

PART II

THE UNITED STATES AND SHARIAH

6

THE ANTI-CONSTITUTIONAL CHARACTER OF SHARIAH

As a nation, we have lost our understanding of America's founding principles and as a result have become increasingly ill-prepared to defend the superiority of those principles. This puts us at a distinct disadvantage in being able to identify, understand and confront hostile doctrines – both foreign and domestic – that are in conflict with our own. The result of this combination of confusion and lassitude is that, in the face of shariah's violent and stealthy jihadist assaults, our peace and prosperity are at risk to the point where the core tenets of our nation – and ultimately its very existence – are in jeopardy.

In this context, it is worth reexamining America's founding principles and their incompatibility with the doctrines of Islam, especially those political, military and judicial doctrines embodied in shariah.

THE FOUNDING DOCUMENTS

The authoritative statement of America's founding principles is the Declaration of Independence. The Declaration defines the most fundamental of these in this brief, yet sweepingly comprehensive, passage: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable Rights... That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed."

In conformity with the Declaration, the U.S. Constitution's Preamble is similarly clear in the declaration of its purpose: "[To] secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution."

Note that "We the people" create the Constitution; the Constitution does not create "the people." "The people" as a founding entity were constituted through the voluntary act of consenting to the principles of the Declaration. In creating the Constitution to secure natural rights and liberties, the people acted in their sovereign capacity.

Such is the basis of American government, rooted in "the laws of nature and nature's laws." Noted historian Harry Jaffa explained how the principles of the American founding were derived from a combination of reason and revelation:

What we call Western civilization is to be found primarily and essentially in the confluence of the autonomous rationalism of classical philosophy and the faith of biblical religion... The unprecedented character of the American Founding is that it provided for the coexistence of the claims of reason and of revelation in all their forms, without requiring or permitting any political decisions concerning them. It refused to make unassisted human reason the arbiter of the claims of revelation, and it refused to make revelation the judge of the claims of reason. It is the first regime in Western civilization to do this, and for that reason it is, in its principles

or speech (leaving aside the question of its practice or deeds), the best regime.⁴¹⁰

SEPARATION OF CHURCH AND STATE

America's doctrine of separation of church and state, which constitutionalists define more narrowly as a ban on a government-established or official state religion, exemplifies this balance. Popularly viewed as a secular doctrine, it actually has its basis firmly rooted in Judeo-Christian biblical scriptures such as "Submit yourselves for the Lord's sake to every authority instituted among men"⁴¹¹ and "Render unto to Caesar that which is Caesar's."⁴¹²

Thomas Jefferson's Virginia Statute for Religious Liberty, adopted by the Virginia General Assembly in 1786, exemplifies this concept:

Whereas, Almighty God hath created the mind free; that all attempts to influence it by temporal punishments or burdens, or by civil incapacitations tend only to beget habits of hypocrisy and meanness, and are a departure from the plan of the Holy Author of our Religion, who being Lord, both of body and mind yet chose not to propagate it by coercions on either, as was in His Almighty power to do.

As the Virginia Historical Society explains:

Jefferson considered the Virginia Statute for Religious Freedom as one of his three greatest achievements, ranking it with the drafting of the Declaration of Independence and the founding of the University of Virginia. According to the Virginia History and Government Textbook Commission, which was created by a resolution adopted by the General Assembly in its 1950 session, "Virginia was the first sovereign commonwealth, state, or nation in all the world to proclaim by law entire freedom of religious belief or unbelief."⁴¹³

TOLERANCE IN AMERICA VERSUS THE QURAN

This brief examination establishes that American principles are principles of liberty that are rooted in *mutual* toleration. It follows that, in the United States, liberty was never intended to tolerate the intolerant and its citizens were never intended to tolerate totalitarian doctrines. Put differently, intolerant, totalitarian doctrines are in direct conflict with the stated purpose of American government “to secure these rights [endowed by their Creator].”

Even a fairly superficial reading of the Quran and other primary source documents of shariah reveals that it is a political-military-legal doctrine, rather than a religion as defined by the American standards mentioned above. The prominent Islamic scholar Abdul Maududi concurs with this assessment, saying: “But the truth is that Islam is not the name of a ‘Religion,’ nor is ‘Muslim’ the title of a ‘Nation.’ In reality, Islam is a revolutionary ideology and programme which seeks to alter the social order of the whole world and rebuild it in conformity with its own tenets and ideals.”⁴¹⁴

Shariah is, moreover, a doctrine that mandates the rule of Allah over all aspects of society. Specifically, in contrast – and fundamentally at odds – with the Jeffersonian principle of religious freedom, shariah holds that God did not create the mind free, but in subservience to the will of Allah (as detailed in shariah). The condition of human beings is submission to Allah, not freedom.

