

STATEMENT

OF


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BEFORE

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“RELIGIOUS DISCRIMINATION AND PRISONERS’ RIGHTS”

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Chairman Reynolds, Vice Chair Thernstrom and distinguished members of the Commission, thank you for the opportunity to appear before you today. The subject you have chosen to study this year, “Religious Discrimination and Prisoners’ Rights,” is an important one with implications across the legal, national security, religious and civil liberties spectrum. As Director of the Homeland Security Policy Institute (HSPI) at The George Washington University, I co-chaired along with my colleague Dr. Gregory Saathoff of the Critical Incident Analysis Group at the University of Virginia, a task force of multidisciplinary subject matter experts to analyze what was known at that time about radicalization and recruitment of inmates within the U.S. prison system. Our September 2006 report, “Out of the Shadows: Getting Ahead of Prisoner Radicalization,” is being submitted for the record.

The implications of this hearing’s topic – inmates’ exercise of religion and religious discrimination – should not be understated. Within this larger context, however, the Commission may want to consider the security implications of prisoner radicalization. To be clear, religious practice is a Constitutional right, and neither the practice of nor conversion to a religion poses a threat. It is also important to recognize the potentially positive impact of religion on inmates. But we must be aware of the threat of prisoner radicalization, a phenomenon that often involves the perversion of religious beliefs and practices.

Though it is difficult to quantify, the potential for religious radicalization of U.S. prison inmates poses a threat of unknown magnitude to the national security of the United States – a threat that poses serious consequences regardless of its magnitude. Prisons have been for centuries places where extremist ideology and calls to violence could find a willing ear – witness Hitler’s writing of *Mein Kampf*, Joseph Stalin’s recruiting for the Bolsheviks, and Said Qutb’s writing of his manifesto *Milestones Along the Road* while serving prison sentences; Željko Ražnatović founded the murderous paramilitary force, Arkan’s Tigers, after multiple prison terms, and Abu Musab al-Zarqawi came to lead al-Qa’ida in Iraq only after becoming radicalized and creating a following while imprisoned. Conditions in prison such as overcrowding and prisoners’ need for protection are often conducive to radicalization.

While radicalization – both in prisons and at large – has and continues to develop in many forms with diverse ideologies, I will focus my remarks on the potential for prison inmates to be radicalized by charismatic leaders using a “cut and paste” version of the Qur’an to promote “Jailhouse Islam,” which incorporates violent prison culture

into religious practice, or by “Prislam,” in which prisoners who join Islamic gangs for protection adopt Islam out of necessity.<sup>1</sup> Regardless of the significance of the threat posed by prisoner radicalization, solutions should not infringe upon a prisoner’s right to freely express their religious beliefs. Indeed, prison facilities bear the burden of proof if they wish to deny an inmate’s request for any service or activity related to religion.

Radicalization can be defined as “the process of adopting an extremist belief system, including the willingness to use, support, or facilitate violence, as a method to effect societal change.”<sup>2</sup> An “extremist belief system” includes beliefs that are anti-social, politically rebellious, and anti-authoritarian.

Radicalization, within prisons or outside them, is not limited to the U.S. Indeed, it is a global problem that at a minimum spans Europe, the Middle East and the Americas. Research on the characteristics of terrorist recruits abroad has identified youth, unemployment, alienation, as well as the need for a sense of self-importance, of belonging to a group and for security in prison as common factors, all of which are present among prison populations, including those in the U.S.<sup>3</sup> In recent years, several individuals who were radicalized while incarcerated have been involved in terrorist operations. This has increased awareness and concern about the spread of radical religious beliefs and their potential impact on terrorist recruiting in our prison system.

With the world’s largest prison population (well over 2 million – ninety-three percent of whom are in state and local prisons and jails) and highest incarceration rate (738 out of every 100,000), America faces what could be an enormous challenge: radicalized prisoners eventually becoming terrorists, either by being recruited or by enlisting themselves into a violent movement.<sup>4</sup> Over the past several years, there has been a growing consensus – among executive branch officials, Congressional

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<sup>1</sup> See Appendix A of *Out of the Shadows: Getting Ahead of Prisoner Radicalization*, available at <<http://www.gwumc.edu/hspi/reports/rad/Out%20of%20the%20shadows.pdf>>.

<sup>2</sup> Charles E. Allen, Assistant Secretary for Intelligence and Analysis, Department of Homeland Security “The Threat of Islamic Radicalization to the Homeland,” testimony before the Committee on Homeland Security and Governmental Affairs, U.S. Senate, delivered on March 14, 2007, p. 4.

<sup>3</sup> R.A. Hudson, “The Sociology and Psychology of Terrorism: Who Becomes and Terrorist and Why?,” Federal Research Division, Library of Congress, 1999, p. 24.

