

**The Constant Threat to Peace and Liberty:
The Caliphate and Jihad**

Danny Davis

The Bush School of Government and Public Service
Texas A&M University

Kathryn Williams

The Bush School of Government and Public Service
Texas A&M University

Abstract

Since the 911 attacks, an immediate menace to our society has come from attacks by individuals or small teams practicing “leaderless resistance”. Certainly the perpetrators of these crimes follow a common theology/ideology, that of jihadist-Salafist from within Sunni Islam. But, while they followed the call to arms from religious leaders, their violent actions were generated through their own initiative. This paper presents four major points: 1) it describes the jihadist-Salafist movement that has declared war on the United States, Israel, and the western democracies; 2) it provides insight into the recruitment and propaganda efforts of the movement; 3) it discusses portions of U.S. counterterrorism policy, specifically law enforcement surveillance and monitoring policy and techniques; 4) and finally, it draws conclusions on the effects fighting the jihadist-Salafist threat is having on the security-safety debate in the United States.

Corresponding author:

*Danny Davis, PhD. The Bush School of Government and Public Service. Texas A&M University
e-mail: dannywdavis@tamu.edu*

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Introduction

In 2001, terrorism expert Brian Jenkins characterized the developing threat from domestic terrorists as, “tiny conspiracies, lone gunmen, and one-off attacks, rather than sustained terrorist campaigns”. Over the last 15 years small groups and individuals espousing various motivations (the radical right, animal and environmental extremists, and Islamists) have used terror tactics to destroy property and murder in the name of their specific causes. In effect these people are practicing a version of “leaderless resistance” (Beam, 1993).¹ Such terrorists have carried out violent actions through their own initiative, very often without operational direction from a central authority. Of the different groups that use terrorism to further their different causes, by far the most active and dangerous movement the United States and the west faces today is the jihadist-Salafist movement from within Sunni Islam.

The most recognizable face of jihadist-Salafism is the Islamic State (Barrett, 2015).² And while this entity’s conventional war operations in the Middle East pose the most visible military and diplomatic challenges to our government, this paper will focus

¹ The concept of “leaderless resistance” was first introduced by Louis Amoss, an Air Force and Office of Strategic Services veteran (WWII) and long involved in the commercial production of intelligence for the government and businesses. Amoss developed the concept in the expectation of a communist takeover of the United States. Louis Beam, in 1992, later adopted the idea to aid radical right resisters in the wake of key defeats by law enforcement of far right-wing groups.

² A December 2015 study by the Soufan Group estimated that “between 27,000 and 31,000 people have traveled to Syria and Iraq to join the Islamic State and other violent extremist groups from at least 86 countries”. The report goes on to state that of western foreign fighters who have traveled to the war zone, 20-30% of those individuals return to their homes. This figure signifies a major peril for the countries involved.

on the ongoing unconventional or terrorist threat from this movement. This paper does four things: 1) describes the jihadist-Salafist movement that has declared war on the United States, Israel, and the western democracies; 2) provides insight into the recruitment and propaganda efforts of the movement; 3) discusses portions of U.S. counterterrorism policy, specifically law enforcement surveillance and monitoring policy and techniques; 4) draws conclusions on the effects fighting the jihadist-Salafist threat is having on the security-safety debate in the United States. Included in this section is the recommendation that the relatively new concept of human security³ (Human Security Initiative, 2016) might be used to advantage to better engage developing nations in the fight against the Jihadist-Salafist movement.

The Jihadist-Salafist Movement and the Islamic State

“The ideology of the Islamic State organization can be described as a uniquely hardline version of violent jihadist-Salafism” (Blanchard & Humud, 2016, p. 13). In the summer of 2014, after four years of military operations in Syria and Iraq, the leaders of the Islamic State in Syria and the Levant (ISIL) proclaimed the re-founding of the caliphate, and the declaration found an enthusiastic reception among some Muslims around the world.⁴ “Caliphate ("succession" in Arabic) is an institution first created in the 7th century after the death of the prophet Muhammad. Now revived by the jihadists of the

³ The term Human Security was first popularized by the United Nations Development Program in the early 1990s. It emerged in the post-Cold War era as a way to link various humanitarian, economic, and social issues in order to alleviate human suffering and assure security. The issues Human Security addresses include, but are not limited to, the following: Organized Crime and Criminal Violence; Human Rights and Good Governance; Armed Conflict and Intervention; Genocide and Mass Crimes; Health and Development; Resources and Environment. Human Security focuses primarily on protecting people while promoting peace and assuring sustainable continuous development. It emphasizes aiding individuals by using a people-centered approach for resolving inequalities that affect security.

