

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

Case: *Paul Campbell Fields v. City of Tulsa, et al.*

Case No. 11-cv-115-GKF-TLW

**Expert's Background and Experience:**

I am an attorney, a member of the Minnesota State Bar (License No. 0257308), and a recently 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 was a Visiting Fellow of the *International Assessment and Strategy Center's* National Security Law Project and a *CI Center* "professor." I served as Director of Strategic Communications, a Jorge Scientific Corporation, and Vice President of the Strategic Engagement Group. I am currently a Senior Fellow at the Center for Security Policy.

Often cited as the Pentagon's leading expert on the nexus between Islamic law and jihad, I have been 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, and other agencies and private sector groups including those at State and CIA. I routinely meet with Members of Congress, their staffs and committee staffers. I have also worked with 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. I received 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 have also served on the Board of Governors for the Minnesota State Bar.

Papers written include:

- *“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.
- *Catastrophic Failure* (working title of book in development)

Detailed presentations include:

- *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 on 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.

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

I offer these opinions in support of Captain Paul Fields and in rebuttal to the opinions offered by Mr. Wafeeq Sabir, Ph.D. These opinions are based upon my personal knowledge and expertise, upon the sources cited herein, and upon the current record established in this case. My opinions are subject to further elaboration during trial and examination.

**The Islamic Society of Tulsa and the Muslim Brotherhood**

1. 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)

2. The North American Muslim Brotherhood’s goals are in line with those of the International Muslim Brotherhood. In Chapter 2, Article 2 of the Bylaws of the International Muslim Brotherhood,

- 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, ...

3. In Part 4 of the Explanatory Memorandum, the discussion on the “Process of Settlement” informs us that the grand mission involves a Muslim Brotherhood lead 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)

5. 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)
- American Trust Publications (ATP)
- 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)

6. The Explanatory Memorandum specifically identifies both ISNA and the Islamic Center of North America (ICNA) as key players. With ICNA, the discussion is of a merger that subsequently occurred in 2002 with Muslim American Society (MAS). Both ISNA and ICNA are assigned national level Dawah (“Call to Islam”) missions (also referred to as “outreach”). Among the general non-Muslim population, the more neutral sounding term “outreach” is used in association with Dawah activities. Prior to the merger, the Explanatory Memorandum designated ISNA as the lead Dawah entity:

- The positive development with the brothers in the Islamic Circle in an attempt to reach a unity of merger...
- We have the seed for a “comprehensive Dawa’ educational” organization: We have the Dawa’ section in ISNA...

- What encourages us to do that — in addition to the aforementioned — is that we possess “seeds” for each organization from the organization we call for...

7. Groups like ISNA, NAIT, and CAIR have been linked not only to the Muslim Brotherhood, but to the illicit behavior of those organizations in furtherance of Muslim Brotherhood objectives. Objecting to their names being published on a list of unindicted co-conspirators associated with the *Holy Land Foundation* case, ISNA, NAIT and CAIR asked the trial court to strike their names from any public documents filed by the government. In his July 2009 opinion, Judge Solis responded:

- 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. (emphasis added).

8. CAIR was formed out of IAP. Article II 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.

9. The Constitution of the Islamic Society of Tulsa (IST) clearly associates it with known Muslim Brotherhood entities operating inside the United States. Article I states that IST “shall establish and maintain continuous affiliation with the Islamic Society of North America (ISNA).” Article II states the “aims and purpose” of the IST is to be worked out in conjunction with ISNA. Article VI states that IST shall “register all real estate belonging to the IST under the name North American Islamic Trust (NAIT).” Article XII states that the Muslim Student Association (MSA) is a founding affiliate of IST, while Article XIII states that the IST Constitution is to become effective only upon ratification by the “General Assembly of the Tulsa Chapter of the MSA, according to the laws of the current Constitution of the MSA” where the President of the MSA was to chair the meeting. In keeping with the Explanatory Memorandum, Article IV of the IST Constitution identifies the Dawah Council as the “Fifth Organ” of the IST. Amendment 2 of the IST Constitution identifies the roles and responsibilities of the Dawah Council. In part it states:

- The Dawah Council shall be primarily responsible for disseminating Islamic Knowledge among Muslims and non-Muslim and for promoting an understanding. And dialogue with other communities of Greater Tulsa, and shall be headed by a DAIE who shall be elected by and report to the Majlis Al-Shura.

