Those who believe fight in the cause of Allah, and those who reject faith fight in the cause of Evil: So fight ye against the friends of Satan: feeble indeed is the cunning of Satan. (Qur'an 4:76)*
- *When at length the order of fighting was issued to them, behold! A section of them feared men as – or even more than – they should have feared Allah: They said: "Our Lord! Why hast Thou ordered us to fight? Wouldst Thou not grant us respite to our natural term, near enough?" Say: "Short is the enjoyment of this world: The Hereafter is the best for those who do right; never will ye be dealt with unjustly in the very least! (Qur'an 4:77)*
- *It may be that Allah will restrain the fury of the unbelievers, for Allah is the strongest in might and punishment. (Qur'an 4:84)*
- *Only those are Believers who have believed in Allah and His Messenger, and have never since doubted, but have striven with their belongings and their persons in the Cause of Allah: Such are the sincere ones. (Qur'an 49:15)*
- *And Allah turned back the unbelievers for all their fury. No advantage did they gain, ... (Qur'an 33:25)*
- *So do not be fainthearted and call for peace, when it is you who are the uppermost. (Qur'an 47:35).*
- *Fighting is prescribed for you, and ye dislike it. But it is possible that ye dislike a thing which is good for you, and that ye love a thing which is bad for you. But Allah knoweth, and ye know not. (Qur'an 2:216)*

**26. Is it in the Hadith?** Waging Jihad, Killing from the Sacred Hadith – the teachings of the Prophet. The following reflect statements or acts attributed to Muhammad from authoritative hadith, primarily from Bukhari, the most authoritative hadith collector in Islam - whose collection is considered second only to the Qur'an in authority. From the Hadith:

- *Mohammad said, "Nobody who enters Paradise likes to go back to the world even if he got everything on the earth, except a Mujahid [one who fights in Jihad] who wishes to return to the world so that he may be martyred ten times because of the dignity he receives (from Allah). (Bukhari 4:53)*
- *Muhammad said, "... Allah guarantees that He will admit the Mujahid [one who fights in Jihad] in His cause into Paradise if he is killed, otherwise He will return him to his home safely with rewards and war booty." (Bukhari 4:96)*
- *Muhammad said, "He who prepares a ghazi [a warrior returning from participating in Jihad] going in Allah's cause is given a reward equal to that of a ghazi; and he who looks after properly the dependents of a ghazi going in Allah's cause is given a reward equal to that of a ghazi." (Bukhari 4:96)*

- Al-Mughira bin Shu'ba said, "Our Prophet told us about the message of our Lord that "... whoever amongst us is killed will go to Paradise." Umar asked the Prophet, "Is it not true that our men who are killed will go to Paradise and their's (i.e. those of the pagan's) will go to the hell fire?" The Prophet said, "Yes." (Bukhari 4:72-B)
- Muhammad said, "Allah welcomes two men with a smile. One of whom kills the other and both of them enter Paradise. One fights in Allah's cause and gets killed. Later on Allah forgives the killer (i.e. he embraces Islam) who also get martyred in Allah's cause." (Bukhari 4:80)
- Mohammad said, "I have been ordered to fight with the people till they say, 'None has the right to be worshiped but Allah,' and whoever says, 'None has the right to be worshiped by Allah,' his life and property will be saved by me except for Islamic law, and his accounts will be with Allah (either to punish him or to forgive him.)" (Bukhari 4:196)
- Muhammad said, "Know that Paradise is under the shades of swords." (Bukhari 4:73)
- Umair said, "Um Haram informed us that she heard the Prophet saying, 'Paradise is granted to the first batch of my followers who will undertake a naval expedition.' Um Haram added, 'I said, O Allah's Apostle! Will I be amongst them?' He replied, 'You are amongst them.' The Prophet then said, 'The first army amongst my followers who will invade Caesar's city will be forgiven their sins.' I asked, 'Will I be one of them, O Allah's Apostle?' He replied in the negative." (Bukhari 4:175)
- Muhammad said, "The hour will not be established until you fight with the Turks; people with small eyes, red faces, and flat noses. Their faces will look like shields coated with leather. The hour will not be established till you fight with people whose shoes are made of hair." (Bukhari 4:179)
- Ali said, "When it was the day of the battle of Al-Ahzab (i.e. the clans), Allah's Apostle said, 'O Allah! Fill their (i.e. the infidels') houses and graves with fire as they busied us so much that we did not perform the prayer (i.e. 'Asr) till the sun had set.'"
- Anas said, "Whenever Allah's Apostle attacked some people, he would never attack them till it was dawn. If he heard the adhan (i.e. call for prayer) he would delay the fight, and if he did not hear the adhan, he would attack them immediately after dawn." (Bukhari 4:182)
- Anas said, "The Prophet set out for Khaibar [a Jewish village attacked and subjugated in 628] and reached it at night. He used not to attack if he reached the people at night, till the day broke. So, when the day dawned, the Jews came out with their bags and spades. When they saw the Prophet they said, 'Muhammad and his army!' The Prophet said, 'Allahu-Akbar! (Allah is Greater) and Khaibar is ruined, for whenever we approach a nation (i.e. enemy to fight) then it will be a miserable morning for those who have been warned.'" (Bukhari 4:195)

- Abu Huraira said, "Allah's Apostle sent us in a mission (i.e. an army-unit) and said, 'If you find so-and-so and so-and-so, ... kill them.'" (Bukhari 4:259)
- Anas bin Malik said, "A group of eight men from the tribe of Ukil came to the Prophet [i.e. they became Muslims and began to live in Medina with the Muslims] ... Then they killed the shepherd and ... became unbelievers after they were Muslims. When the Prophet was informed by a shouter for help, he sent some men in their pursuit, and before the sun rose high, they were brought and he had their hands and feet cut off. Then he ordered for nails which were heated and passed over their eyes, and they were left in the Harra (i.e. rocky land in Medina). They asked for water, and nobody provided them with water till they died." (Bukhari 4:261)
- Al-Bara bin Azib said, "Allah's Apostle sent a group of Ansari men to kill Abu-Rafi'. One of them set out and entered their (i.e. the enemies') fort. That man said, 'I hid myself ... and came upon Abu Rafi' and said, "O Abu Rafi'." When he replied me, I proceeded towards the voice and hit him. He shouted and I came out to come back, pretending to be a helper. I said, "O Abu Rafi'," changing the tone of my voice ... I asked him, "What happened to you?" He said, "I don't know who came to me and hit me." Then I drove my sword into his belly and pushed it forcibly till it touched the bone. Then I came out, filled with puzzlement and went towards a ladder of theirs in order to get down but I fell down and sprained my foot. I came to my companions and said, "I will not leave till I hear the wailing of the women." So, I did not leave till I heard the women bewailing Abu Rafi', the merchant of Hijaz. Then I got up, feeling no ailment, and we proceeded till we came upon the Prophet and informed him." (Bukhari 4:264)
- Jabir bin Abdullah said, "The Prophet said, 'Who is ready to kill Ka'b bin Al-Ashraf who has really hurt Allah and His Apostle.'" (Bukhari 4:270)
- Anas bin Malik said, "Allah's Messenger entered (Mecca) in the year of the conquest of Mecca wearing a helmet over his head. After he took it off, a man came and said, 'Ibn Khatal [a pagan opponent] is clinging to the curtains of the Ka'ba.' The Prophet said, 'Kill him.'" (Bukhari 4:280b)
- The Prophet was asked: "O Rasulullaah! What deed could be an equivalent of Jihad in the path of Allaah?" He answered: "You do not have the strength to do that deed." The narrator said: They repeated the question twice or thrice. Every time he answered: "You do not have the strength to do it." When the question was asked for the third time, he said: "One who goes out for Jihad is like a person who keeps fasts, stands in prayer (constantly), (obeying) Allah's (behests contained in) the Aayah (of the Qur'an), and does not exhibit any lassitude in fasting and praying until the Mujahid returns from Jihad in the path of Allaah." (Muslim 4636)
- "Guide me to such a deed as equals Jihad (in reward)." He replied, "I do not find such a deed." Then he added, "Can you, while the Mujahid has gone for Jihad, enter your mosque to perform Salat without cease and observe Saum without breaking it?" The man said, "But who can do that?" (Bukhari 4:44)