⁴ It is ironic that several of the most prominent ISIL leaders at the time, Abu Bakr Baghdadi among them, had been recently released from the U.S. detainment facility at Guantanamo Bay in Cuba.

(now titled) Islamic State, this old-new political-religious entity has been given its own hashtag, #CaliphateRestored – a potent weapon in a digital propaganda war” (Black, 2014). In this religious-political system, the caliph, acting as the supreme religious and political leader directs the affairs of the Ummah (the Muslim community) and the state under Sharia Law.

The ideology followed by the movement has long legs stretching well back into Islamic history. Part of the Sunni division of Islam, Salafists, (“early Muslims”), work to restore what they believe to be the true worship that existed in Islam in its first 400 years. The firmly held belief is that following the customs and practices of the earliest believers should be the goal for the Ummah (Muslim community) and the state. Past clerics such as Ibn Taymiyya, Ibn al-Qayyim, Ibn ‘Abd al-Wahhab, and more recent Islamic scholars such as Abdul Aziz bin Abdullah bin Baz, Muhammad ibn al Uthaymeen, Ali Al-Timimi, and Muhammad Nasir al-Din al-Albani and their interpretations of the *Koran*, the *Sunna*, and the *Hadith*; are held in high esteem by adherents of this ideology (Moussalli, 2009; Olidart, 2015).

Jihadi-Salafism is a distinct ideological movement in Sunni Islam. It encompasses a global network of scholars, websites, media outlets, and most recently, countless supporters on social media. The movement is predicated on an extremist and minoritarian reading of Islamic scripture that is also textually rigorous, deeply rooted in a premodern theological tradition, and extensively elaborated by a

recognized cadre of religious authorities (Bunzel, 2015, p. 7).

The jihadist-Salafist style goals of the Islamic State are three: 1) to eliminate idolatry; 2) to enforce strict monotheism; 3) and to protect true Muslims from non-believers (Blanchard and Humud, 2016, Moussalli, 2009). One principal essential to the operations of the Islamic State is “Takfir”. This concept, especially promoted by Ibn Taymiyya and al-Wahhab, allows that Muslims who do not follow their strict interpretations of the *Koran* can be declared apostates. When such a proclamation is made, justification for making war against a Muslim regime or group is “legal”. Reasons for attacking infidels or non-believers are found in several places of the *Koran*. But one of the most cited is Sura 9, verse 5. Known as the “verse of the sword” it states:

Then, when the sacred months have passed, slay the idolaters wherever ye find them, and take them (captive), and besiege them, and prepare for them each ambush. But if they repent and establish worship and pay the poor-due, then leave their way free. Lo! Allah is Forgiving, Merciful
(*Koran*, trans. 1930/1992).

Daniel Akbari, an Iranian Sharia lawyer, describes another important Islamic principal that applies to any analysis of the jihadist-Salafists and the Islamic State. The principal is known as “abrogation” or cancelling out. This is a concept that must be applied when trying to understand the *Koran* and its teachings. The nexus of the concept centers on when the Prophet Mohammad received his various revelations that would eventually be compiled as suras (chapters) in the *Koran*.

Early in his life, Mohammad lived in Mecca, and as Allah's revelations began, the Prophet's following was very small. After a few years, Mohammad and his followers were forced to flee Mecca and took up residence in Medina. It was here that the movement gained strength, an army was organized, and conquest of other tribes began. Generally speaking, the tone of some suras revealed in Medina are warlike and uncompromising compared to those of the Meccan revelations. Under abrogation, the suras revealed in Medina cancel out the Meccan suras (Akbari, 2013).

The Islamic State, al Qaeda, and other jihadist-Salafists follow the principles of abrogation and takfir to the letter. A quote from a well-known Islamic scholar, Al-Hussian ibn Fadhl, illustrates the point (Akbari, 2013).

The verse of the sword abrogated every verse of the Quraan in which turning away from the harm of the enemies and being patient with them is mentioned.