<sup>4</sup> Roy Walmsley, *World Prison Population List (7th Ed.)* (International Centre for Prison Studies, King’s College London – School of Law, 2006).

members, federal, state and local law enforcement and corrections officials – as to the threat posed by radicalization in our prison system and initial steps to counter the problem. Recent examples of prisoner radicalization include:

- Jamal Ahmidan, one of the leaders of the plot to bomb the Madrid train system in 2004, was radicalized in a series of prisons. In a Spanish prison in 1998, Ahmidan was exposed to extremist propaganda videos and developed an obsession with *jihad*. In 2003, released from another prison in Morocco, Ahmidan had adopted an austere version of Islam, a fixation on the conflict in Iraq, and a new-found respect for Osama bin Laden and al-Qa’ida. It wasn’t long after that that Ahmidan began to organize the group that would plan and carry out the 11 March 2004 terrorist attack that killed almost 200 people.<sup>5</sup>
- Several of 30 Muslim men arrested in Spain late last year and charged with plotting to bomb the high-security courthouse where they are now on trial corresponded via letters written in Arabic with three terrorists convicted in the World Trade Center bombing that killed six people in New York in 1993. The militants admired and drew inspiration from the trio in U.S. federal prisons because of their historic attack on America and because of letters and poems they published in Arabic presses after their incarceration. According to prosecutors, the letters escaped scrutiny for a long time because the Spanish and U.S. prison systems lack enough translators to screen mail written in Arabic.
- Mukhtar Ibrahim, the ringleader of the follow-on attacks of the July 7, 2005 London bombings converted to Islam while in a British youth detention center.
- In July 2005, the FBI – thanks to efforts by state and local police – became aware of a Sunni Islamic extremist group in California operating primarily in state prisons, without apparent connections or direction from outside the U.S. and with no identifiable foreign power nexus. Members of this group, the Jam’iyyat Ul-Islam Is-Saheeh (JIS), or the “Authentic Assembly of Islam,” were involved in almost a dozen armed gas station robberies in Los Angeles with the goal of financing terrorist operations in furtherance of JIS goals. Founder

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<sup>5</sup> Andrea Elliott, “Where Boys Grow Up to Be Jihadis.” *The New York Times Magazine*, 25 November 2007, <<http://www.nytimes.com/2007/11/25/magazine/25tetouan-t.html>>.

Kevin Lamar James, an inmate at New Folsom State Prison, recruited other prisoners to JIS, one of whom went on to recruit outside the prison after being paroled.<sup>6</sup> Several of the group's members have been successfully prosecuted for conspiracy to commit terrorism.<sup>7</sup>

Radicalization, it must be emphasized, is not unique to Islam, and remains the exception among prisoners rather than the rule. Right-wing extremist groups, for example, are also present in prisons and have an extensive history of terrorist attacks – including the Covenant, Sword and Arm of the Lord (CSA), Posse Comitatus, The Order, Aryan Nations, and the many militia groups across the country.

Just as young people may become radicalized by “cut and paste” versions of the Qur'an via the Internet, new inmates may gain the same distorted understanding of the faith from charismatic prison gang leaders, other influential inmates, and volunteer religious services providers. Yet while the threat of prisoner religious radicalization is significant, the solution should not include a clampdown of prison reading material or clergy members, nor policies that infringe upon an inmate's right to religious expression.


In order to help formulate solutions to prisoner radicalization, I would like to share the key findings of our report:

- Radicalization is neither unique to Islam nor a recent phenomenon, and remains the exception among prisoners rather than the rule. Right-wing extremist groups are also present in prisons and have an extensive history of terrorist attacks.
- “Jailhouse Islam”, based upon cut-and-paste versions of the Qur'an, incorporates violent prison culture into religious practice.
- The inadequate number of Muslim religious services providers increases the risk of radicalization. It creates an opportunity for extremists – such as

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<sup>6</sup> United States District Court for the Central District of California, October 2004 Grand Jury, Indictment against Kevin James.


<sup>7</sup> Andrew Murr, “Thwarting Terror.” *Newsweek*, 15 December 2007, <<http://www.newsweek.com/id/78189>>.



already-radicalized prisoners or radicals posing as volunteers to infiltrate prisons – to exploit by filling the role of religious services providers. A solution is more, not fewer, Muslim religious services providers.

- Further, upon release from prison, the inability to track inmates coupled with lack of social support to reintegrate them into the community gives rise to a vulnerable moment during which they may be recruited by radical groups, posing as social support organizations. These radical groups are more interested in their own extremist agendas than in the welfare of released prisoners. Prisons are often located in rural areas, away from families and established religious communities, leaving prisoners with little in the way of social or community support either during or after prison sentences – a vulnerability exploited by extremists.
- Information collection and sharing between and among federal, state and local prison systems is integral to tracking radical behavior of prisoners and religious services providers. Significant strides have been made at the federal level, but change at the state and local level, where the overwhelming majority of inmates are incarcerated, is much more difficult to assess. Officials would benefit from the sharing of “lessons learned,” even if they have to be tweaked.
- Efforts have been made to improve information and intelligence sharing. The California state government, for example, has created several Joint Regional Intelligence Centers (JRICs) and Regional Threat Assessment Centers (RTACs) which are composed of representatives from prison staffs, the Los Angeles County Sheriff’s Department, the Los Angeles Police Department, the Federal Bureau of Investigation, the Drug Enforcement Agency and the assistant U.S. attorney for the area. However, the JRICs and RTACs meet only infrequently, and are designed to study the problem from a strategic perspective rather than to support operations against extremist groups.
- Resource limitations – both in terms of manpower and financing – hinder efforts to combat prisoner radicalization. Officials in California report that every investigation into radical groups in their prisons uncovers new leads, but that they simply do not have enough investigators to follow every case of





radicalization. Compounding this problem, radicalized prisoners often act as “model prisoners” to mask their activities.