- A man came to Muhammad and said, "Instruct me as to such a deed as equals Jihad in reward." He replied, "I do not find such a deed." (Bukhari 4:44-B)
- A woman once came to the Prophet and asked: "O Rasulullaah! My husband has departed for war and usually if he prays I follow him in his Salat and I follow him in all his acts of worship. Because of that inform me of an act which can equal his until he returns." He said to her: "Are you able to stand without sitting, perform Saum without breaking it and Dhikr until your husband returns?" She replied: "I am not strong enough, o Rasulullaah." So he said to her: "By Allaah in whose hand I am, even if you were strong enough it would surely not attain one tenth of your husband's deeds." [Narrated by Hakim in Al Mustadrak 2/73. Sahih Sanad agreed upon by Az Zahabi].
- Muhammad said, "A single endeavour (of fighting) in Allah's cause in the forenoon or in the afternoon is better than the world and whatever is in it." (Bukhari 4:50)
- Muhammad said, "My livelihood is under the shade of my spear, and he who disobeys my orders will be humiliated by paying Jizya." (Bukhari 4:162b)
- Muhammad said, "... I have been made victorious with terror (cast in the hearts of the enemy) ..." (Bukhari 4:220)
- As-Sa'b bin Jaththama said, "The Prophet ... was asked whether it was permissible to attack the pagan warriors at night with the probability of exposing their women and children to danger. The Prophet replied, 'They (i.e. women and children) are from them (i.e. pagans).'
 (Bukhari 4:256)
- Muhammad said, "... Allah guarantees that He will admit the Mujahid [one who fights in Jihad] in His cause into Paradise if he is killed, otherwise He will return him to his home safely with rewards and war booty." (Bukhari 4:46)
- Muhammad said, "The person who participates in (holy battles) in Allah's cause and nothing compels him to do so except belief in Allah and His Apostles, will be recompensed by Allah either with a reward, or booty (if he survives) or will be admitted to Paradise (if he is killed in the battle as a martyr). Had I not found it difficult for my followers, then I would not remain behind any sariya [army unit] going for Jihad and I would have loved to be martyred in Allah's cause and then made alive, and then martyred and then made alive and then again martyred in His cause." (Bukhari 1:35)

**27. There is a rational and doctrinal basis for the Neals' belief that shariah-adherent Muslims are called to engage in violent jihad, which includes killing infidels. This is supported by the Qur'an, sacred hadith, and shariah itself.**

**28. What is the context of the verses of the Qur'an both in terms of the Qur'an itself and historically?**

29. Beyond Mr. Fatihah's suggestion that there is no Quranic basis to jihad as warfare, the following example comes from the Government of Pakistan. Pakistani Brigadier S.K. Malik believed there to be a form of warfare that was mandated by Allah, wrote a monograph titled *Quranic Concept of War in*

1979. Brigadier Malik relied on four verses of the Qur'an to argue the Quranic form of warfare should be based on terror. The four verses are (as used in the Quranic Concept of War):

- Remember thy Lord inspired the angels with the message: "I am with you: give firmness to the Believers: ***I will instill terror into the hearts of the Unbelievers***: smite ye above their necks and smite all their finger-tips off them." (Qur'an 8:12)
- Soon shall ***We cast terror into the hearts of the Unbelievers***, for that they joined companions with Allah, for which He had sent no authority: their abode will be the Fire: And evil is the home of the wrong-doers! (Qur'an 3:151)
- And those of the People of the Book who aided them - **Allah** did take them down from their strongholds and **cast terror into their hearts**. So that some ye slew, and some ye made prisoners. And He made you heirs of their lands, their houses, and their goods, and of a land which ye had not frequented (before). And Allah has power over all things. (Qur'an 33:26-7)
- Let not the unbelievers think that they can get the better of the godly: they will never frustrate them. Against them make ready your strength to the utmost of your power, including steeds of war, **to strike terror into the hearts of the enemies**, of Allah and your enemies, and others besides, whom ye may not know, but whom Allah doth know. Whatever ye shall spend in the cause of Allah, shall be repaid unto you, and ye shall not be treated unjustly. (Qur'an 8:59-60)

30. As Brigadier Malik understands it, Islamic war comes from Allah as mandated in the Qur'an; it involves terror, begins at the preparation stage, and believes that terror is not just a means but a desired end state of Islamic warfare:

- In Islam, a war is fought for the cause of Allah. A Muslim's cause of war is just, noble, righteous and humanitarian. A victory in Islam is a victory for the cause of Islam. (Brigadier S.K. Malik, Quranic Concept of War, 50)
- The Quranic strategy comes into play from the **preparation stage**, and aims at imposing a direct decision upon the enemy. Other things remaining the same, our preparation for war is the true index of our performance during war. We must aim at creating a wholesome respect for our Cause and our will and determination to attain it, in the minds of the enemies, well before facing them on the field of battle. So spirited, zealous, complete and thorough should be our preparation for war that we should enter upon the 'war of muscles' having already won the 'war of will'. Only a strategy that aims at **striking terror into the hearts of the enemies** from the preparation stage can produce direct results and turn Liddell Hart's dream into a reality. (Brigadier S.K. Malik, Quranic Concept of War, 58)
- Terror struck into the hearts of the enemies is not only a means; it is an end in itself. Once a condition of terror into the opponent's heart is obtained, hardly anything is left to be achieved. It is the point where the means and the end meet and merge. Terror is not a means of imposing decision upon the enemy; it is the decision we wish to impose upon him. Psychological and physical dislocation is, at best, a mean, though, by no means, conclusive for striking terror into the hearts of the enemies. Its

effects are related to the physical and spiritual stamina of the opponent but are seldom of a permanent and lasting nature. An army that practices the Quranic philosophy of war in its totality is immune to psychological pressures. When Liddell Hart talks of imposing a direct decision upon the enemy through psychological dislocation alone, he is taking too much for granted. (Brigadier S.K. Malik, *Quranic Concept of War*, 59-60)

31. Brigadier S.K. Malik's monograph was endorsed by then Chief of Staff of the Pakistani Army, Zia ul-Haq. General ul-Haq became the head of state and declared Pakistan an Islamic Republic. If the Government of Pakistan can formally entertain such an understanding of the nature of Islamic warfare, it is certainly not unreasonable for non-Muslims (who are, after all, the intended objects of such warfare) to likewise entertain such Quranic notions of warfare.

32. The Indians publish Pakistani Brigadier S.K. Malik's *Quranic Concept of War* because it has doctrinal status within the Pakistani government. Indian officials have noted that copies of *Quranic Concept of War* are routinely found in the possession of jihadi attackers in Kashmir. It is also in this context that the Mr. Fatihah's comments to the Neals on the status of Hindus as a historic evidence of Islamic tolerance of non-Muslim populations is relevant. India is the near object of Pakistan's *Quranic Concept of War*. India is a majority Hindu country.

33. Mr. Fatihah asserts, in his Statement of Facts No. 35 of the July 19, 2016 "Plaintiff's First Amended Complaint for Injunctive Relief and Supplemental Tort Relief" that "Fatihah does not adhere to any religion requiring, encouraging, or even allowing the murder of a fellow human being." As the above stated references to the Qur'an, hadith, shariah and a contemporary state actor's doctrinal position on jihad attest, there are firm doctrinal, historical and political bases on which to contest Fatihah's claim.

34. Leaving aside all of the other surrounding circumstances, when Mr. Fatihah entered the Gun Range store on October 23, 2015, with a rifle slung and while also armed with a handgun demanding to shoot and then declaring "I am a Muslim" and then further elaborating that he is a shariah-adherent Muslim, the Neals had ample reason and justification to be concerned enough to delay Mr. Fatihah's membership application, and hence usage of the firing range, until a background check could be undertaken.

35. Before moving on, in Mr. Fatihah's statements to the Neals at the Gun Range, as noted, he made tangential comments on the historic tolerance of Islam based on the current existence of Hindus in India. Aside from Pakistani Brigadier S.K. Malik's view of the Quranic concept of war, directed primarily at India, Mr. Fatihah's observations on Islam's historic tolerance of Hindus should be further challenged.

36. On Mr. Fatihah's comments on the status of Hindus as a measure of historic Islamic tolerance. Indian scholar K.S. Lal undertook a rigorous analysis of Indian demographics from the period between 1000 and 1525, from Mahud of Ghanzi through the end of the Delhi Sultanate. In this period, Lal estimates that the number of Hindus who perished as a result of Islamic campaigns was approximately 80 million. In *Defending the West*, Pakistani scholar Ibn Warraq explains that prominent Muslim leaders of the time were celebrated in Muslim chronicles as "killers of lakhs of Hindus" where a lakh equals 100,000 dead. Warraq further suggests that the status of Hindus in

India today can in large part be attributed to British intervention. (Ibn Warraq, *Defending the West*, 229-30) Additionally:

- The *Hindu American Foundation* chronicles the “perilous status of Hindus in Bangladesh” when publishing article like “Genocide and Ethnic Cleansing of Hindus from Bangladesh” as recently as August 24, 2016.
- The *Hudson Institute* covers the ethnic cleansing of Hindus (and others) from Pakistan upon the 1947 partitioning in “Cleansing Pakistan of Minorities,” July 31, 2013.
- *The Times of India*, in “A Tale of Two Ethnic Cleansings in Kashmir” written January 18, 2015 the recent ethnic cleansing of 400,000 Kashmir Pandits.