10. Consistent with Amendment 2 of the IST Constitution, IST’s Dawah Council (“outreach” committee) would take the lead in sponsoring a “Law Enforcement Appreciation Day” activity in furtherance of its charge to “disseminate Islamic knowledge among non-Muslims” and “dialoguing with other communities.”

11. 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 those of the IST. For example, see a text of Islamic law titled *Reliance of the Traveller: A Classic Manual of Islamic Sacred Law* (Reliance) with commentary and translation by Nuh Ha Mim Keller. Not

only is the book ubiquitously available in Islamic bookstores associated with ISNA, one of the authenticating authorities, Dr. Taha Jabir al-'Alwani, certified it not only on behalf of the Fiqh Academy at Jeddah (Saudi Arabia), but also as President of both the International Institute of Islamic Thought (IIIT) and the Fiqh Council of North America (FCNA). Both the IIIT and FCNA were identified in the Explanatory Memorandum as elements of the Muslim Brotherhood. Called the ISNA Fiqh Committee then, FCNA remains a subordinate entity of ISNA. Another certification authority for Reliance is Al-Azhar, the pre-eminent center of Islamic learning and thought. When relying on Reliance for a given point of Islamic law, one can reasonably assume that statements of Islamic law found in the text are both valid and reflect a characterization of the law that is acceptable to the Muslim Brotherhood in North America.

12. This also applies to the Dawah materials put out by ICNA. Although he recently 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 is also the Tarbiyah Guides and associated material likewise put out by ICNA for training of young adults beginning in the mid-teens. Statements in this Disclosure that rely on materials published by known Muslim Brotherhood and Muslim Brotherhood in North America entities should be understood to reflect the institutional understanding of concepts that may otherwise carry with them the illusion of being more broadly defined. With ISNA as the parent organization of the IST and with the other organizations known to be associated with the IST through ISNA, NAIT, MSA and related relationships, their materials should be understood to affect how the IST visualizes its Dawah mission.

13. For example, Book 0 "Justice" of Reliance, 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, o9.0)

14. ICNA's treatment of jihad is in line with the Reliance definition (endorsed by the FCNA and IIIT). In a footnote explaining the "true" meaning of a jihad verse from the Qur'an, the *INCA Tarbiyah Guide- Stage 1*, used for instruction by ICNA in Chicago, states:

- The word Allah 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 1*, 170)

15. Dr. Sabir's assertion that the First Amended Complaint's treatment of Shariah and jihad are "incorrect and present a mental imagery that are based on improper interpretations and are grossly distorted" should be measured against the very materials the Muslim Brotherhood in North America distribute in the stream of Islamic commerce.

16. Given the formal role the IST assigns to Dawah (and, by extension, to its "outreach" efforts in general), another example concerns the Dawah process itself. 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. At some point, however, the Dawah mission is to transition to the jihad mission:

- 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)

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

- 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 )

18. The Dawah process as implemented 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 iconic 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.

19. The Dawah mission in America, especially as expressed by Shamim Siddiqi, is closely patterned after the larger Dawah mission as explained by Qutb in *Milestones*. Clearly, 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)

20. 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 perfectly 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)
- 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)
- 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)
- 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 *Jihad* 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)

21. 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)
- Allah is our goal; the Messenger is our guide; the Koran is our constitution; *Jihad* is our means; and *martyrdom* in the way of Allah is our inspiration. (Motto, Muslim Brotherhood)

22. Dr. Sabir's assertion that the First Amended Complaint's treatment of Shariah and jihad are "incorrect and present a mental imagery that are based on improper interpretations and are grossly distorted" should be measured against the very materials the Muslim Brotherhood in North America distribute in the stream of Islamic commerce. Among the forefront of Muslim Brotherhood literature are those of its luminaries – especially Sayyid Qutb and Hasan al-Banna.