INTOLERANCE TOWARDS APOSTATES

As noted elsewhere in this report, one particularly clear-cut inconsistency of shariah with the rule of law pursuant to the U.S. Constitution is shariah’s requirement that apostates be killed. Quran 4:89 says, “Those who reject Islam must be killed. If they turn back (from Islam), take hold of them and kill them wherever

you find them.” According to Hadith Sahih al-Bukhari, Mohamed declared, “Whoever changes his Islamic religion, kill him.”⁴¹⁵ Clearly, such direction is incompatible with the Constitution’s First, Fifth and Sixth Amendment protections.

Virtually every provision of the U.S. Constitution can be juxtaposed with shariah practices that are in violent conflict with America’s foundational laws.

As noted in the next chapter of this report, a minimum standard of professional competency for America’s political elites and national security professionals demands that they understand the enemy’s threat doctrine. To the extent that that doctrine is wholly incompatible with the Constitution, it is, moreover, a violation of their oaths of office if they fail to defend the latter.

THE FOUNDERS AND ISLAM

America’s earliest presidents best understood our founding principles. They were not only deeply involved with their formal adoption. They were professionally competent. When confronted with an Islamic threat, they took the effort to consult primary sources and to conduct competent analysis of that threat.

The first Muslim member of the House of Representatives recently made a spectacle of being sworn in on a copy of the Quran, rather than the Bible. He deflected some criticism by using one owned by Thomas Jefferson. Unremarked in all the controversy that ensued was the reason *why* our third President came to own a Quran.

In 1786, Thomas Jefferson, ambassador to France, and John Adams, ambassador to England, met with the emissary of the Islamic potentates of Tripoli to Britain, Sidi Haji Abdul Rahman Adja, regarding the demands for tribute being made at the time by the so-called Barbary Pirates.

Afterwards, Jefferson and Adams sent a four-page report to the Congress describing this meeting. The relevant portion of their report reads:

We took the liberty to make some inquiries concerning the Grounds of their pretentions to make war upon Nations who had done them no Injury, and observed that we considered all mankind as our friends who had done us no wrong, nor had given us any provocation.

The Ambassador answered us that it was founded on the Laws of their prophet, that it was written in their Qur'an, that all nations who should not have acknowledged their authority were sinners, that it was their right and duty to make war upon them wherever they could be found, and to make slaves of all they could take as Prisoners, and that every Musselman who should be slain in battle was sure to go to Paradise.

After this, Jefferson read the Quran in order to know his enemy. That knowledge of his adversary led to his doctrine of “Millions for defense, but not one cent for tribute.”

John Adams' son, John Quincy Adams, whose formative years coincided with the founding of the republic, offers further insights into the early presidents' views on this subject. Like many Americans, he took an oath to uphold and defend the U.S. Constitution from all enemies, foreign and domestic. And, when faced with an Islamic enemy, he understood his obligation to be educated on the factual aspects of the principles, doctrines, objectives, jurisprudence and theology of shariah that comprised his enemy's threat doctrine.

John Quincy Adams' 136-page series of essays on Islam displayed a clear understanding of the threat facing America then – and now, especially from the permanent Islamic institutions of jihad and *dhimmitude*.⁴¹⁶ Regarding these two topics, Adams states:

...[Mohammed] declared undistinguishing and exterminating war, as a part of his religion, against all the rest of mankind....The precept of the Quran is, perpetual war against all who deny, that [Mohammed] is the prophet of God.

The vanquished [*dhimmi*] may purchase their lives, by the payment of tribute.”

As the essential principle of [Mohammed’s] faith is the subjugation of others by the sword; it is only by force, that his false doctrines can be dispelled, and his power annihilated.

The commands of the prophet may be performed alike, by fraud, or by force.

This appeal to the natural hatred of the Mussulmen towards the infidels is in just accordance with the precepts of the Quran. The document [the Quran] does not attempt to disguise it, nor even pretend that the enmity of those whom it styles the infidels, is any other than the necessary consequence of the hatred borne by the Mussulmen to them – the paragraph itself, is a forcible example of the contrasted character of the two religions.