**37. Islam and Hindus today.** In 2008, the Indian Mujahideen in the Land of the Hind issued a fatwa to Indian television stations in India titled “*The Rise of Jihad, the Revenge of Gujarat*,” declaring jihad against the Hindu population:

- Remember, O you Gujarati Hindus! O you filthy, shameless and foul creatures! O you Gujarati Hindus, most immoral and the most gutless cowards! Remember whom you have fought against! You have fought against the inheritors of a Messenger of Allah, of a Prophet of Allah whose terror was cast on the enemy from a distance of a month’s journey.
- You have fought against the warriors who love death more than you love life, who fight for a cause that makes them enter a never-ending Paradise, who fight for an absolute purpose – the purpose of making Islam superior over all religions.
- Wait only five minutes from now! Wait for the *Mujahideen* and *Fidayeen* of Islam and stop them if you can – who will make you feel the terror of *Jihad*. Feel the havoc cast into your hearts by Allah, the Almighty, face His Dreadful Punishment, and suffer the results of fighting the Muslims and the *Mujahideen*. Await the anguish, agony, sorrow and pain. Await, only 5 minutes, to feel the fear of death.
- (*The Rise of Jihad, the Revenge of Gujarat*, Indian Mujahideen in the Land of the Hind, July 2008, 6, 7)

**38. Mr. Neal stated that the Qur’an calls for lying to non-Muslims. Does shariah say, “Lie to the infidel”? Is it in the Qur’an?**

39. The Qur’an provides a basis for the duty to misrepresent. For example, the phrase from Verse 3:28 “unless you indeed fear a danger from them” is explained by Ibn Kathir to mean that “believers are allowed to show friendship outwardly, but never inwardly” to disbelievers. Ibn Kathir further clarified the verse by referring to Bukhari: “We smile in the face of some people although our hearts curse them.” Ibn Kathir wrote *Tafsir Ibn Kathir*, an authoritative commentary on all the verses of the Qur’an. *Tafsir Ibn Kathir* can be cited as authority in Islamic legal treatments. (*Tafsir Ibn Kathir*, Vol 2, 141)

40. Shariah mandates practices that favor Muslims over non-Muslims – even to the point of misrepresentation. For example, from the *Reliance of the Traveller*, at Book R “Holding Ones Tongue,” Section r8.0 “Lying” it states that “this is an explicit statement that lying is sometimes permissible for a given interest ... When it is possible to achieve such an aim by lying but not by telling the truth, is it permissible to lie if attaining the goal is permissible ... and obligatory to lie if the goal is obligatory.” Section r10.3 likewise holds that (Shari’ah) “scholars say that there is no harm in giving a misleading impression if required by an interest countenanced by Sacred Law ...”

- This point becomes specifically relevant in Part II where it is shown that CAIR leaders understand their mission includes misrepresentation to non-Muslim Americans.

**41. There is ample evidence of the duty to lie. While Mr. Neal can find more direct support from hadith and shariah on the duty to lie, he has a rational basis for making this claim.**

**42. Mr. Fatihah stated that the Qur’an and Bible are “almost the same” and that there are “more similarities than differences.” While such statements follow a recognized narrative, it does not conform to actual Islamic instruction as evidenced by teaching materials used to educate Muslim youth on Islam.**

**43. From Yahiya Emerick’s *What Islam is All About*, a 7<sup>th</sup> grade level instructional text on Islam, Muslims are told the following about the Bible in the section aptly titled “What is the Bible?”:**

- The Bible, in fact, is a jumbled-up mixture of many legends, fables, biographies, stories, tribal histories and ancient poems and such. No one who reads it gets the impression it is from Allah. In fact, Christians and Jews readily admit that it was put together by the hands of men long after the time of the Prophets. They even admit it is full of mistakes, contradictions and untrue things! They just ignore those parts and say it doesn’t matter.
- The Bible’s two main parts, the *Old Testament* and the *New Testament* don't even agree with each other on basic teachings. The *Old Testament*, which the Jews say is the only true part, was put together in about the year 100. It is a collection of Jewish writings spanning thousands of years about their tribe, culture and thoughts.
- If you went in the library and took some history books, poems, biographies, anecdotes, philosophy books and fables and tore out sections from each book and then glued them together in one volume, then you would have the *Old Testament* of the Jews. The actual words of authentic Prophets are few and far between. Everything else is the tribal history of one small ethnic group. There is almost nothing of the true ancient revelation inside. (5:12-5:13)
- Various groups of Christians wrote what was later to be called the *New Testament* part of the Bible. It is basically a collection of letters, advice columns, biographies, theological essays, supernatural stories and history which were written about fifty to one hundred years after the time of the Prophet ‘Esa. (6:93) None of those authors thought they were writing “revelations” nor did they know that later people were going to collect their writings in a “holy” book. (Yahiya Emerick, *What Islam is All About*, 79-80)
  - Within the text, Emerick included subscript references to verses of the Qur’an, 5:12-13 and 6:93. They are:

- Allah did aforetime take a covenant from the Children of Israel, and we appointed twelve captains among them. And Allah said: "I am with you: if ye (but) establish regular prayers, practise [sic] regular charity, believe in my messengers, honour and assist them, and loan to Allah a beautiful loan, verily I will wipe out from you your evils, and admit you to gardens with rivers flowing beneath; but if any of you, after this, resisteth faith, he hath truly wandered from the path or rectitude." But because of their breach of their covenant, We cursed them, and made their hearts grow hard; they change the words from their (right) places and forget a good part of the message that was sent them, nor wilt thou cease to find them- barring a few - ever bent on (new) deceits: but forgive them, and overlook (their misdeeds): for Allah loveth those who are kind. (Qur'an 5:12-13)
- Who can be more wicked than one who inventeth a lie against Allah, or saith, "I have received inspiration," when he hath received none, or (again) who saith, "I can reveal the like of what Allah hath revealed"? If thou couldst but see how the wicked (do fare) in the flood of confusion at death! - the angels stretch forth their hands, (saying), "Yield up your souls: this day shall ye receive your reward,- a penalty of shame, for that ye used to tell lies against Allah, and scornfully to reject of His signs!" (Qur'an 6:93)

#### 44. What does the Qur'an say about non-Muslim faiths?

- If anyone desires a religion other than Islam (submission to Allah), never will it be accepted of him; and in the Hereafter He will be in the ranks of those who have lost All spiritual good. (Qur'an 3:85)
  - *Reliance of the Traveler* affirms Verse 3:85 and relies on authoritative hadith (*sahih*) where the Prophet Muhammad stated:
    - By Him in whose hand is the soul of Muhammad, any person of this community, any Jew, or any Christian who hears of me and dies without believing in what I have been sent with will be an inhabitant of hell. ... This is a rigorously authenticated (*sahih*) hadith that was recorded by Muslim.
- O ye who believe! Take not the Jews and the Christians for your friends and protectors: They are but friends and protectors to each other. And he amongst you that turns to them for friendship is of them. Verily Allah guideth not a people unjust. (Qur'an 5:51)
- We took the covenant of the Children of Israel and sent them messengers, every time, there came to them a messenger with what they themselves desired not - some of these they called impostors, and some they go so far as to slay. (Qur'an 5:70)
- They thought there would be no trial or punishment; so they became blind and deaf; yet Allah in mercy turned to them; yet again many of them became blind and deaf. But Allah sees well all that they do. (Qur'an 5:71)