23. Captain Field's decision not to attend the IST sponsored function should be understood in light of what is known of Islamic Centers that are under the influence of national level Muslim Brotherhood entities. The IST's relationship to organizations like ISNA, NAIT, and the MSA is embedded in its Constitution. Its relationship to other entities like the FCNA and ICNA follow as a consequence of their formal association at the national level. The Explanatory Memorandum calls for a Dawah mission and identifies ISNA as lead. The ISNA and IST Dawah missions (manifested through activities publicly designated as "outreach" programs) should be understood to be one and the same. The IST Constitution designates a formal Dawah organ whose mission statement explicitly assigns it the outreach mission to the non-Muslim community. It is through understanding the role and objective of the Muslim Brotherhood's Dawah mission, as expressed at both national and international levels, that one begins to see that the IST sponsored "Law Enforcement Appreciation Day" fully conforms to what one would expect to see early in a Dawah process. That the named point of contact for the "Appreciation Day" event is the same person, Sheryl Siddiqi, that IST identifies as the Outreach Director confirms this. That facially-neutral, yet operationally hostile discussions concerning non-Muslim beliefs, especially Christianity, are known to be a calculated part of Dawah interactions should inform one's thinking when assessing whether a discerning person of faith, in this instance a Christian, could reasonably be within bounds when expressing or acting on such concerns. In sum, it is entirely reasonable and factually correct to conclude that the "Law Enforcement Appreciation Day" was an Islamic proselytizing event – an event that was consistent with the Dawah (or "outreach") mission of Muslim Brotherhood affiliated organizations such as IST. Indeed, this is not only evidenced by the extant Islamic jurisprudence that calls for the conversion of the "infidel" (particularly Christians and Jews), but it is evidenced by the very flyer promoting this event as one involving mosque tours, meeting

Islamic leaders, observing a prayer service, and receiving presentations on Islamic beliefs. See also video at <http://www.youtube.com/watch?v=Z7-I9Qp3d4Y> for another example of how such “outreach” programs are utilized to support the Dawa mission.

### **On the Use of Qur’an Verses 10:99, 2:62, 5:69 and 5:82 - Explained**

24. Dr. Wafeeq Sabir relies on Qur’an Verses 10:99, 2:62, 5:69 and 5:82 to support his position. When the practice of referencing Quranic verses occurs, they are almost never checked. When references to the Quran are used in formal documents, especially formal legal documents, they should be assessed as if the writer believed that Islamic law is law. This is certainly the view of the Muslim Brotherhood. This necessarily means that the citations from the Qur’an reflect reliance on the highest legal authority available from the perspective of Shariah. Among those who have undertaken a review of Quranic citations used in formal or popular documents written by Islamic entities directed towards non-Islamic audiences, it has been noted that the verses often don’t appear to be saying what non-Muslims believe is being communicated. A quick way to come to some understanding is to look up cited verses and read them as part of the larger cluster of verses to which they belong. This can often be quite telling. When such citations are provided, Qur’an literate Muslims readily recognize the actual point being made. Another quick check is to look up the meaning of a cited verse in a recognized authoritative source, like a Tafsir. This Disclosure relies on *Tafsir Ibn Kathir* because its authority is well established, it is ubiquitously available and sold in Islamic book stores, and its authority is relied upon in other Islamic legal treatises. Tafsirs provide a doctrinal explanation of the verses of the Qur’an, including their precedential value, where appropriate.

### **Abrogation and Milestones**

25. 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 (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)

26. 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)

27. Hence, there is certainly 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)*

28. 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:

- 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)

29. Returning to Dr. Sabir's use of Qur'an verses, when assessing the IST's Dawah mission, the Muslim Brotherhood's known orientation to Dawah should never be excluded from consideration. A review of the Qur'an verses relied on by Dr. Sabir will make use of all the tools discussed above. They will reveal that Qur'an Verse 2:62 was abrogated by Verse 3:85; that because Surah 5 is among the last chapters of the Qur'an to speak of relations with non-Muslims, they are generally authoritative on the points being made (and they express specific enmity towards Christianity and Christians); and that a sampling of Qur'an verses proximate to the Surah 5 verses used by Dr. Sabir cluster around this enmity.