It is strange of the one, who (still) uses abrogated verses as evidences to abandon fighting and Jihaad [Faraj,] (Akbari, 2013).

As the Islamic State proclaimed the caliphate, Abu Bakr Baghdadi was designated caliph, which translates to "successor", as in the successor to Mohammad and ruler of the ummah. This title holds great significance within the Islamic world. And while many individual Muslims and most Islamic nations have denied the Islamic State's proclamation as false, a dedicated group of affiliate organizations has fallen into the ranks swearing allegiance to Baghdadi. Elements in seven Muslim nations "have used the Arabic word 'wilayah' (state/province) to describe themselves as constituent members of

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a broader Islamic State-led caliphate” (Blanchard and Humud, 2016. p. 9). To demonstrate their loyalty to the caliphate, these groups have established resistance cells and carried out attacks in their native areas.

The reality is that the Islamic State is Islamic. Very Islamic. Yes, it has attracted psychopaths and adventure seekers, drawn largely from the disaffected populations of the Middle East and Europe. But the religion preached by its most ardent followers derives from coherent and even learned interpretations of Islam (Wood, 2015).

This statement, however uncomfortable some may find it, cannot be ignored. The Islamic State and associated jihadists see their conflict as a religious war against the infidels, apostates, and idolaters. The goal is to expand the caliphate and dominate the world. Americans, westerners, in fact all people who are not Muslim, and Muslims that do not follow this version of Islam must understand that in the eyes of the jihadist/Salafists, they are the enemy to be converted or destroyed. Inherent to that understanding is the need to have a clear grasp of their efforts to gain adherents.

Common jihadist-Salafist Recruitment and Propaganda Practices

The jihadist-Salafist movement, including the Islamic State and al Qaeda and their separate affiliates, has been and continues to actively threaten their enemies and, preach, indoctrinate, and recruit followers worldwide. The success of these efforts is evidenced by the 2,043 deaths and thousands of injuries that have resulted from actions by jihadists in the United States and around the world since June of 2014. During this period the Islamic State has launched or inspired 143 attacks in 29 countries. This does not count

casualties from the fighting in Iraq and Syria (Lister, Sanchez, Bixler, O'Key, Hogenmiller, and Tawfeeq, 2016).

“Social media offers prospective radicals an opportunity to develop social ties and find validation through others, thus providing the critical element of social interaction at relatively low cost” (Helfstein, 2012, p. 4). Hafez and Mullins (2015) found that the radicalization process is often fostered through personal associates. Family connections can be particularly important. Periodic social or religious gatherings, whether in a home, a place of worship, a jail or a prison, anywhere people with common interests or circumstances meet, can serve as fertile ground where ideas can be exchanged and trust developed. Such radical transformations of individual believers are also occurring through contacts on the internet and social media. Social media is increasingly prominent in these interactions. Klausen (2015) asserts that, “Twitter is used for purposes of recruitment and indoctrination, as well as to build a transnational community of violent extremism”. The Islamic State has excelled at adapting their virtual messages to select audiences. “The Internet has become the source of non-relational, vertical diffusion of movement ideology, while social media became the relational, horizontal dimension of radicalization. Combined, radicals use these technologies to provide basic information on jihadi arenas and insurgent movements, and transmit political and religious narratives to motivate mobilization abroad or at home” (Hafez and Mullins, 2015, p. 969).

The Webster Commission, which investigated the 2009 Fort Hood shooting, drew the following conclusions about radicalization. It “...involves psychologically ‘normal’ individuals...is a process...is strongly influenced by group psychology...involves leaders uniting isolated individuals...involves a shared enemy...and inflicting violence on this

enemy...” (Webster, 2012, p. 7). As discussed earlier in this paper, the motivation of these individuals or small teams who have launched attacks is the common theology/ideology of jihadist-Salafist strain of Islam. The common belief system is used to link believers and to convince them that a religious struggle is underway. Once that thought is planted, they are coached on theology and called upon to take violent action in order to forward the cause and achieve reward in the afterlife.