- *They do blaspheme who say: "Allah is Christ the son of Mary." But said Christ: "O Children of Israel! worship Allah, my Lord and your Lord." Whoever joins other gods with Allah, - Allah will forbid him the garden, and the Fire will be his abode. There will for the wrong-doers be no one to help. (Qur'an 5:72)*
- *They do blaspheme who say: Allah is one of three in a Trinity: for there is no god except One Allah. If they desist not from their word of blasphemy, verily a grievous penalty will befall the blasphemers among them. (Qur'an 5:73)*
- *Why turn they not to Allah, and seek His forgiveness? For Allah is Oft-forgiving, Most Merciful. (Qur'an 5:74)*
- *Christ the son of Mary was no more than a messenger; many were the messengers that passed away before him. His mother was a woman of truth. They had both to eat their (daily) food. See how Allah doth make His signs clear to them; yet see in what ways they are deluded away from the truth! (Qur'an 5:75)*
- *Say: "Will ye worship, besides Allah, something which hath no power either to harm or benefit you? But Allah, - He it is that heareth and knoweth all things." (Qur'an 5:76)*
- *Say: "O people of the Book! exceed not in your religion the bounds of what is proper, trespassing beyond the truth, nor follow the vain desires of people who went wrong in times gone by, - who misled many, and strayed themselves from the even way. (Qur'an 5:77)*
- *Curses were pronounced on those among the Children of Israel who rejected Faith, by the tongue of David and of Jesus the son of Mary: because they disobeyed and persisted in excesses. (Qur'an 5:78)*
- *Nor did they usually forbid one another the iniquities which they committed: evil indeed were the deeds which they did. (Qur'an 5:79)*
- *Thou seest many of them turning in friendship to the Unbelievers. Evil indeed are the works which their souls have sent forward before them with the result, that Allah's wrath is on them, and in torment will they abide. (Qur'an 5:80)*
- *If only they had believed in Allah, in the Prophet, and in what hath been revealed to him, never would they have taken them for friends and protectors, but most of them are rebellious wrong-doers. (Qur'an 5:81)*
- *But those who reject Faith and belie our Signs, - they shall be companions of Hell-fire. (Qur'an 5:86)*
- *And behold! Allah will say: "O Jesus the son of Mary! Didst thou say unto men, worship me and my mother as gods in derogation of Allah?" "He will say: "Glory to Thee! Never could I say what I had no right to say. (Qur'an Verse 5:116)*

**45. What does shariah say about other religions?** From the section of *Reliance of the Traveler* titled “Previously Revealed Religions,” Judaism and Christianity have not only been abrogated as a matter of law, but that this is a doctrinal position to which it is apostasy for Muslims to disagree.

- Previously revealed religions were valid in their own eras, as is attested to by many verses in the Holy Koran, but were abrogated by the universal message of Islam, as is equally attested to by many verses of the Koran. Both points are worthy of attention from English-speaking Muslims, who are occasionally exposed to erroneous theories advanced by some teachers and Koran translators affirming these religions’ validity but denying or not mentioning their abrogation, or that it is unbelief (*kufr*) to hold that the remnant cults now bearing the names of formerly valid religions, such as “Christianity” or “Judaism,” are acceptable to Allah Most High after He sent the final Messenger (Allah bless him and give him peace) to the entire world. This is a matter over which there is no disagreement among the scholars

**Part II – The Background Check of Mr. Fatihah Reveals that he was a board member of, and thus directly affiliated with, the Council on American-Islamic Relations (CAIR), a Hamas-linked, Muslim Brotherhood front group with ties to Islamic terrorism, and that he was sympathetic to the Black Panthers.**

**46. Before discussing the specifics of CAIR, it is important to first introduce relevant information from the Holy Land Foundation criminal trial that establishes CAIR’s status as a Muslim Brotherhood and Hamas entity.**

47. In 2008, Federal prosecutors in the *U.S. v Holy Land Foundation* case entered a document into evidence titled *The Explanatory Memorandum: On the General Strategic Goal for the Group* (Explanatory Memorandum) that was written in 1991 by Mohamed Akram, the General Masul of the Muslim Brotherhood in America. As the title suggests, the document states the strategic goals of the Muslim Brotherhood in America. Part 1 of the Explanatory Memorandum aligns itself with the Muslim Brotherhood and its mission:

- The general strategic goal of the Group in America ... is the “Enablement of Islam in North America, meaning: establishing an effective and stable Islamic Movement led by the Muslim Brotherhood which adopts Muslims’ causes domestically and globally, and which works to expand the observant Muslim base, aims at unifying and directing Muslims’ efforts, presents a civilization alternative, and supports the global Islamic State wherever it is.” (Akram, Part 1, Explanatory Memorandum, 4)

48. The North American Muslim Brotherhood’s goals are in line with those of the International Muslim Brotherhood. As noted earlier, Chapter 2, Article 2 of the Bylaws of the International Muslim Brotherhood states,

- The Muslim Brotherhood is an international Muslim Body, which seeks to establish Allah’s law in the land by achieving the spiritual goals of Islam and the true religion ...
  - E – The need to work on establishing the Islamic State, ... Defend the (Islamic) nation against the internal enemies, ...

49. In Part 4 of the Explanatory Memorandum, the discussion on the “Process of Settlement” informs us that the grand mission involves a counter-state established by the Muslim Brotherhood

that is to lead a civilization level subversion of America with the strategic objective being the complete destruction and elimination of the American way of life, primarily through ideological subversion:

- The Movement must plan and struggle to obtain “the keys” and the tools of this process in carry [sic] out this grand mission as a “Civilization Jihadist” responsibility which lies on the shoulders of Muslims and — on top of them — the Muslim Brotherhood in this country.
- The process of settlement is a “Civilization-Jihadist Process” with all the means. The Ikhwan [Muslim Brotherhood] must understand that their work in America is a kind of grand Jihad in eliminating and destroying the Western civilization from within and “sabotaging” its miserable house by their hands and the hands of the believers so that it is eliminated and Allah’s religion is made victorious over all other religions. ... It is a Muslim’s destiny to perform Jihad and work wherever he is ... (Akram, Part 4, Explanatory Memorandum, 5, 7)

50. The Muslim Brotherhood mission as defined in the Explanatory Memorandum satisfies the Gun Range policy requirements, and any reasonable understanding of public safety, that would keep the Neals from serving (a) **anyone who is either directly or indirectly associated with terrorism in any way;** (b) **anyone associated in any way with an organization that is associated with terrorism;** or (e) **anyone who seeks to do harm to the interests of the United States.** As such, the Neals are well within the Gun Range policy guidelines, and even beyond that, within any reasonable understanding of public safety, when denying membership to anyone associated with an organization that falls under the influence of the Explanatory Memorandum.

51. The Explanatory Memorandum concludes by providing a list of its organizations and those of its friends that includes:

- The Islamic Society of North America (ISNA)
- The Muslim Student Association (MSA)
- North American Islamic Trust (NAIT)
- ISNA Fiqh Committee (in 1991 the ISNA Fiqh Committee changed its name to Fiqh Council of North America, it is still a subordinate element of ISNA)
- **The Islamic Association for Palestine** (the Council on American-Islamic Relations (CAIR) was formed out of the Islamic Association for Palestine)
- Islamic Circle of North America (ICNA)
- International Institute for Islamic Thought (IIIT)

52. The Explanatory Memorandum specifically identifies both ISNA and the Islamic Center of North America (ICNA) as key players. In 2002 ICNA and the Muslim American Society (MAS) merged.

53. Groups like ISNA, NAIT and CAIR were linked not only to the Muslim Brotherhood but to the illicit behavior of those organizations in furtherance of Muslim Brotherhood objectives. Although these groups protested being named as unindicted co-conspirators, the court declined to strike them from the list. After an appeal, Judge Solis emphasized that the government had provided “sufficiency of evidence to show their association with HLF, IAP, and Hamas,” proving also “by a preponderance of evidence that a conspiracy existed.” From Judge Solis’ Memorandum Opinion Order:

- The Muslim Brotherhood supervised the creation of the “Palestine Committee,” which was put in charge of other organizations, such as HLF, IAP, UASR, and ISNA. (See Gov’t Ex. 3-15 (Elbarasse Search 5) at 14). The July 30, 1994, “Meeting Agenda for the Palestine Committee” lists **IAP, HLF, UASR and CAIR as working organizations for the Palestine Committee.**
- Finally, CAIR, NAIT and ISNA ask the Court to strike their names from any public document filed or issued by the government. (Mot. at 6.) While it is clear from the *Briggs* line of cases that the Government should have originally filed the unindicted co-conspirators’ names under seal, the Court declines to strike CAIR, ISNA and NAIT’s names from those documents. The Government has produced ample evidence to establish the associations of CAIR, ISNA and NAIT with HLF, the Islamic Association for Palestine (“IAP”), and with Hamas.

54. In 1994, two years after the Brotherhood’s Explanatory Memorandum was written, three members of Marzook’s Islamic Association of Palestine—Omar Ahmad, Nihad Awad, and Rafeeq Jaber—founded the Council on American Islamic Relations.

#### About CAIR

55. CAIR was formed out of IAP. Article 2 of the Hamas Covenant identifies Hamas as a subordinate element of the International Muslim Brotherhood. In its appeal to the U.S. Court of Appeals for the Fifth Circuit, NAIT asked that the court publicly affirm that their rights were violated and that the court make such a declaration. In its October 2010 opinion, the Fifth Circuit denied such relief.