**Dr. Wafeeq Sabir, in his Expert Testimony Report, stated that, in his opinion, "the purpose of the LEAD was not to convert, proselytize, or infringe on any individual's religious beliefs or convictions. According to the Holy Quran (Surah 10:99) Muslims are not to force others to be believers or converts to Islam."**

30. As noted, Dr. Sabir relies on Qur'an Verse 10:99 to argue against forced conversions. Qur'an Verse 10:99 does not address the issue of forced conversions per se but rather raises the question of compulsion in the context of conversion being an act of Allah:

- If it had been thy Lord's will, they would all have believed, - all who are on earth! wilt thou then compel mankind, against their will, to believe! (Qur'an Verse 10:99)

Qur'an Verse 10:100 makes this point obvious:

- No soul can believe, except by the will of Allah, and He will place doubt or obscurity on those who will not understand. (Qur'an Verse 10:99)

31. The two verses are often treated as a set. The two verses do not address the Dawah mission, the call to conversion incumbent on Muslims, but rather addresses the fact that the mission is to bring the message to unbelievers, but that it is Allah who is responsible for effecting their conversion. In something resembling an Islamic string citation, *Tafsir Ibn Kathir*, in Volume IV, pages 661-62, treats the verses as a set and explains their meaning to make this point – with the statements in parentheses being from the Qur'an :

- Therefore, Allah said: (So, will you then compel mankind) and force them to believe ... (until they become believers) meaning, it is not for you to do that. You are not commanded to do that either. It is Allah Who (sends astray whom He wills, and guides whom He wills.) (35:8). (So do not destroy yourself in sorrow for them.) (It is not up to you to guide them, but Allah guides whom He wills.) 2:272. (It may be that you would kill yourself with grief because they are not

believers ...) 26:3 (you guide not who you like...) 28:56 (Your duty is only to convey, and it is up to Us to reckon. ) 13:40 (So remind, you are only one who reminds. You are not a dictator over them.) 88:21-22. There are other Ayat besides these which prove that Allah is the doer of what He wants, guiding whom He wills, leading whom He wills to stray, all out of His knowledge, wisdom, and justice. Similarly, He said, (It is not for any person to believe, except by the leave of Allah, and He will put the Rijs) That is, disorder and misguidance.

32. Given the nature of the Dawah process already discussed, the “Law Enforcement Appreciation Day” easily falls within the scope and responsibility of the IST’s Dawah mission. As important, 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. While Islam may 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)

**Dr. Sabir states that “it is written in the Holy Quran (Surah 2:62, 5:69) that believing Jews, Christian, Muslims, and all individuals who believe in one God are all part of monotheist doctrine of God. Muslims are reminded in the Holy Quran (5:82) that the monotheist religion that is most near to the doctrines of Islam is Christianity. Ironically, the Joint Status Report, which was filed on October 12, 2011, indicates Captain Paul Fields is a Christian. Surah 5, verse 82, also confirms that the relationship between Muslims and Christians, historically and presently are most favorable because Muslims accept the life and prophet hood of Jesus Christ.”**

33. Dr. Sabir relies on three Qur’an Verses to argue that the “relationship between Muslims and Christians, historically and presently, are most favorable because Muslims accept the life and prophet hood of Jesus Christ.” The Verses in question are 2:62, 5:69 and 5:82:

- Those who believe in the Qur'an, and those who follow the Jewish scriptures, and the Christians and the Sabians, - any who believe in Allah and the Last Day, and work righteousness, shall have their reward with their Lord; on them shall be no fear, nor shall they grieve. (Qur’an 2:62)
- Those who believe in the Qur'an, those who follow the Jewish (scriptures), and the Sabians and the Christians, - any who believe in Allah and the Last Day, and work righteousness, - on them shall be no fear, nor shall they grieve. (Qur’an 5:69)
- Strongest among men in enmity to the believers wilt thou find the Jews and Pagans; and nearest among them in love to the believers wilt thou find those who say, "We are Christians": because amongst these are men devoted to learning and men who have renounced the world, and they are not arrogant. (Qur’an 5:82)

34. **Verse 2:62.** Verse 2:62 is part of a string of verses that focuses primarily on Jews. Immediately preceding, Verse 2:61 raises the issue of the humiliation of the Jews owing to their rebelliousness that leads to, among other things, their being turned into apes as stated in Verse 2:65.