One of the essential characteristics in the radicalization and recruitment process is to dehumanize the enemy. By studying and then focusing on marginalized segments of a population, Islamists web propagandists use dissatisfactions, grievances, current events, historical events, and other circumstances to influence believers toward radical action (Hafez and Mullins, 2015). Hafez and Mullins further explain, “People on the edges of society, such as disenfranchised immigrants in Europe, may be drawn to radical Islam through promises of “honor, heroism, and redemption in the afterlife” (2015, p. 966). Dorell states that “With its flashy propaganda videos and growing presence on social media, the Islamic State has been able to recruit at least 100 people from the United States...” to travel to Somalia, Iraq, or Syria to fight” (Dorell, 2014). More to the point of this paper, the Islamic State uses the Internet and social media to embolden believers to act on their own initiative and to attack infidels in their local surroundings.

According to Klausen’s research in 2015, the adoption of social media sites for propaganda and recruitment purposes by jihadist-Salafist elements has been a growing trend since 2011. As content can be reposted by a reader, tracking the originator is even harder than trying to build a path from a traditional internet address. “Social media is often used by jihadists, but Twitter is the most prevalent, because it is made for cell

phones and easy to use (Klausen, 2015). This statement is based on data collected on the Twitter accounts of 59 western Islamic State fighters during the first three months of 2014. It is the wider audiences that this propaganda can reach with which this paper is concerned. For a true believer (possibly at some point in the radicalization process) who is living a normal, if unexciting life in the United States for example, surrounded by a society and people that are diametrically opposed to Salafist precepts, such Tweets or YouTube videos depicting the life of a warrior fighting the jihad can be both a captivating and motivating message (Klausen, 2015).⁵

U.S. Counterterrorism Efforts: Surveillance and Monitoring Authorities and Techniques

When working to counter the recruiting, propaganda, and actual operations of the Islamic State or those that support it, American law enforcement authorities often find their efforts slowed by the rights citizens are guaranteed under the United States Constitution and the Bill of Rights. The search and seizure clause in the Fourth Amendment to the U.S. Constitution includes protection for “an individual's privacy rights for situations in which the person has a legitimate expectation of privacy” (U.S. Constitution, Fourth Amendment). Federal courts have held that telephone conversations and electronic communications are also protected under the same clause. Thus law enforcement officers must obtain a warrant, not only for physical searches, but also to conduct electronic surveillance. Authorities are required to demonstrate to a judge four things: probable cause, what media will be monitored, a time period in which the

⁵ Seventy percent of the tweets from this sample of 59 had been reposted by others. Almost 100 percent of the 59 accounts' tweets concerned religious doctrine, a report of fighting, or relational communication. These accounts can be considered as influential in that each averaged 892 followers and 184 being followed.

intercept will take place, and, unless exigent circumstances can be shown, that the property owner has been notified. The law does offer the chance for surveillance prior to obtaining a warrant if a life is in danger, “a conspiracy threatening the national security, or a conspiracy suggesting organized crime are evident” (Cornell University Law School, Legal Information Institute, 2016).⁶

The First Amendment to the Constitution forces law enforcement officers to tread lightly when investigating an individual’s beliefs, and the court system is vigilant about protecting citizen rights. Until intent to break the law is evident, surveillance or arrest is not authorized. The Federal Bureau of Investigation (FBI) Domestic Investigations and Operations Guide states:

No investigative activity, including Full Investigations, may be taken solely on the basis of activities that are protected by the First Amendment or on the race, ethnicity, national origin, or religion of the subject or a combination of those factors...It is particularly important clearly to identify and document the law enforcement or national security basis of the Full Investigation (2011).

The FBI is the lead agency for investigation of domestic and international terrorism. Its

...investigative authority derives from the statutory authority of the Attorney General (28 U.S.C. §§ 509, 509A,

⁶ “Electronic Surveillance”, There is a somewhat lower standard for interception of phone numbers, email addresses, web sites contacted. The standard of proof for the court order is relevance or articulable suspicion connected to terrorist activity.

510, 533, and 534). The Attorney General delegates that authority, primarily in 28 C.F.R. § 0.85, which provides that the FBI shall [investigate] violations of the laws ...of the United States and collect evidence in cases in which the United States is or may be a party in interest (Webster Commission, 2013, p. 13).

Under its counterterrorism mission, in the United States, the FBI is also responsible for "the collection, coordination, analysis, management and dissemination of intelligence and criminal information as appropriate" (28 C.F.R. § 0.85(1)). Additional authority derives from Executive Order 12333 (amended by EO 13284 and EO 13470) which allows the FBI to manage foreign intelligence (including planning by potential terrorists) and counterintelligence (Webster Commission, 2012, p. 13).