The fundamental doctrine of the Christian religion is the extirpation of hatred from the human heart. It forbids the exercise of it, even towards enemies. There is no denomination of Christians, which denies or misunderstands this doctrine. All understand it alike – all acknowledge its obligations; and however imperfectly, in the purposes of Divine Providence, its efficacy has been shown in the practice of Christians, it has not been wholly inoperative upon them. Its effect has been upon the manners of nations. It has mitigated the horrors of war – it has softened the features of slavery – it has humanized the intercourse of social life.

The unqualified acknowledgement of a duty does not, indeed, suffice to insure its performance. Hatred is yet a passion, but too powerful upon the hearts of Christians. Yet

they cannot indulge it, except by the sacrifice of their principles, and the conscious violation of their duties. No state paper from a Christian hand, could, without trampling the precepts of its Lord and Master, have commenced by an open proclamation of hatred to any portion of the human race. The Ottoman lays it down as the foundation of his discourse.⁴¹⁷

As we have seen in chapter two, Adams' analysis of the meaning of jihad is validated in the English-language translation of the authoritative 14th Century text, *Reliance of the Traveller – A Classic Manual of Islamic Sacred Law*.⁴¹⁸ This book reveals in its opening chapter on Jihad:

o9.0 – Jihad. *Jihad* means to wage war against non-Muslims, and is etymologically derived from the word *mujahada*, signifying warfare to establish the religion. ... The scriptural basis for jihad, prior to scholarly consensus (def: b7) is such Quranic verses as: (1) “Fighting is prescribed for you” (Quran 2:216); (2) “Slay them wherever you find them” (Quran 4:89); (3) “Fight the idolaters utterly” (Quran 9:36); ...I have been commanded to fight people until they testify that there is no god but Allah and that Mohammed is the messenger of Allah, and perform the prayer, and pay *zakat*. If they say it, they have saved their blood and possessions from me, except for rights of Islam over them.

In conclusion, it is clear from the writings of several of our earliest presidents, as well as the texts of the nation's founding documents, that American principles are not at odds with – and imperiled by – some “radical” or “extreme” version of Islam. Rather, it is the mainstream doctrine of shariah that constitutes the threat to the U.S. Constitution and the freedoms it enshrines.

That incompatibility has several practical implications: For one thing, the shariah legal code cannot be insinuated into America – even through stealthy means or democratic processes – without violating the Constitution's Article VI Supremacy Clause,

which requires that the Constitution “shall be the supreme Law of the land.”

For another, those who advocate the imposition of shariah in America must be considered ineligible to serve in the military, or hold state or federal office, insofar as Article VI requires them to swear an “oath...to support this Constitution” – *not* any other legal code, like shariah. The same disqualifier would appear to govern with respect to immigrants or would-be naturalized citizens.

Lastly, advocacy of and engagement in jihad, of even the *dawa* variety, for the purpose of imposing shariah, supplanting the Constitution and overthrowing the government it mandates would – as a practical matter – constitute a felony violation of the U.S. Code’s prohibitions on treason, sedition and subversive activities.

From its founding, America has had a great tradition of tolerance and inclusion, on a mutual basis. Our latter day tendencies, however, for cultural diversity, political correctness and unreciprocated ecumenism – all seen by our enemies as submission and the subject of the following chapter – must not be allowed to create vehicles for our national destruction at the hands of those all-too-willing to use our civil liberties against us toward that end. In World War II, Americans would never have proposed that fascist or Nazi doctrine had some political or moral equivalency with American principles. We rightly identified the two as being completely and unalterably at odds. Today’s mortal peril, shariah, must be viewed and treated the same way.

As is discussed at greater length below, the relevant, seminal texts concerning shariah are available *in English* from online booksellers and in mosque bookstores across America. It is, consequently, inexcusable for our political elites to be ignorant of the doctrines that guide shariah-adherent organizations like the Muslim Brotherhood’s Islamic Society of North America, the Council

on American Islamic Relations, the North American Islamic Trust, etc. as well as al Qaeda, Hezbollah, Hamas, and their ideological cousins.

Even more reprehensible is the willingness of some among America's elites, and it would appear even a subset of its elected leaders, to accede to these groups' increasingly insistent contention that shariah is compatible with the U.S. Constitution. In fact, based on shariah's tenets, its core attributes – especially its intolerance of other faiths and disfavored populations and its bid for supremacy over all other legal or political systems, there can be no confusion on this score: As the Framers fully understood, shariah is an enemy of the United States Constitution. The two are incompatible.⁴¹⁹