56. In 1993, the FBI wiretapped a Hamas meeting in Philadelphia, Pennsylvania. Omar Ahmad, founding president of the Council of American Islamic Relations (CAIR) attended that meeting under the auspices of the Islamic Association for Palestine (IAP), an organization identified as a Muslim Brotherhood entity in the Explanatory Memorandum. The FBI wiretapped the meeting because Hamas was a terrorist organization operating in the United States. The meeting was entered into evidence as “Philly Meeting – 15” in the 2008 Holy Land Foundation Trial to establish the immediate association of CAIR to Hamas. At the meeting, Omar Ahmad said:

- I believe that our problem is that we stopped working underground. We will recognize the source of any message which comes out of us. I mean, if a message is publicized, we will know ... the media person among us will recognize that you send two messages; **one to the Americans and one to the Muslims.** If they found out who said that—even four years later—it will cause a discredit to the Foundation as far as the Muslims are concerned as they say “Look, he used to tell us about Islam and that is a cause and stuff while he, at the same time, is shooting elsewhere.” [Emphasis added.] (Government Exhibit: Philly Meeting - 15, 3:04-CR-240-G, U.S. v. HLF)

57. Mr. Ahmad is still the President of CAIR. It is in the context of Mr. Ahmad’s statement in the Philly Meeting – 15 that you “send two messages: one to Americans and one to the Muslims” that one should understand that CAIR recognizes the duty to mislead as stated in Part I that lead Mr. Neal to say that Muslims are allowed to lie to non-Muslims.

## 58. About HAMAS

**59. The Hamas Covenant.** In August 1988, the Islamic Resistance Movement, better known as Hamas, released *The Covenant of the Islamic Resistance Movement*, more popularly known as the "Hamas Covenant." Article 2 of the Hamas Covenant states that it is a part of the Muslim Brotherhood; Article 7 states that it is a part of a universal mission that declares a divine mandate to kill all the Jews; while Article 8 states its motto that is that same as that of the Muslim Brotherhood's. From the Hamas Covenant:

- **The Islamic Resistance Movement's Relation With the Moslem Brotherhood Group**

**Article Two:** The Islamic Resistance Movement is one of the wings of Moslem Brotherhood in Palestine. Moslem Brotherhood Movement is a universal organization which constitutes the largest Islamic movement in modern times. It is characterised [sic] by its deep understanding, accurate comprehension and its complete embrace of all Islamic concepts of all aspects of life, culture, creed, politics, economics, education, society, justice and judgement [sic], the spreading of Islam, education, art, information, science of the occult and conversion to Islam.

- **The Universality of the Islamic Resistance Movement**

- **Article Seven:** As a result of the fact that those Moslems who adhere to the ways of the Islamic Resistance Movement spread all over the world, rally support for it and its stands, strive towards enhancing its struggle, the Movement is a universal one.
- Moreover, if the links have been distant from each other and if obstacles, placed by those who are the lackeys of Zionism in the way of the fighters obstructed the continuation of the struggle, the Islamic Resistance Movement aspires to the realisation [sic] of Allah's promise, no matter how long that should take. The Prophet, Allah bless him and grant him salvation, has said:
  - "The Day of Judgement [sic] will not come about until Moslems fight the Jews (killing the Jews), when the Jew will hide behind stones and trees. The stones and trees will say O Moslems, O Abdulla, there is a Jew behind me, come and kill him. Only the Gharkad tree, (evidently a certain kind of tree) would not do that because it is one of the trees of the Jews." (related by al-Bukhari and Moslem).

- **The Slogan of the Islamic Resistance Movement:**

- **Article Eight:** Allah is its target, the Prophet is its model, the Koran its constitution: Jihad is its path and death for the sake of Allah is the loftiest of its wishes.

- **Note:** the Muslim Brotherhood motto was originally penned by Hasan al-Banna, founder of the Muslim Brotherhood:

- Allah is our objective, the Prophet is our leader, the Qur'an is our law, Jihad is our way, dying in the way of Allah is our highest hope.

60. On October 8, 1997, the U.S. Department of State Bureau of Counterterrorism placed Hamas on the *Foreign Terrorist Organizations* list thus formally designating Hamas a terrorist organization. (Foreign Terrorist Organizations, Bureau of Counterterrorism, U.S. Department of State)

61. The 2003 Council on American Islamic Relations Membership List for Virginia and Washington, D.C. lists Anwar al-Awlaki, an al-Qaeda leader later killed by a drone strike, as a member of CAIR on line 1165; his Member Number was 55599. (2003 CAIR Membership Spreadsheet for Virginia and Washington, D.C. - Membership List – 2003)

62. The FBI identified Awlaki as a person of interest with the designation "IT-HAMAS" (International Terrorism–Hamas) due to his known associations with Hamas. (Judicial Watch Document Regarding Al-Awlaki, Federal Bureau of Investigation (FBI) document)

**63. The Gun Range policy holds that (a) anyone who is either directly or indirectly associated with terrorism in any way or (b) anyone associated in any way with an organization that is associated with terrorism can be denied membership to the Gun Range. CAIR was formed out of Hamas. Hamas is a terrorist organization. The ranking al-Qaeda operative in America, al-Awlaki, was affiliated with CAIR and the FBI designated him as a Hamas and al-Qaeda terrorist. The Neal's were well grounded in their concern when denying Mr. Fatihah membership.**

#### **Relating CAIR to the Muslim Brotherhood Mission in America.**

64. As an organization closely associated with the Muslim Brotherhood, the publications, policies and endorsements of the larger Muslim Brotherhood associated organizations can reasonably be associated with CAIR. As noted, because *Reliance of the Traveller* was approved by the both the Fiqh Council of North America and the International Institute of Islamic Thought (IIIT), CAIR can be held to be compliant to concepts of shariah as stated in that text. As a board member of CAIR, this then applies to Mr. Fatihah as well.

65. This also applies to the dawah mission as explained in materials put out by ICNA. Although he stepped down as Publications Director for ICNA, Shamim A. Siddiqi was prominent in the dawah movement and provided regular training at Islamic Centers through his *Methodology of Dawah* instruction. There are also Tarbiyah Guides and associated material likewise put out by ICNA for training of young adults beginning in the mid-teens. The presumption must be that materials published by known Muslim Brotherhood and Muslim Brotherhood in North America entities reflect the institutional understanding of associated Muslim Brotherhood entities, including CAIR.

66. ICNA's treatment of jihad is in line with the *Reliance of the Traveller* definition – warfare against non-Muslims to establish the religion - (endorsed by the FCNA and IIIT). In a footnote explaining the "true" meaning of jihad, the *INCA Tarbiyah Guide- Stage 1*, used for instruction by ICNA in Chicago, states:

- The word Jihad used in Arabic is: wa Jaahada Fee Sabeelillah - meaning: made Jihad in the path of Allah. It is incorrect to translate the word Jihad to mean strive/striving because Jihad is a legal terminology with a specific meaning, and that is, fighting in the path of Allah and

the struggle therein. Translating the word Jihad to mean 'Striving' is misleading as it gives a meaning different to the intending meaning in the verse. Unfortunately, this error has become a common practice amongst the translators, so let them be careful from falling into such errors. (INCA Tarbiyah Guide- Stage 11, 170)

67. Another example from ICNA. As explained in Shamim Siddiqi's *Methodology of Dawah*, prospective *da'ees* (those trained to undertake the Dawah mission) are to initiate the early phases of dawah in a friendly non-confrontational manner. It is in these friendly encounters that Christians can expect to have their concepts of Jesus Christ and the Trinity challenged in a facially friendly way. From the beginning, however, the dawah mission is to escalated and, at some point, the mission is supposed to transition to jihad:

- ix. Through Contacts with Churches, Synagogues, Colleges And Universities. These are very important public platforms that must be used for the spread of Dawah when available, either on the invitation or by offering the services of the Da'ee to these institutions for presenting the viewpoint of Islam on various issues of the time. The I.M.O.A. will open dialogues with dignitaries of the religious institutions, presenting Islam as the common legacy of Judeo-Christian religions and as the only Guidance now available to mankind in its most perfect form for its Falah (Deliverance and Salvation). These talks must be held in a very friendly and non-aggressive atmosphere, as directed by Allah (SWT) in the Qur'an as how to talk with the people of the Scriptures.
  - "And argue not with the people of the Scripture unless it be in a way that is better. (Al-Qur'an-29: 46)" (Siddiqi, *Methodology of Dawah*, 136-7)
- The concept of Trinity appears to be unreasonable and self- contradictory. We have to advance convincing arguments both verbally and in writing to fight against the dogma of the "human-God" of Christendom, innovated by the Jewish conspiracy against Prophet Jesus. If a proper movement is launched on positive lines for propagating and presenting the concept of Tawheed, pinpointing the inherent fallacies of Christian belief about Jesus. (Siddiqi, *Methodology of Dawah*, 120)
- The shortcomings of Munafiqin were exposed. Muslims were vehemently exhorted to fight in the way of Allah (SWT) with life and wealth. The people of the Scriptures [NOTE: this is a reference to Jews and Christians] were warned either to accept Islam or pay Jizyah and live a life of second class citizen under the bounds and bounties of Islamic State. The game of the hypocrites was smashed. Their mosque, which they built in the vicinity of Madinah for hatching conspiracies against the emerging Islamic State was demolished. There was no power in Arabian Peninsula to challenge Islam. All stood annihilated and humiliated. Only the Deen of Allah was in a dominant position. (Siddiqi, *Methodology of Dawah*, 46)

68. Lest there be any doubt about the relationship between the dawah mission and jihad as understood by the Muslim Brotherhood, as explained in the *Methodology of Dawah*, one need only read the dedication page to *Methodology of Dawah*:

- I dedicate this book to those da'ees who are struggling and waiting to lay down their lives for establishing God's Kingdom on Earth.