Although this is seemingly wide ranging authority from legislative act and executive order, several restrictions on the information that can be collected are imposed. First, the information must be accessible through public means or the subject of the investigation must consent to collection. Second, any information collected has to come from "a lawful security investigation...or lawful international terrorism investigation" (Webster Commission, 2012, p. 13). Third, unconsented physical searches can only be conducted by the Bureau. Fourth, only the FBI can surveil a domestic citizen. This includes surveillance of a US citizen overseas, as long as there is a Foreign Intelligence

Surveillance Act (FISA), U.S.C. Sec 1801 court order or permission from the foreign country (Executive Order 12333, 3 C.F.R., 1981).⁷

If an investigation involves a foreign national, foreign power, transnational group, or lone wolf associated with foreign terrorists, then the FISA statute is utilized. Under FISA, the FBI has to present probable cause that the proposed subject of a search or surveillance operation is in fact a “foreign power” or “the agent of a foreign power”. Additionally, the Bureau has to present evidence that the place or facility where a search or surveillance is planned is owned by, now being used by, or about to be used by the subject (50 U.S.C. § 1804(a)(3)(A, B & C), 50 U.S.C. § 1823(a)(3)(C), and EO 12333 at § 2.5). In cases where FISA statutes apply, standard minimization procedures are used. This is done to protect any subject citizen’s rights, given the “intrusive nature of surveillance and searches”. Title-III can be used in a domestic situation if there is probable cause the person is using the facility to commit a criminal act (50 U.S.C. §§ 1801(h), 1821(4); Webster Commission 2012; and Title III of The Omnibus Crime Control and Safe Streets Act of 1968 (Wiretap Act)).

Another special power granted the FBI in counterterrorism cases are National Security Letters (NSL). NSLs are administrative subpoenas (used in place of grand jury subpoena) which authorize the gathering of “limited types of information from third-party custodians without court approval” (Webster Commission, 2012, p. 13).⁸ Used to

⁷ There is a somewhat lower standard for interception of phone numbers, email addresses, and web sites contacted. The standard of proof for the court order is relevance or articulable suspicion connected to terrorist activity.

⁸ NSLs are authorized under five statutes: 1) Electronic Communications Privacy Act, (telephone and email communication records from telecommunications companies and Internet service providers); 2) Right to Financial Privacy Act, (records of financial institutions); 3) Fair Credit Reporting Act, (lists of financial institutions and consumer-identifying information from credit reporting companies); 4) Fair Credit

build the body of evidence for a national security investigation, NSLs are somewhat more restrictive than a U.S. attorney-issued grand jury subpoenaing that only the “statutorily specified records” can be accessed.⁹

The Apple Case

Although it started as part of the December 2, 2015, San Bernardino terrorist attack investigation, the desire of the FBI to get data from one of the terrorist’s iPhones caused this aspect of the case to take on a life of its own. Apple of course, was concerned with the integrity of its product line and particularly the promise of privacy and security to the customer. The government’s desired outcome was to force Apple to create new software to decrypt the cell phone. The government based its case on the All Writs Act of 1789. Apple described this approach as “an unprecedented use” of the law. In mid-February 2016, “Magistrate Judge Sheri Pym in California ordered Apple...to create specialized software to help the FBI hack into a locked, county-issued iPhone used by a gunman in the mass shootings...” (“Apple wants iPhone...”, 2016). Apple refused to comply.

Apple CEO, Tim Cook, issued comments on February 16th. His statement began by expressing sympathy to the San Bernardino victims and their families and great respect for the work of FBI personnel. He asserted that Apple always complies with “valid subpoenas and search warrants” and in this case had provided Apple engineers to assist the Bureau. Cook then got to the crux of the issue.

Reporting Act, (credit reports in international terrorism cases); and 5) the National Security Act, (records involving Executive Branch employees in investigations of improper disclosure of classified information).
⁹ According to Ron Sievert, University of Texas law professor and a former U.S. Attorney, the use of NSLs is often debated by some defense attorneys and academics. They believe NSLs are problematic in that no court order is needed.