- ... They were covered with humiliation and misery; they drew on themselves the wrath of Allah. This because they went on rejecting the Signs of Allah and slaying His Messengers without just cause. This because they rebelled and went on transgressing. (Qur'an 2:61)
- And well ye knew those amongst you who transgressed in the matter of the Sabbath: We said to them: "Be ye apes, despised and rejected." (Qur'an 2:65)

35. A deeper review of Verse 2:62 provides even more information. *Tafsir Ibn Kathir's* treatment of Qur'an Verse 2:26 makes it clear that previously revealed religions like Judaism and Christianity were only accepted in the time prior to the revelations to the Prophet Muhammad. In Volume I, pages 247-50, *Tafsir Ibn Kathir* states that Qur'an Verse 3:85:

- The angels will proclaim to the dying believers, as mentioned, `Ali bin Abi Talhah narrated from Ibn `Abbas, about, (Verily, those who believe and those who are Jews and Christians, and Sabians, whoever believes in Allah and the Last Day) that Allah revealed the following Ayah afterwards, (And whoever seeks religion other than Islam, it will never be accepted of him, and in the Hereafter he will be one of the losers) (3:85). This statement by Ibn `Abbas indicates that Allah does not accept any deed or work from anyone, unless it conforms to the Law of Muhammad, that is, after Allah sent Muhammad. Before that, every person who followed the guidance of his own Prophet was on the correct path, following the correct guidance and was saved.

36. This is confirmed by Qur'an Verse 3:85, where Allah declares that:

- 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)

37. *Reliance*, at § w4.4 , concurs with Ibn Kathir's analysis. In fact, § w4.4 actually relies on *Tafsir Ibn Kathir* when stating the Shariah position. At § w4.3, *Reliance* also 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.

38. As the Outreach Director of IST, Sheryl Siddiqi is publicly identified as the point of contact on a webpage containing Islamic apologetics coordinated with a sister mosque in Oklahoma City, the Islamic Society of Greater Oklahoma City. The webpage is titled, "How does someone become a Muslim?". In the section titled "The Bottom-Line," it states that Islam is the exclusively valid religion and specifically relies on Verse 3:85 to make the point:

- Islam is the universal message of God to mankind, and Muhammad (peace be upon him) is the final and last messenger of God. Our creator will not accept any other way of life as He Himself asserts:
  - "If anyone desires a religion other than Islam (submission to Allah-(God)) never will It be accepted of Him" (The Qur'an 3:85)

39. It is consistent with the Dawah mission of IST for an "outreach" director, such as Sheryl Siddiqi, to be associated with a Dawah webpage containing Islamic apologetics.. According to the Proposed Amendment No. 2 – Dawah Council, the Dawah Council is (2) the fifth organ of the Islamic Society of Tulsa mosque. The Dawah Council is (3) "primarily responsible for disseminating Islamic Knowledge among Muslims and non-Muslims and for promoting an understanding. And dialogue with the other communities of the Greater Tulsa, ..." As enumerated in the IST Constitution, the Dawah Council would be the organ responsible for outreach to Muslims and non-Muslims ... in Greater Tulsa. This strongly suggests that in her capacity as Outreach Director, Sheryl Siddiqi operates within the purview of the Dawah Council. As evidenced by the IST flyer announcing the "Law Enforcement Appreciation Day" dated 4 March 2011, Sheryl Siddiqi was also the event coordinator. As the earlier discussion of IST's Dawah mission demonstrates, hosting an event like the "Law Enforcement Activity Day" is consistent with the Dawah mission.