- "Of the believers are men who are true to that which they covenanted with ALLAH. Some of them have paid their vow by death in battle, and some of them still are waiting; and they have not altered in the least." ( AL-QUR'AN. 33:23 )

69. The Muslim Brotherhood follows a methodology to bring a population along based on Sayyid Qutb's book *Milestones*, written in 1966 in Egypt. The strategy arising out of *Milestones* is patterned off the spread of Islam in the first generation of Muslims, the best generation, or the Salaf as Salih. The spread of Islam in the first generation followed a concept of progressive revelation in the Qur'an called abrogation. The *Milestones* process patterns today's dawah strategies on progressive revelation, the rule of abrogation.

#### The Muslim Brotherhood's General Orientation

70. The dawah mission in the United States is an adaptation of the same *Milestones* process used by the Muslim Brotherhood the world over, including Egypt. The "Milestones Process" was formulated by the Muslim Brotherhood strategist Sayyid Qutb while awaiting execution in an Egyptian prison in 1966. Titled the *Milestones*, also sometimes translated *Signposts Along the Road*, Qutb laid out the operational and strategic model that has been adopted by almost every "Islamist" organization in the world – including al-Qaeda. In fact, Ayman Zawahiri credits Qutb for formulating the *Milestones* concept in his *Knights Under the Prophets Banner*:

- Sayyid Qutub's call for loyalty to God's oneness and to acknowledge God's sole authority and sovereignty was the spark that ignited the Islamic revolution against the enemies of Islam at home and abroad. The bloody chapters of this revolution continue to unfold day after day.

71. The dawah mission in America as expressed by Shamim Siddiqi is specifically patterned after Qutb's *Milestones*. Qutb sees all acts of outreach with non-Muslims as one-way activities. In fact, the entire "building bridges" metaphor, at least when used by Islamic entities, is an allusion to Qutb's famous statement that bridges are only to be built to bring non-believers over to Islam:

- The chasm between Islam and *Jahiliyyah* is great, and a bridge is not to be built across it so that the people on the two sides may mix with each other, but only so that the people of *Jahiliyyah* may come over to Islam ... (263)
  - The use of terms relating to "building bridges" is a possible indicator that there may be a Muslim Brotherhood nexus to what is being discussed.

72. Just as with the *Methodology of Dawah*, *Milestones* calls for the establishment of Islamic norms through Dawah followed by jihad. The goal of the *Milestones* process is the calculated seizure of power. This maps precisely with the stated objectives of the Explanatory Memorandum. As with Siddiqi, Qutb also expresses hostility to Christians – because they are Christian. From Sayyid Qutb's *Milestones*:

- Islam is not merely a belief, so that it is enough merely to preach it. Islam, **which is a way of life**, takes practical steps to organize a movement for freeing man. Other societies do not give it any opportunity to organize its followers according to its own method, and hence it is the duty of Islam to annihilate all such systems, as they are obstacles in the way of universal freedom. (Qutb, *Milestones*, 137)

- When entities known to be associated with the Muslim Brotherhood speak of “Islam being a complete way of life,” this is generally what is meant.
- Since the objective of the message of Islam is a decisive declaration of man's freedom, not merely on the philosophical plane but also in the actual conditions of life, it must employ *Jihaad*. .... The reasons for *Jihaad* which have been described in the above verses are these; to establish God's authority in the earth; to arrange human affairs according to the true guidance provided by God; to abolish all the Satanic forces and Satanic systems of life; and to end the lordship of one man over others since all men are creatures of God and no one has the authority to make them his servants or to make arbitrary laws for them. (Qutb, *Milestones*, 42, 47)
- The Jahili society is any society other than the Muslim society ... All Jewish and Christian societies today are also *Jahili* societies. They have distorted the original beliefs and ascribe certain attributes of Allah to other beings. This association with Allah has taken many forms, such as the Sonship of Allah or the Trinity; sometimes it is expressed in a concept of Allah which is remote from the true reality of Allah. (Qutb, *Milestones*, 149, 150)
- Since the objective of the message of Islam is a decisive declaration of man's freedom, not merely on the philosophical plane but also in the actual conditions of life, it must employ *Jihaad*. .... The reasons for *Jihaad* which have been described in the above verses are these; to establish God's authority in the earth; to arrange human affairs according to the true guidance provided by God; to abolish all the Satanic forces and Satanic systems of life; and to end the lordship of one man over others since all men are creatures of God and no one has the authority to make them his servants or to make arbitrary laws for them. (Qutb, *Milestones*, 42, 47)
- Thus, wherever an Islamic community exists which is a concrete example of the Divinely ordained system life, it has an Allah-given right to step forward and take control of the political authority, so that it may establish the Divine system on earth, while it leaves the matter of belief to individual's conscience. When Allah restrained Muslims from *Jihaad* for a certain period, it was a question of strategy rather than of principle; this was a matter pertaining to the requirements of the movement and not to the belief. Only in the light of this explanation can we understand those verses of the Holy Qur'an which are concerned with the various stages of this movement. In reading these verses, we should always keep in mind that one of their meanings is related to the particular stages of the development of Islam, while there is another general meaning which is related to the unchangeable and eternal message of Islam. (139-40)

73. Hasan al-Banna was the founder and original Supreme Guide of the Muslim Brotherhood. The Supreme Guide believed it is in the nature of Islam to dominate and that Jihad was the process to achieve that end as reflected in the Muslim Brotherhood motto he coined:

- It is the nature of Islam to dominate, not to be dominated, to impose its law on all nations and to extend its power to the entire planet. (Founder, Supreme Muslim Brotherhood Guide, Hasan al-Banna)

74. Notwithstanding Islamic laws ultimate disposition on the question of whether “the objective of *jihad* is not only to convert people to Islam, but also to gain political control and exercise Islamic authority over a population so that society ultimately lives and abides by the principles of Islam,” it is nonetheless still true that it is the well-established position of the Muslim Brotherhood. It is in the context of this reality that one should consider the end-state objective of the Milestone process as explained by Sayyid Qutb’s in *Milestones*. Qutb’s statement simply reinforces what the Muslim Brotherhood’s founder; Supreme Guide Hasan al-Banna said concerning the nature of Islam in the context of the Muslim Brotherhood’s motto, which al-Banna coined:

- Thus, wherever an Islamic community exists which is a concrete example of the Divinely ordained system life, it has an Allah-given right to step forward and take control of the political authority, so that it may establish the Divine system on earth, while it leaves the matter of belief to individuals conscience. When Allah restrained Muslims from Jihaad for a certain period, it was a question of strategy rather than of principle; this was a matter pertaining to the requirements of the movement and not to the belief. Only in the light of this explanation can we understand those verses of the Holy Qur’an which are concerned with the various stages of this movement. In reading these verses, we should always keep in mind that one of their meanings is related to the particular stages of the development of Islam, while there is another general meaning which is related to the unchangeable and eternal message of Islam. (Qutb, *Milestones*, 139-40)
- It is the nature of Islam to dominate, not to be dominated, to impose its law on all nations and to extend its power to the entire planet. (Founder, Supreme Muslim Brotherhood Guide, Hasan al-Banna)

