



---

INTERVIEW WITH

# GLENN GREENWALD

## Muslims, U.S. Law and the American Way

---

Interview by  
AMINA CHAUDARY

**AMERICA HAS ALWAYS PRIDED ITSELF** on being the “land of the free.” In fact, the state of New Hampshire has adopted “Live free or die” as its official motto. But this all seems to be changing. Civil liberties may be undergoing a dramatic transformation, and in many ways, Muslims are at the intersection of several currents forcing this change. As a Muslim, I am aware of the arguments on both sides of the debate surrounding sharia, immigration and minorities in this country, and as someone who has studied American history, I am also aware of the unprecedented changes taking place to interpretations of the Constitution and the Declaration of Independence.

Regardless of the criticisms surrounding Glenn Greenwald’s principles, he presents facts that force one to think hard about civil liberties in America today. In an age of corporate media, Greenwald’s perspectives offer another side of the debate and can serve as a reference point for considering how far we as a nation may have veered from our founding principles.

Focusing on American law and the concept of liberty and justice in the legal system, I set out to talk to Greenwald on how he views Islamophobia and the “othering” of Muslims in America today.

**THE ISLAMIC MONTHLY:** Since 9/11, Muslims have been targeted in ways that are less well known as Guantanamo, things that fall under the radar but are quite well documented and followed by various monitoring agencies (like Political Research Associates, PRA), such as the selective prosecution of American Muslims. These all fall under this idea of “material support” and through various immigration laws. Some argue that immigration laws are selectively used to detain people of Muslim background. Now that many consider the terrorist threat to be increasingly coming from American citizens – this idea of homegrown – what laws do you think will be selectively enforced to achieve the same effect. The obvious and most recent case of this is Mehanna. (Tarek Mehanna is an American citizen who was convicted in December 2011 of terrorism charges including conspiring to support al-Qaida.)

**GLENN GREENWALD:** One of the staples of American history is that you always have to have some identifiable enemies because it’s the way that you can propagate this system of always expanding government authority and power. There have been lots of different groups who have played that role over the past couple centuries and obviously the group that is playing that role now is Muslims. It was first Muslims who were foreign



I think one of the most disturbing developments in this regard is the use of the material supports statute to essentially criminalize free speech. It's almost to the point where it's becoming criminal for Muslims to express views, pure political views, that are deemed dissident or radical by the U.S. government, particularly ones that protest American violence against the Muslim world and call for Muslims to take action in response.

nationals and it's increasingly Muslims who are American citizens playing that role, and there is an increasing emphasis on the threat imposed by these "homegrown" terrorists, which means essentially these American citizens who are Muslims. And I think what you are seeing in following this rhetoric is increasing amounts of expansion of government authority on U.S. soil in the name of this threat. And I think one of the most disturbing developments in this regards is the use of the material supports statute to essentially criminalize free speech. It's almost to the point where it's becoming criminal for Muslims to express views, pure political views, that are deemed dissident or radical by the U.S. government, particularly ones that protest American violence against the Muslim world and call for Muslims to take action in response. And the problem is that it's the same problem as what happened in every one of these cases, which is that people who perceive that they are not targeted by these power abuses tend to be either supportive of them or indifferent towards them, because they think they will be shielded. But once these powers are institutionalized, they always expand far beyond our original application. So you know the reason why I think this is so disturbing, because the case of *Holder v. Humanitarian Law* (Project) was really the first time when the Supreme Court recognized an exception to the First Amendment and said that pure political speech can be criminalized if it is coordinated with or even on behalf of designated terrorist groups, and this encroachment of basic freedoms on American soil was accomplished more by targeting and demonizing American Muslims than by any other weapon. And that's the development that I

think is a big concern at the moment.

**T.I.M.:** Exceptions to inequalities are often argued as having been influenced by the religious nature of American society. As you observed, John Adams and other founding fathers believed inequalities in society were divinely ordained. The founding fathers depended on religion, and that dependence remained prominent throughout America's development. Inequalities before the law were often argued in relation to religion: Slavery is a perfect example. How do you consider that religion plays a role in the rule of law in America in particular and in the growing influence of Christian fundamentalism in America?