40. **Verse 5:69.** The first thing to note is that Verse 5:69 is identical to Verse 2:62. Ibn Kathir treats Qur'an Verse 5:69 as a set along with Verse 5:68. Qur'an Verse 5:68 makes it clear that the people of Scripture are held to the standards set by the Qur'an. In Volume III, pages 231 to 232, *Tafsir Ibn Kathir* recites Qur'an Verses 5:68 and 5:69 and then offers an explanation that confirms that, with the coming of Muhammad, the status of earlier revelations was abrogated:

- (68. Say: "O People of the Scripture! You have nothing till you act according to the Tawrah, the Injil, and what has (now) been sent down to you from your Lord (the Qur'an)." Verily, the revelation that has come to you from your Lord makes many of them increase in rebellion and disbelief. So do not grieve for the people who disbelieve.) (69. Surely, those who believe, and those who are the Jews and the Sabians and the Christians, whosoever believed in Allah and the Last Day, and worked righteousness, on them shall be no fear, nor shall they grieve.)
- **There is no Salvation Except through Faith in the Qur'an.** Allah says: O Muhammad, say, (O People of the Scripture! You have nothing...) meaning no real religion until you adhere to and implement the Tawrah and the Injil. That is, until you believe in all the Books that you have that Allah revealed to the Prophets. These Books command following Muhammad and believing in his prophecy, all the while adhering to his Law. Before, we explained Allah's statement, (Verily, the revelation that has come to you from your Lord makes many of them increase in rebellion and disbelief.) (So do not grieve for the people who disbelieve), Do not be sad or taken aback by their disbelief. Allah said next, (Surely, those who believe) referring to Muslims, (those who are the Jews) who were entrusted with the Tawrah, (and the Sabians. ..) a sect from the Christians and Magians who did not follow any particular religion, as Mujahid stated. As for the Christians, they are known and were entrusted with the Injil. The meaning here is that if each of these groups believed in Allah and the Hereafter, which is the Day of Judgement and Reckoning, and performed good actions, which to be so, must conform to Muhammad's Law, after Muhammad was sent to all mankind and the Jinns. If any of these groups held these beliefs, then they shall have no fear of what will come or sadness regarding what they lost, nor will grief ever affect them. We discussed a similar Ayah before in Surat Al-Baqarah (2:62).

41. **Clustering Verses 5:69 and 5:82.** Surah 5 is the last of the Surahs to speak of relations between Muslims and non-Muslims. As it relates to this discussion, Qur'an Verse 5:51 sets the tone:

- 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)

42. Of particular note is that the verses that cluster around Verses 5:69 and 5:82 are among the most categorical in their rejection of the People of the Book, Jews and Christians. Because these revelations occurred at the end of the period of Allah's revelation to Muhammad, they also reflect the end-state understanding of those relationships as a matter of divine mandate. As it relates to Dr. Sabir's assertion that these verses affirm the longstanding amicable relationship between Muslims and Christians, one can see that mixed in with some general revelations of divine hostility towards the People of the Book, Allah twice states that Christian belief in Jesus Christ is blasphemy, that if Christians do not change they will go to hell, and that Allah actually reveals His denial of the status Christians attribute to Jesus as God, the Son of God, and One of Three in a Trinity. There are other Surah 5 verses that do the same. In fact, as Reliance indicates, it is apostasy for a Muslim to even speak words of disbelief such as "Allah is third of three." (Reliance, o8.7(3)) Of course, the penalty for apostasy is death. (Reliance, o8.1) For those Christians who are knowledgeable about Islam and aware of such Quranic revelations, it would not be unreasonable for them to see such binding revelations as a permanent assault on their belief. When Verses 5:69 and 5:82 are read as part of a cluster, it becomes obvious that they are not, as Dr. Sabir stated, confirmation "that the relationship between Muslims and Christians, historically and presently are most favorable":

- **Those who believe (in the Qur'an), those who follow the Jewish (scriptures), and the Sabians and the Christians, - any who believe in Allah and the Last Day, and work righteousness, - on them shall be no fear, nor shall they grieve. (Qur'an 5:69)**
- 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)
- **Strongest among men in enmity to the believers wilt thou find the Jews and Pagans; and nearest among them in love to the believers wilt thou find those who say, "We are Christians": because amongst these are men devoted to learning and men who have renounced the world, and they are not arrogant. (Qur'an 5:82)**

43. Shortly after Verse 5:82, Allah reveals the status of those who reject Islam:

- But those who reject Faith and belie our Signs, - they shall be companions of Hell-fire. (Qur'an 5:86)