Specifically the FBI wants us to make a new version of the iPhone operating system, circumventing several important security features, and install it on an iPhone recovered during the investigation. In the wrong hands, this software – which does not exist today – would have the potential to unlock any iPhone in someone’s physical possession...Building a version of iOS that bypasses security in this way would undeniably create a backdoor. And while the government may argue that its use would be limited to this case, there is no way to guarantee such control (Cook, 2016). On February 21st, FBI Director Comey posted a letter on Lawfare Blog, in which he stated: The particular legal issue is actually quite narrow. The relief we seek is limited and its value increasingly obsolete because the technology continues to evolve.

We simply want the chance, with a search warrant, to try to guess the terrorist’s passcode without the phone essentially self-destructing and without it taking a decade to guess correctly (“FBI Director comments”, 2016).

Apple held that its very reputation for product security was at stake. Early in the legal clash, the leadership at Twitter and Facebook joined ranks with Apple, concerned that the precedent set if Apple complied would affect them also. While Apple's lawyers worked in the court system, the firm began a public campaign to move the decision on the “contentious policy debate between digital privacy rights and national security interests” (“Apple wants iPhone...”, 2016) into Congress. Apple contended that the Justice Department request “is improper under the All Writs Act of 1789” (CBS, 2016 and 28 U.S.C § 1651).¹⁰

¹⁰ Author note: During this period it was a very recent memory that after the 2013 National Security Agency leaks, many American tech companies, Microsoft, IBM, Cisco, and others lost market share in the Peoples Republic of China.

The confrontation continued through the month of March. The government's case against Apple was supported by the National Sheriffs' Association and other such groups (Isidore and Wattles, 2016; "Who's with Apple...", 2016).¹¹ Three other legal briefs were filed in support of Apple with more than 30 technology companies signed on. Twitter, LinkedIn, Reddit, Airbnb, AT&T, and Intel were included in the filing actions (Isidore and Wattles, 2016). While acknowledging the government's requirement to protect, one document cautioned that, "The government's demand here, at its core, is unbound by any legal limits. It would set a dangerous precedent, in which the government could sidestep established legal procedures" (Isidore and Wattles, 2016).

Then, in the last week of March, the FBI announced that with the help of a third party it had successfully broken the encryption of the subject iPhone. The law suit was dropped.

Is this issue solved? Hardly. Private sector firms and individual citizens will continue to demand and depend on the security promised by manufacturers of IT devices. At the same time terrorists and criminals will continue to use their cell phones and computers to engage in illicit activity on the internet, email, and social media. The desire, many would say the necessity, of law enforcement, with a warrant, to gather data from such devices will only grow. It is a real struggle (Pew Research Center, 2016).¹²

¹¹ "Six relatives of San Bernardino victims jointly filed a brief" siding with the Justice Department.

¹² A Pew Research poll conducted on February 22, 2016, found that 51 percent of those polled supported forcing Apple to break the encryption of the San Bernardino terrorist's phone, while 38 percent of respondents opposed the action. Interestingly, the breakdown of the 51 percent was evenly divided between Democrats and Republicans.

Conclusion

Although the jihadist-Salafist movement is transnational in nature, the Islamic State seems to currently hold the initiative and certainly the media spotlight (at least insofar as Middle East politics and relations are concerned). The Islamic State is the face of the continuing threat poised against the United States and our allies. The mission to protect the nation from this sort of unconventional danger is complicated by three factors. First is the manner in which the jihadist-Salafists characterize their struggle as a holy war against infidels, idolaters, and apostates. This makes many in the US very uncomfortable. The fear is that if the threat is confronted, and the religious motivation that the jihadist-Salafists proclaim acknowledged, then efforts to defeat the enemy will be considered by some as a war against all Islam.

This hesitation on the part of many elected and appointed leaders in the United States to clearly name the enemy - the jihadist-Salafist movement - must be overcome. A public education campaign must be begun to support a more academic and precise tie to Salafism. Such a program could be similar in nature to the “Why We Fight” campaign conducted during the Second World War. To defeat an enemy, there must be recognition of the enemy themselves, their motivation and goals, and the assets they bring to the fight. United States citizens and the people of all nations threatened by this movement need a clear and continuous explanation of the struggle we are required to fight against the jihadist-Salafists. A very important part of this campaign would be to clearly describe the many elements within Islam that have nothing to do with the jihadist-Salafist

movement. If the religious nature of our enemy is ignored, it can only lead to diplomatic misunderstanding, misdirected policy, and operational shortfalls.¹³