**GG:** Well I think the religiosity of the founders cut both ways. In the one sense, the founders were not homogenous in terms of their religious beliefs. Given this kind of heterogeneity of religious beliefs of the founders, one of the effects is it led them to believe in the virtue of the idea that there should be no state religion; everyone is entitled to the free exercise of religion. This was not about turning America into a Christian nation, it was actually the reverse. It was about allowing different religions, which allowed different religions in the colonies to flourish without interference from the majority. And that's very much the central premise embedded in the Bill of Rights – its protection of minority views from the oppression of the majority. That's what the free speech clause of the First Amendment is about. Obviously views that retain majority support don't need to be protected constitutionally from censorship because views that are

supported by the majority aren't targeted for censorship, it's only views held by the minority – usually small and marginalized minorities – (that) need that protection, same with religious freedom and banning the state establishment of religion. So it's true that most of the founders were Christian but it's also true that there were different sects and different beliefs and they wanted that to flourish and to encourage that. The other side of that is that they were largely Christian. They came from a Christian faith, a Christian background, even if not so doctrinally religiously, then culturally and otherwise. The influence of the church was still pretty significant in England and the internal disputes of the religion were spread in the name of Christianity. So it is true, in one sense, that the nation was founded with a Christian identity even while deviations were protected constitutionally. That has played a huge role in the way America has shaped, but I think it's far more apparent now than it was at its founding. We've kind of gone in the wrong direction, we've regressed in this regard, that Christianity plays a very outsized role in how American political identity is shaped. So there are a lot of reasons why there is demonization of Muslims, in part because they are such a small minority in the United States and in part because they have been associated with acts that Americans largely consider to be offensive, heinous – in particular the 9/11 attacks. That was used largely to demonize the Muslims. And another aspect of that, too, is that there is a large group of people in the United States who want an enemy – whatever that enemy is as long as it's not them – and they will attack and support the oppression of them. But a large part of that is the religious nature of it, large sectarian bias, and there are Christians, lots of them, who have been convinced that they see it as a sectarian conflict and their hatred of Muslims and their willingness to support the oppression of Muslims has been grounded in religious identity and fostered and nourished by lots of different groups. So I do think there is a religious element to Islamophobia and the ability to keep them as the demonized group in the United States.

**T.I.M.:** If certain religions are excluded from this equality, does that play into your definition of who are the elites who can act in this country "extralegally"? In other



BALAD AIR BASE, IRAQ - US Air Force General Atomics MQ-1 Predator Unmanned Aerial Vehicle (UAV) prior to mission.

words, who are the elite? And how do you factor in religion?

**GG:** One of the things that I talk about in the book is that there has always been a two-tier justice system where, not always, but for several decades, if you are wealthy and well connected and are particularly instrumental in the functioning of America's political and financial institutions, then you are basically insulated from accountability even for egregious law breaking. And then there is the second tier, where if you are poor and powerless, you are subjected to entirely different rules, you have this incredibly harsh criminal justice system that comes crashing down upon you even for trivial transgressions. But now there is even this lower tier, a tier of non-persons, or sub-persons, where there is not even the pretense of the rule of law, and that is basically Muslims who are accused in some way of being involved with the support of terrorism. And you see things that are supposed to be core protected activities – freedom of religion

and freedom of speech – that are violated when it comes to American people who are monitored, scrutinized exclusively for their religion. People who are prosecuted by virtue of their views that are religious and political in nature and then even – with the assassination of Anwar Awlaki – people who are killed by virtue of their religious beliefs, because he was absolutely targeted for his religious and political beliefs and not for anything he actually did. And so you see the creation of an even lower category of the law that is very much grounded in this bias against Islam and Muslims that is just a further distortion and deviation of the idea of equality before the law.

**T.I.M.:** Right, it's a ranking of citizenship now within the U.S. – a citizen caste system of sorts that is determined by an individual's background. What is the long-term damage if this stays the way it is in America?