- Radicalization in prisons is a global problem and bears upon the national security of the U.S. In Europe, Latin America and elsewhere the threat has progressed farther than it has in the U.S., giving officials the opportunity to learn from foreign prison radicalization cases so as to confront the problem here in its early stages. Information sharing between and among the U.S. and other countries is crucial.
- At present there is insufficient research and data about prisoner radicalization to qualify the threat. There is a significant lack of social science research on this issue. No comprehensive records currently exist, for example, on the religious affiliations of inmates when they enter or leave prison – there is not even a baseline of information on religion in prisons, much less religious radicalization. (Actually, a database of thousands of prisoners, listing their religious affiliation, measuring their susceptibility to radicalization, and reporting the address to which they would be released, was compiled – by the Al-Haramain Islamic Foundation, a now-banned organization with suspected ties to international terrorism.<sup>8</sup>) This knowledge gap must be decreased by policies that promote good research while continuing to secure the rights of inmates who are involved in these studies – most simply, we need more data.
- Prison officials are understandably stretched thin by the need to maintain order in overcrowded and under-funded facilities. Additionally, officials may face threats to their safety from radicalized prisoners, as may other prisoners. Nevertheless, because information is an essential precursor to action, investigation of radicalization in prisons must become a homeland security and counterterrorism priority.
- No one profession alone is equipped to analyze prisoner radicalization and recommend change. A multi-disciplinary approach that includes perspectives of religion, criminal justice, intelligence, law, and behavioral sciences is necessary for proactive analysis of the phenomenon.

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<sup>8</sup> Daveed Gartenstein-Ross, “Prison Radicalization: Are Terrorist Cells Forming in U.S. Cell Blocks?” Testimony before the Senate Homeland Security and Governmental Affairs Committee, 19 September 2006, <[http://hsgac.senate.gov/\\_files/091906GartensteinRoss.pdf](http://hsgac.senate.gov/_files/091906GartensteinRoss.pdf)>.


- Knowledge must be translated into action. Awareness, education and training programs must be developed for personnel working in prison, probation and parole settings. Translators are in high demand; language skills and cultural knowledge are invaluable and must be promoted.
- The Intelligence Reform Terrorism Prevention Act of 2004 calls for the establishment of the Information Sharing Environment (ISE) to support our nation's counter-terrorism efforts. It is critical that information regarding the radicalization of prisoners in state, local, and federal correctional facilities be included as part of the body of information shared through the ISE.

We have seen the results of this lack of information. The Bureau of Prisons attempted to address the problem of prisoner radicalization through its now-abandoned Standardized Chapel Library Project – a well-meaning but counterproductive effort. The program, through which prison chapel libraries would have been purged of all items except for a handful on a list of approved materials, was a blanket response that would have punished all prisoners and threatened the legitimate and legal exercise of religion by prisoners. Moreover, chapel libraries represent just a part of a system of prisoner access to media, including general prison libraries and materials brought in by visitors. To frame the problem, some radical groups have taken to using codes and ciphers to mask extremist materials smuggled into prisons. Dealing with chapel libraries, then, is just scratching the surface of prisoner access to radical literature and other media. With more investigation of and better information on prisoner radicalization, it will be possible to develop better-crafted and targeted policies that address the roots of prisoner radicalization.

Good work is being done to counter the threat of radicalization and should be recognized. There are broader efforts at play, such as the efforts of the Office of Civil Rights and Civil Liberties in the Department of Homeland Security, which works in part to combat radicalization through community outreach. Unfortunately, resource limitations are a challenge here as well.

I commend the Commission for taking a multi-disciplinary approach to the issue of prisoner exercise of religion and security. It is efforts like yours that will shed light on this phenomenon and contribute to the crafting of effective policies. Studying this broad issue and prisoner radicalization in particular should include perspectives of the





religious, criminal justice, intelligence, law, and behavioral sciences communities in order to produce a proactive analysis of the phenomenon while ensuring the right of prisoners to express their religious faith. Ultimately, religious faith and practice can be part of the solution to the concerns posed by radicalization.

Thank you again for according me the privilege of testifying before you on this important issue. Should it be possible to assist your efforts in any way in days ahead, HSPI stands ready to do so. I would now be pleased to try to answer any questions that you may have.