**Dr. Wafeeq Sabir states in his Disclosure that "it is my opinion that several statements in the First Amended Complaint, filed on March 23, 2011, regarding Islam, Shariah law and jihad are incorrect and present a mental imagery that are based on improper interpretations and are grossly distorted. ... According to the First Amended Complaint, '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'. The First Amended Complaint also states that Muslims are "to practice Islam as a complete way of life". The exact meaning of Jihad is 'effort' or 'to struggle'. The former part of the objective of jihad noted in the First Amended Complaint does not coincide with the teachings of Prophet Muhammad nor the Quran; ..."**

## Shariah and Jihad Generally Considered

44. Dr. Sabir contends that the First Amended Complaint is incorrect in its portrayal of Shariah and jihad and that they are based on “improper interpretations and are grossly distorted.” Before going into a more specific refutation of Dr. Sabir’s later claims, a general discussion of Shariah is in order. In most books concerning Islam, 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* [an Islamic legal dictate] 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)

45. The American Imam of “Ground Zero Mosque” fame, Imam Feisal Abdul Rauf, fully concurs in 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)

46. There would certainly be no difficulty in providing numerous other examples of such statements from recognized Islamic legal authorities. Notwithstanding Dr. Sabir's comments, the First Amended Complaint can easily substantiate its claim that serious voices inside Islam seek "to gain political control and exercise Islamic authority over a population so that society ultimately lives and abides by the principles of Islam." The IST is certainly associated with entities making such claims.

47. When speaking of Shariah law, 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)

48. Hence, all Muslims are required to follow Shariah law as expressed in the legal rulings of recognized Islamic authorities. There does not appear to be a recognized Shariah law that does not obligate Muslims to fully conform his 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 - 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 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.

49. This concept of the sovereign status of Islamic law is taught at an early 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 Yahiya 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. Hence, 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").

50. Shariah law inculcates hostility and discrimination against Jews, Christians, and all others 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.” Shariah further 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 ...”

51. The mechanism for spreading Shari’ah is Dawah and jihad. This may take many forms, from outright warfare to economic, political, or cultural subversion. As Verse 9:29 notes, 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 part 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. As already discussed, this view is articulated by Shamim Siddiqi, former publications director for the Islamic Circle of North America (ICNA), when stating in *Methodology of Dawah Ilallah in American Perspective* that implementing Islamic law in America includes the disenfranchising of rights to non-Muslim Americans: “the people of the Scriptures were warned either to accept Islam or pay the *Jizyah* and live the life of second class citizens under the bounds and bounties of Islamic State.”

52. This understanding can hardly be relegated to the historic. At a recent INCA Conference held in Hartford, Connecticut over the Memorial Day weekend (26, 27, 28 May 2012), a pamphlet titled, *Non-Muslims in Muslim Society* by Yusuf al-Qaradawi was vended. Originally written in 1985 in Arabic, the pamphlet was later published in a revised 2005 English language edition. Yusuf al-Qaradawi is the lead jurist of the Muslim Brotherhood and the current leading light of the Islamic Movement. The pamphlet was published by “American Trust Publishing (ATP),” an entity that is listed in the Explanatory Memorandum as a being affiliated with the Muslim Brotherhood. A NAIT webpage designates ATP as the entity that “meets the publishing needs of the Muslim community in North America” and notes its formal subordination to NAIT. The NAIT webpage is co-branded with ISNA. (“ATP – Quality Islamic Literature,” [http://www.nait.net/ATP\\_page.htm](http://www.nait.net/ATP_page.htm)). Along with ISNA and NAIT, ATP designates it’s headquarter as being in Plainfield, Indiana. ATP’s headquarters’ office and official address have historically been collocated with NAIT and ISNA in Plainfield, Indiana. The Qaradawi pamphlet was recently republished and is currently being vended as a valid monograph of Islamic law on the status of non-Muslims at national level Muslim Brotherhood Conferences. It is but one of many titles from the International Muslim Brotherhood that the American Muslim Brotherhood translates and circulates under its own publishing brand. It is in the publication and dissemination of materials like Qaradawi’s monograph that witness is given to the Explanatory Memorandum’s charge to support Muslim Brotherhood causes nationally and globally, and to support a global Islamic State – a Caliphate – wherever it is. This demonstrates the unbroken nature of the relationship among the International Muslim Brotherhood, the Muslim Brotherhood in America (e.g., ISNA, NAIT, MSA, CAIR, ATP, ICNA, etc.), and the IST in Tulsa Oklahoma:

- 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)

53. There is no mystery here. So what does Qaradawi say in his monograph? The pamphlet *Non-Muslims in Muslim Society* discusses, among other things, the application of Verse 9:29 to the non-Muslim populations today. In it, Qaradawi provides the Islamic legal basis for the global Islamic mission to subordinate non-Muslims to Islamic law and, in the event that the submitted fail to convert to Islam, to be relegated to second class citizen status (*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 Muslim 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 Muslim Society*, 20)

### **Gaining Political Control and Exercising Islamic Authority over a Population**

54. Dr. Sabir takes exception to the statement in the First Amended Complaint that “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.” From the Qur’an one can find the following verses:

- *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)*

55. It is in keeping with Quranic verses such as these that Sayyid Qutb said in *Milestones* that:

- 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)
- 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)

56. 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. ISNA accepts this position as demonstrated by its affiliation to the Explanatory Memorandum. As discussed, the IST is a formally subordinate element of ISNA. A burden of proof is met simply by demonstrating the IST's association with Muslim Brotherhood entities in its constitution and through parent affiliations. 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 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. (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)

- Allah is our goal; the Messenger is our guide; the Koran is our constitution; *Jihad* is our means; and *martyrdom* in the way of Allah is our inspiration. (Muslim Brotherhood motto )

### **The IST Relationship to the “Compete Way of Life”**

57. On “Islam as a complete way of life,” Article II of the IST Constitution states that “IST shall ... serve the best interest of Islam ... so as to enable Muslims to practice Islam as a complete way of life ... in cooperation with ISNA.” This means that IST’s concept of the “complete way of life” can reasonably be tied to ISNA’s and the larger Muslim Brotherhood understanding of what is meant by this phrase. It should certainly not be left unconsidered. This includes the “complete way of life” as understood by Muslim Brotherhood luminary Sayyid Qutb, when declaring:

- 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)

### **Jihad as “Effort” and “Struggle”**

58. Dr. Sabir states that the exact meaning of Jihad is “effort” or “struggle.” This question was addressed in Point 7. The treatment of Jihad in Point 7 is influenced by the Muslim Brotherhood in North America’s approval of the text of Islamic law, *Reliance of the Traveller*, that states that “Jihad means to wage war against non-Muslims to establish the religion” (Reliance, §9.0) as further explained by the *INCA Tarbiyah Guide- Stage 1*. As a subordinate entity of ISNA, the IST is influenced by these sources.

### **Objective of Jihad from First Amended Complaint does not coincide with Teachings from the Qur’an**

59. Dr. Sabir stated that that the “objective of jihad” as stated in the First Amended Complaint does not coincide with the teachings of Prophet Muhammad nor the Qur’an.” 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)*

#### **Example from Pakistan of Jihad as War based on the Qur’an**

60. While Dr. Sabir suggests that there is no Quranic basis to jihad as warfare, Pakistani Brigadier S.K. Malik believed there to be a form of warfare mandated by Allah and wrote a monograph titled *Quranic Concept of War* in 1979 in which he relied on four verses of the Qur’an to argue that the Quranic form of warfare should be based on terror. The four verses are:

- 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)

61. As Brigadier Malik understands it, Islamic war is for Allah; 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)

62. 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.

### **Objective of Jihad from First Amended Complaint does not coincide with Teachings of Prophet Muhammad**

63. As noted, Dr. Sabir stated that that the "objective of jihad" as stated in the First Amended Complaint does not coincide with the teachings of Prophet Muhammad nor the Qur'an." 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:

- Muhammad 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)
- Muhammad 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-Ahزاب (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)
- II. **My qualifications as an expert witness are included in the information provided above and my resume, which can be provided upon request.**
- III. **My study, case preparation, and testimony in this matter is offered pro bono. All Travel expenses will be billed at cost.**
- IV. **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 *Murray v. Geithner*.**
- V. **I have not testified as an expert at trial.**

Signed: Stephen C. Conroy Date: 31 MAY 2012.