**GG:** The core premise of American political

---

There is a large group of people in the United States who want an enemy – whatever that enemy is as long as it's not them – and they will attack and support the oppression of them.

life is supposed to be that there are no categories or castes of citizenship. Citizenship confers the same rights, duties and privileges to all citizens, by definition. We're very far from that ideal now. I recall how, in the aftermath of the Israeli attack on the Mavi Marmara ship, many right-wing and neocon polemicists insisting that the American citizen killed by the Israelis – 19-year-old Furkan Dogan – wasn't a real American citizen, because he raised in Turkey and had dual citizenship in Turkey. Exactly the same thing happens with discussions of Anwar Awlaki: Obama supporters will often insist that he shouldn't be considered a real citizen – even though he was born in the United States and is every bit as much of a citizen as those Obama supporters – because he went to Yemen and was hostile to the U.S. This mentality is incredibly dangerous. The rights of citizenship are the key bulwark

against the worst types of state abuse. And yet you now have large numbers of people in both parties insisting that some citizens should be deemed something less than “real” citizens, something less than full citizens. With the emphasis on “home-grown” terrorism, this problem is getting worse; Joe Lieberman actually has a bill to strip Americans of their citizenship if they are found to be connected to what the U.S. Government considers terrorist groups. Invariably, the people whom both parties' supporters declare to be not real citizens are Muslims. There is no point in having citizenship rights – protections of citizenship – if the Government is free to abolish it, or treat it as less than real, the minute they want to violate those protections. And, of course, the notion of treating human beings as only partial citizens or non-people has a very ugly history in the

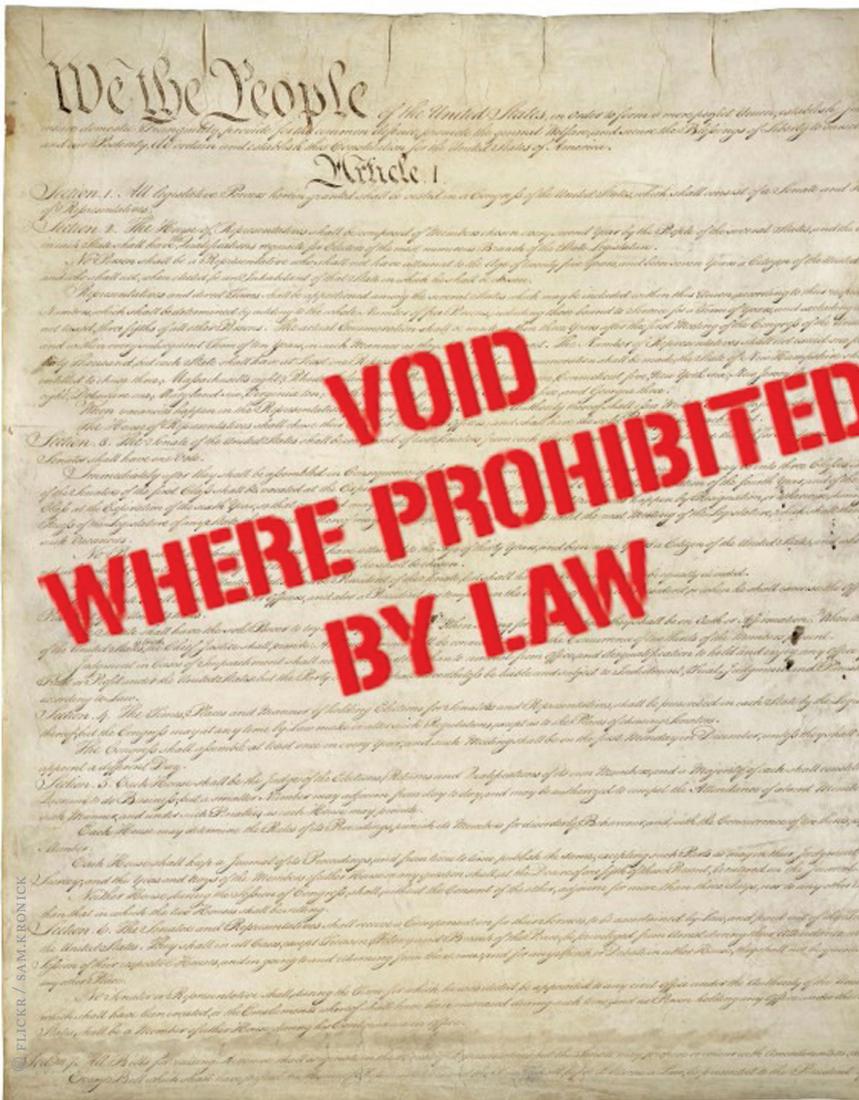
U.S. and elsewhere.