75. Yusuf al-Qaradawi originally wrote *Non-Muslims in Islamic Society* in 1985 in Arabic. In 2005, the American Trust Publications (ATP) re-published it in a revised 2005 English language edition for American Muslims. Yusuf al-Qaradawi is the lead jurist of the Muslim Brotherhood and a leading light of the Islamic Movement. The “American Trust Publications” (ATP) is affiliated with the Muslim Brotherhood and identified as such in the Explanatory Memorandum. *Non-Muslims in Islamic Society* discusses the application of Verse 9:29 to non-Muslim populations in the West today. In it, Qaradawi provides the Islamic legal basis for the global Islamic mission to subordinate non-Muslim populations to shariah as second class citizens (*ahl adh-dhimma*). Just as did Shamim Siddiqi in *Methodology of Dawah*, so too does Sheikh Qaradawi rely on Qur’an Verse 9:29 for the forced imposition of Islamic law on non-Muslims in modern times, including in America (which explains why the pamphlet is vended in the American Muslim Brotherhood’s distribution network). Upon citing Verse 9:29, Sheikh Qaradawi states:

- This implies willing submission, disarmament, and total capitulation and obedience to the constitution of the state. The Prophet, upon whom be peace, levied the *jizyah* upon the Magians of Bahrain. The first four caliphs (*al-khulafa’ ar-rashidun*) also levied *jizyah* on the people of the book and all those in the conquered territories who fell into the category. (Qaradawi, *Non-Muslims in Islamic Society*, 19-20)
- Some people, looking at this issue superficially, think that the imposition of the *jizyah* on non-Muslims by Islam is unfair. But if they were to consider the matter logically, they would realize that Islam was very just in this matter. Islam obliges all Muslims to perform military service as an individual or a collective duty (*ford 'am* or *ford kifayah*) to protect the state. At

the same time, Islam exempts non-Muslims from this duty, though they live in the state. The reason behind this practice is that the Islamic state, since it is based on a specific doctrine and ideology, is best protected by those who believe in it. It is not reasonable to expect a person who does not (sic) believe in the ideology of his country to sacrifice his life for the sake of its protection, or for the sake of a religion in which he does not believe. That is why Islam imposes *jihad* only on Muslims. It is a sacred religious duty and an act of worship which brings Muslims closer to Allah. It has been stated that the divine reward for *jihad* is greater than that of the believer who fasts and prays. (Qaradawi, *Non-Muslims in Islamic Society*, 20)

76. It is not an accident that Qaradawi's book is about the role of "**Islamic Society**" in governing in non-Muslim countries and that the lead Muslim Brotherhood entity in the United States is the "**Islamic Society**" of North America or that Muslim affiliated mosques in America take the name "**Islamic Society**" of Greater Oklahoma City or Islamic Center, for example.

77. It is only through recognition of the true objectives of the Muslim Brotherhood that we can assess Mr. Fatimah's false narrative that Islam does not use violence to force conversions. Mr. Fatimah deliberately miscast the basic proposition. Dawah does not envision forced conversions. People are free to accept the dawah message and free to suffer the *jihad* consequences should they reject it. It is not a conversion of faith that Islam seeks to compel but rather a submission to law. While Islam does not force belief on a person, it does claim the authority to implement Islamic law against him regardless of belief. Both the North American Muslim Brotherhood and the International Muslim Brotherhood include the implementation of Islamic law in the world as an objective in their mission statements. Qutb made this point in *Milestones*:

- It is not the intention of Islam to force its beliefs on people, but Islam is not merely 'belief'. As we have pointed out, Islam is a declaration of the freedom of man from servitude to other men. Thus it strives from the beginning to abolish all those systems and governments which are based on the rule of man over men and the servitude of one human being to another. (Qutb, *Milestones*, 109)

#### 78. **Milestones Process follows the Rule of Abrogation**

79. By precedential value, what is meant is that some verses of the Qur'an are more authoritative than others. This reflects the Islamic doctrine of Abrogation that holds that verses revealed later in the period of revelation to the Prophet Muhammad overrule – or abrogate – earlier verses of the Qur'an where conflict exists. In line with this theory of Abrogation, the revelations Allah brought to Muhammad abrogated God's revelations to earlier "remnant cults now bearing the names of formerly valid religions, such as 'Christianity' or 'Judaism'." *Reliance of the Traveller* (w4.1(2)). In his *Islamic Jurisprudence*, Islamic Law Professor Imran Khan Nyazee explains Abrogation as follows:

- The law was laid down in the period of the Prophet (peace be unto him) gradually and in stages. The aim was to bring a society steeped in immorality to observe the highest standards of morality. This could not be done abruptly. It was done in stages, and doing so necessitated repeal and abrogation of certain laws. (Nyazee, *Islamic Jurisprudence*, 319)

80. Authority for the Islamic doctrine of Abrogation can be found in the Qur'an. Among the three most relied on Verses are 17:106, 16:101 and 2:106:

- It is a Qur'an which We have divided into parts from time to time, in order that thou mightiest recite it to men at intervals: We have Revealed it by stages. (Qur'an 17:106)
- When We substitute one revelation for another - and Allah knows best what He reveals in stages — They say, "Thou art but a forger": But most of them understand not. (Qur'an 16:101)
- None of Our revelations do we abrogate or cause to be forgotten, but we substitute something better or similar; knowest thou not that Allah hath power over all things? (Qur'an 2:106)

81. There is a Quranic basis to the Rule of Abrogation. While all three Quranic verses are routinely cited as authority when arguing the Rule of Abrogation, the Muslim Brotherhood often uses Verse 17:107 when just a single citation will do. When Major Hasan, the Fort Hood killer, explained his reasons for becoming a jihadi, he made explicit reference to the "Rule of Abrogation" in Slide 16 of his presentation and cited Qur'an Verses 2:106 and 16:101 as authority in Slide 17 of his 2007 briefing "The Koranic World View as it Relates to Muslims in the U.S. Military" that he gave to fellow U.S. military officers. The reason this is important is because groups like the Muslim Brotherhood expend great effort in trying to convince non-Muslims that Abrogation does not exist, is taken out of context, or is simply relied on by "violent extremists" in some inauthentic way. As noted earlier, the Milestones process drives the strategic and operational thinking of not just the Muslim Brotherhood but also groups like al-Qaeda. The Milestones process is directly based on the Rule of Abrogation. Hence, notwithstanding any final determination on the status of the Rule of Abrogation in Islamic law, it is nonetheless still a fact that groups like the Muslim Brotherhood and al-Qaeda rely on it as if it were valid Islamic doctrine regardless of its ultimate status in Islamic law. What makes this important is that, as indicated both by the statement from Al-Qaeda leader Zawahiri cited earlier and Major Hasan's disclosure in his brief, Muslims drawn to the dawah message of jihad are known to kill because of it. This is a fact. The role of Abrogation in the Milestones process is clear. Sayyid Qutb is explicit on this point in *Milestones* and Shamim Siddiqi unambiguously states that *Milestones'* staged approach drives the process he describes in *Methodology of Dawah*. In fact, for Shamim Siddiqi, the Milestones process is the lynchpin of the entire Islamic Movement, just as Zawahiri suggested earlier:

- The Qur'an did not come down all at once; rather it came down according to the needs of the Islamic society in facing new problems, according to the growth of ideas and concepts, according to the progress of general social life, and according to new challenges faced by the Muslim community in its practical life. (Qutb, *Milestones*, 28-9)
- *This was the culminating point of Dawah Ilallah. The struggle of a Da'ee must continue up to that stage. This will be possible only when the entire process and the **milestones of different stages of Dawah** are clearly understood and kept in the forefront. The policies to be evolved, the program to be chalked out and the efforts to be sustained, all should lead to the same goal. It will create cohesiveness in the Islamic Movement and **one stage will lead to the next stage** automatically. (Siddiqi, *Methodology of Dawah*, 50)*
- *If the entire process is not before the stalwarts of the Islamic Movement or if it is neglected, the struggle will become lifeless. Targets will become meaningless. There will be nothing to inspire*

the workers. A battle without an ultimate goal will end in fiasco. (Siddiqi, *Methodology of Dawah*, 50)

**82. The Milestones process taught to American Muslim Youth. In the section “How Do We Become Great Again?” Yahiya Emerick orients students to the Milestones process.**

- Muslims dream of establishing the power Islam in the world. Muslims of all types and backgrounds agree that the Islamic system is the best for humanity in this life.
- When we look at the model of the Blessed Prophet Muhammad, we find that the first thirteen years of his mission were devoted to building a core of dedicated followers who would go through fire and ice if they had to. (5:105)
- The first phase was what we call the Meccan Period. The second time period is known as the Medinan Period.
- We want the ideal of Medina for the next millennium. But we will never get it without the struggle of the Meccan period. To illustrate this truth, look at the Muslim countries. They are full of Muslims but they are far from Islamic. (3:179)
- Indeed, only when we produce a generation of people who actually fear the Day of Judgment and love to be closer to the Prophet’s example, will we be able to make Islam dominant in the earth.