The second complicating factor is the transnational nature of the jihadist-Salafist movement and their goal of setting up a worldwide empire/Caliphate. The Islamic State claims to have established this, namely the caliphate. They control large areas of two countries in which an economy of sorts is operating. They are in diplomatic communication with certain countries. They conduct effective propaganda worldwide. And Islamic State forces continue to conduct effective military operations. Escalating the seriousness of the situation is the fact that affiliate groups in nine Middle Eastern and African countries have declared themselves provinces of the caliphate, and terrorist attacks are being carried out in those areas (Blanchard and Humud, 2016; Bunzel, 2015, Wood, 2015). Between Islamic State proper, i.e., the caliphate, and its outlying provinces, a situation has been created that resonates with far-reaching religious, diplomatic, political, and military implications.

Meeting such a threat necessarily involves diplomacy between sovereign nations, and cooperation and coordination between the military and law enforcement agencies of the affected countries. Many conflicting interests surface in any international operation. But, the involvement of Muslim nations in this ongoing struggle represents a strength and possible unifying element that can and should be exploited. No group understands the jihadist-Salafist motivation and goals, and the threat they represent, better than the Middle Eastern countries (e.g., the Arab League and Organization of Petroleum

¹³ And while the U.S. government needs to engage in such an education campaign, those non-jihadi elements within Islam itself have a big role to play in denouncing the threatening ideology.

Exporting Countries members, etc.) which are also endangered by their jihad. This fact has to be utilized on the diplomatic front as we engage these allies.

Another tool that could help when engaging developing nations in the fight against the jihadist-Salafists is a better integration of the core concepts of human security into US national security strategic planning (Human Security Initiative website, 2016). Developed in the early 1990s, human security proposes that the security of the individual and the security of the state are directly linked. One need only observe the atrocities that have been committed, and continue to be committed, by warriors of the Islamic State within the territory they control, to understand the peril the movement poses to the people and nations of the world. Sharia Law as practiced and enforced within the confines of the Islamic State certainly goes against many legal and policy norms established under the United Nations Charter and other international agreements. Effective diplomacy could clearly point out that the peace and security of the world would only be increased with the defeat of the Islamic State and the jihadist-Salafist movement that drives it.

The third factor that complicates defeating the jihadist-Salafist movement is the U.S. Constitution and the Bill of Rights; and thankfully so. All Americans enjoy the rights guaranteed under the founding documents. The fact that there are citizens of the United States that adhere to the jihadist-Salafist beliefs brings complex challenges to U.S. officials. The Sharia Law that the jihadist-Salafist movement demands be established is not compatible with the representative democracy under the United States Constitution. Given that the Islamic State has plans to expand their caliphate into a worldwide empire, this should be a clarion call of danger to Americans. It is also clearly a threat to western style nations and societies, and Muslim countries worldwide. But Americans are not

prohibited from believing in such an alien cause or system. Even speaking in support of such a system is protected under our First Amendment. The Webster Commission states that “Radicalism is not a crime. Radicalization alone, without incitement to violence, may not constitute a threat” (2012, p. 6). A person crosses the line when he or she uses language that “can cause objective harm to people, their possessions, or their liberties” (Webster Commission, 2012, p. 13). So, law enforcement officers must make allowances for legal thought and free speech as they prepare to conduct investigations.

And the issue of device encryption and cybersecurity in general, is one that must be studied and quickly addressed in legislation by the American Congress. Federal law and policy needs to catch up with the available technology in order to provide a basis in law for law enforcement and the courts to act when dealing with cases such as the San Bernardino terrorist’s Apple iPhone.

Finally, “. . .radical Islamist ideology is not only a terrorist threat, but also a nonviolent threat to the democratic legal order because it promotes intolerance, antidemocratic attitudes, and anti-integration and isolationism (Halez and Mullins, 2015, p. 967). This highlights that a war of ideas, a clash of cultures is underway. The jihadist-Salafists are out to destroy our way of life.

So, even as the United States engages this enemy, maintaining the rule of law - all citizens being equal under the law - is critical to the future of the nation. In the United States it is essential that the three branches of government continue to operate under the system of checks and balances established under the Constitution. Law enforcement officers must, even when it is inconvenient for them, follow the law. Finally, individual

citizens must treasure the freedoms they possess and hold elected leaders accountable through the electoral process.

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