**T.I.M.:** In your opinion, when do you consider this “othering” of Muslims started to take place in America? It's often cited as 9/11 but I wonder if the roots of making Muslims the enemy started well before 9/11?

**GG:** American culture in general is not particular accepting of minority groups that deviate from its norms. This has been true since the country's inception, but I think, at least in many respects, it's become worse in the last, say, half-century. Contrary to popular belief, American interference in and hostility toward the Muslim world did not begin after 9/11. The first George Bush saw his approval ratings skyrocket after his war with Saddam. The CIA of course helped overthrow Iran's democratically elected government in 1953. And, long before 9/11, there was an increasing convergence between U.S. and Israeli interests that caused many in influential positions in the U.S. to insist that Israel's enemies – mostly Muslims – were also enemies of the U.S. Due largely to oil, the U.S. has been deeply involved in the Muslim world for decades, fighting all sorts of overt and covert wars and interfering in domestic disputes. Those kinds of conflicts can be sustained only with a constant barrage of propaganda that depicts the targeted enemy as some sort of Evil Other, and this has been going on long before 9/11.

**T.I.M.:** Considering the path of other minority groups in America and their being the “enemies” at certain periods of times in U.S. history (Jews, Catholics, Italians, Japanese, etc.), what do you imagine will be the trajectory of Muslims as the enemy in America? What will come of this over the next several years and do you imagine there will be another enemy after the Muslims in America?

**GG:** That's a hard question to answer because it entails predicting the future, which in turn requires knowledge of inherent unknowns. The two biggest factors shaping American attitudes towards Muslims are oil dependence and Israel, and I don't see either of those changing much in the short-term. Add to that the institutional inertia that supports ongoing demonization of Muslims – the huge behemoth known as the National Security State needs



The core premise of American political life is supposed to be that there are no categories or castes of citizenship. Citizenship confers the same rights, duties and privileges to all citizens, by definition. We're very far from that ideal now.

animosity towards Muslims and a depiction of Muslims as a grave threat to sustain itself – and I doubt there will be much significant change in this regard over the next several years. At some point, there will be a new enemy – there always is – but treating Muslims as, first, an external enemy and now an internal enemy is too important to too many big players to change much in the near-term.

**T.I.M.:** In America, it seems that lobbies can be very powerful in influencing American democracy in general. And we asked Stephen Walt this question a few years ago, what is required to balance these lobbies, and he said that typically the system works such that everyone is balanced: The Israeli lobby will be counterbalanced by another lobby, the sugar lobby may be countered by another countervailing force. What is it about American democracy that allows for these lobbies to become so powerful and is that a fundamental flaw in the American system, that it doesn't seem like there is a simple solution in how to get out of it? Does America not have the ability to be that democratically balanced? How do you restrict a political system to no longer let that be replaced?

**GG:** Money is obviously at the center of all of that. Members of Congress need donations in order to stay in office. But it's more than just the ability to pay. It's common once one leaves public office to become a lobbyist because Washington runs on relations and friendships, and so if you can pay the former chief of staff of some member of the Senate Foreign Relations Committee or Armed Services Committee, \$100,000 to pick up the phone and advocate for your cause, you're going to be much better off than someone who can't pay \$100,000. And one of the problems with the issue of Israel and Palestine, for example, is that if you are a member of Congress, you know that if you deviate from the AIPAC agenda, even in very mild ways, there is going to