**83. When Mr. Fatihah lectured the Neals in the Gun Range store on the morning of October 23, 2015 he stated: “I know the Qur’an, I know the verses that people like to point to, I know the context of those verses, within the Qur’an and also their historical context.” As a member of a CAIR board, Mr. Fatihah is affiliated with the Muslim Brotherhood and, hence, is aware of the Milestones process. As such, when he said he knows the verses in the Quranic and historical context, one is on notice that he is referring to the Milestones process as explained in this testimony.**

84. Before moving on, it should be noted that because the Muslim Brotherhood’s dawah process is aligned with the Milestones process, the early message of Islam to non-Muslims and early new converts does not include discussions on the role of Islamic law and jihad. Law and Jihad did not come to Islam until “AH” – that is, “after Hijrah.” Just as the original converts to Islam did not come to jihad until well after their initial conversion, so too, today can the message of Islam be communicated to non-Muslims and early new converts in peaceful amicable terms just as with the first generation – just as Shamim Siddiqi instructs in his *Methodology of Dawah*. This provides a doctrinal backdrop to the requirement to always initiate the dawah process in a friendly and amicable manner:

- Through their Dawah activities, these communities approach the Afro-American people, who are . . . in quest of their true 'identity'. Islam is presented to them. The concept of Tawheed (Oneness of God) is explained to them in an academic fashion **without telling what this Kalimah demands from a Muslim. Aqidah is explained without giving the details of the impact of Iman Billah and Iman Bil- Akhirah, and without telling what revolution it must bring in the life of an individual and the society in which he lives.** Some rituals of religion and traditions of the Muslim Community are explained. A short account of the Prophet’s (PBUH)

life is presented, **without the revolutionary aspect**. When Islam is acceptable to the new entrants in this **concocted and abbreviated form**, the ceremony of Shahadah is performed with great reverence. A non-Muslim thus becomes a Muslim, obedient to Allah (SWT) alone. **The revolutionary aspect of Islam is rarely brought before the new converts**, as in most of the cases the *Da'ee* himself is not conversant with it. (Siddiqi, *Methodology of Dawah*, 71)

85. The discussion on Shamim Siddiqi's concept of operation is not simply academic. As far back as the 1980's the Muslim Brotherhood was planning to manipulate the African American community into fighting its revolution in the United States. Recalling that ICNA and MAS are known Muslim Brotherhood entities that merged in December 2015, they held their 14<sup>th</sup> Annual MAS-ICNA Conference. At that conference, Khalilah Sabra, MAS Executive Director for Immigration Policy declared: "But first, we need to make a conscious admission to ourselves that Black Lives Matter . . . We are the community that staged a revolution across the world. If we can't do that, why can't we have a revolution in America . . . You know what you should do. And if we do it, Allah has promised us the same victories that he granted to those who came before us."

86 At that same MAS-ICNA Conference, Nihad Awad, Executive Director of CAIR likewise declared: "Black Lives Matter is our matter. Black Lives Matter is our campaign."

87. A nexus exists between Black Lives Matter, the Muslim Brotherhood and CAIR in the context of planning a violent campaign as far back as the 1980s that relied on the African American community. In December 2015, the Muslim Brotherhood declared its intent to "stage a revolution" through BLM. While the point will not be further developed in this testimony, it should be noted that the Neals' background check of Fatihah also revealed sympathies to the Black Panthers. Recognizing the known Muslim Brotherhood mission in connection with BLM; concepts of the counter-state associated with in the Maoist Insurgency model; and its associated splinter movement theory should cause grounds for serious concern.

88. In keeping with the Brotherhood's December 2015 commitments, CAIR called for an uprising in America on November 8, 2016 - the evening of the Presidential elections on learning that their preferred candidate was going to lose. Specifically, in a *Twitter* message, Hussam Ayloush, Executive Director of CAIR-LA, posted: "Ok, repeat after me: *Al-Shaab yureed isqat al-nizaam*. (Arab Spring chant)." A call for actual incitement, this was the Brotherhood chant during the Arab Spring, and it translates as "the people want to topple the regime." It should likewise not surprise that Soros-funded groups like BLM and MoveOn called for protests that same evening as if coordinated.

89. Upon doing a background check of Mr. Fatihah, information turned up that he was affiliated with CAIR. As Part II detailed, CAIR was formed out of Hamas, affiliated with the Muslim Brotherhood, and committed to the penetration and subversion mission as stated in the Explanatory Memorandum. Hamas is a designated terrorist organization. The mission of the Muslim Brotherhood is the imposition of shariah on non-Muslim populations following the Milestones process. States, countries, and even Muslim countries are declaring the Muslim Brotherhood a terrorist organization. On finding out that Mr. Fatihah is affiliated with CAIR at a leadership level, the Neals could reasonably believe that he was a threat to public safety. The Neals could certainly conclude that, based on the Gun Range policies and reasonable notions of public safety, they could refuse Mr. Fatihah membership to the Gun Range.

**Rising awareness nationally, internationally and even in the Muslim world that CAIR and the Muslim Brotherhood are terrorist organizations.**

90. In 2016, the Louisiana Legislature passed a resolution requesting law enforcement and governmental agencies avoid and suspend all contacts and outreach activities with the CAIR. In that bill, the Louisiana House provided a detailed list of particulars in justification of suspending contacts:

- The FBI has suspended all formal contacts with CAIR due to evidence indicating a relationship between CAIR and Hamas, a designated foreign terrorist organization;
- CAIR's directors were sentenced to a year in federal prison for violating U.S. sanctions against Iraq;
- A CAIR director in Virginia pled guilty to terrorism-related financial and conspiracy charges, which resulted in a federal prison sentence;
- CAIR's communications specialist and civil rights coordinator trained with an al Qaeda-tied Kashmir organization that is listed on the Department of State's international terror list and was also indicted on charges of conspiring to help al Qaeda and the Taliban battle American troops in Afghanistan and was sentenced to twenty years in prison;
- CAIR's former community affairs director pled guilty to three federal counts of bank and visa fraud and agreed to be deported to Egypt after he had funneled money to activities supporting terrorism and had published material advocating suicide attacks against the United States; these illegal activities took place while he was employed by CAIR;
- A CAIR fund raiser was arrested on terrorism-related charges and was deported from the United States due to his work as executive director of the Global Relief Foundation, which was designated as a fundraising front organization for a foreign terrorist organization by the U.S. Treasury Department for financing al Qaeda and other terrorist organizations;
- CAIR opened its first office in Washington, D.C., with the help of a grant from the Holy Land Foundation;
- The federal case against the Holy Land Foundation, a charitable organization that was shut down by the United States Department of the Treasury for funding Jihadist terrorist organizations, was the largest successful terrorism financing prosecution in U.S. history, and the case identified CAIR as a Muslim Brotherhood front group, and CAIR was named an unindicted co-conspirator in the trial;
- The cofounder of CAIR's parent organization, Islamic Association for Palestine, was sentenced to prison on terrorism charges for financing Palestinian Islamic Jihad, a designated terrorist organization.

91. In 2015, the United Kingdom declared the Muslim Brotherhood a terrorist organization.

92. In 2013 Egypt declared the Muslim Brotherhood a terrorist organization.

93. In 2014, the Kingdom of Saudi Arabia declared the Muslim Brotherhood a terrorist organization.

94. In 2014, the United Arab Emirates declared the CAIR, the Muslim American Council and the Muslim Brotherhood terrorist organizations.

95. In summary, it is my expert opinion that it was reasonable, entirely appropriate, and in furtherance of public safety for the Neals to delay the approval of Mr. Fatihah's membership application under the circumstances in order to conduct a background check and that it was reasonable, entirely appropriate, and in furtherance of public safety to deny Mr. Fatihah's membership application upon finding that he is associated with CAIR, a Hamas-linked, Muslim Brotherhood organization operating in the United States. The actions taken by the Neals promote public safety, and it is this type of vigilance and awareness that is necessary to avoid and prevent further Islamic terrorist attacks on American soil.

- I. **My qualifications as an expert witness are included in the information provided above and my resume, which can be provided upon request.**
- II. **The compensation I will receive for my study, case preparation, and testimony in this matter is offered pro bono. All Travel expenses will be billed at cost.**
- III. **I have testified as an expert by deposition in *Fisher v Rutherford Co. Regional Planning v Murfreesboro Post*. And I have provided expert testimony by way of a sworn declaration in *Paul Campbell Fields v. City of Tulsa* and in *Murray v. Geithner*.**
- IV. **I have not testified as an expert at trial.**

Signed: Stephen C. Loughlan Date: November 19, 2016