be an enormously well-funded lobby that is devoted exclusively to destroying your political career and removing you from office. Now there are other issues where that is true. For example, abortion. There are groups where if you deviate from a pro-life position, they will devote themselves to destroying your career. The difference, though, is that there is a huge lobby on the other side of that issue, which is the pro-choice lobby that is going to reward you. So if you stand up on the floor of Congress to increase abortion rights, there are going to be pro-life groups that will want to remove you from office and pro-choice groups that will want to funnel money to you and use their lobby as power to support you. By contrast, there are certain issues where there is only one side of the issue that has more money behind it and a meaningful, organized lobby, and a leading one is Israel. So, as I said, if you deviate from the Israel and AIPAC line, there are huge lines of people who will want to destroy you and have destroyed people in the past and will continue to do it, but there is very little reward for a member of Congress to deviate on Israel because there is no well organized, funded pro-Palestinian lobby in the United States. Yes there are some groups, but they are not as well funded, they are not as organized, they haven't been able to flex their muscles in any meaningful way by putting people in Congress or removing people from Congress, so they are not feared. And one obvious solution is to continue to persuade people to band together and create that kind of force politically. But the other broader and perhaps more important goal is to remove the centrality of money from the political process, through campaign financial reform and through public funding of campaigns so you have a really robust public financing scheme. If AIPAC and loyalists give \$100,000 to a certain candidate and they are rewarding them for their AIPAC position, the government financing program would then give \$100,000 to their adversaries so you

are leveling the playing field and removing the incentive for democratic representatives to follow their money instead of following their conscience or interests of their constituents.

**T.I.M.:** We're looking at a broad picture about understanding American democracies, this idea of lobbies becoming so powerful as to adversely affect policies for the benefit of the few at the cost of the many, and questioning an American democracy that makes it so weak as to be incapable of balancing these narrow interests. If we look at wealth, countries such as Finland and Norway – as socialist democracies – can remain wealthy in terms of per capita income and have well-distributed areas, but in America, you have huge concentrations of wealth. Why is it that American democracy cannot be more robust in this regard?

**GG:** It used to be the case, and this is what my book is about, that we did have very substantial amounts of wealth inequality, concentrated wealth, but at the same time, relative levels of political and legal equality because the central premise of America's founding is that the reason you could have large amounts of income and wealth and power but at the same time legitimate institutions is because there was one area where economic and political power would be irrelevant and an unrecognizable currency, and that was under the law. So we were all constrained by the same set of rules, and of course there were deviations and there were violations of that principle, but the principle itself was more or less confirmed as orthodoxy. If you have that equality under the law, then the other areas of inequality become at least legitimate. The analogy I often use: if you have a 100-meter sprint and everyone starts at the same starting point and abides by the same rules, you can't invade anyone's lanes, you can't use your elbows to knock people down, so anyone who crosses the finish line first is considered the fastest runner and deserving of the rewards they get. And the last-place runner is the slowest and we are all fine with that because nobody objects because we feel like the rules are all equal. But if you allow somebody to abide by completely different rules, someone can start far ahead than the rest of the runners and allowed to invade their lane and knock them over, or form a relationship with the

referee, is paying them, or is their brother, then we would consider the outcome completely illegitimate. People would be angry about it, would not accept it and would not consider the person who finished first as a genuinely deserving recipient of the reward. And that is generally the difference between what we used to do in America in terms of outcome inequality and what we do now.

You could have, and there are reasons we do have, large amounts of income inequality but also have relative equality in political and legal institutions. The United States used to have that, but we lost that because we no longer believe the law is an aberrational sphere where inequality isn't recognized. We've now taken that inequality and applied it robustly to the law so that we are no longer bound by the same set of rules. Once you say people are no longer bound by the same set of rules, you have massive cheating, massive corruption, massive theft, because you've removed the incentive to abide by the rules and everything else becomes corrupt when that happens.

**T.I.M.:** Generally people would agree that there is no reason to enforce equality in a sense that you have to make sure that everyone gets to the finish line at the same time. But when you look at the phenomena of income inequality, isn't the fact that the concentration of wealth is there, isn't that the facilitating factor to create the pretext for people to change the law? Isn't that why they can change the law? You said technology promotes democracy, but at the same time it creates the ability for these people to overwhelmingly control these different factors going on in society, and as a result, create that impetus for legal change. So you see a lot of laws being changed in a way where the vast majority of people are not even paying attention to it, but because of the way things are constructed, it's just going through the system.

**GG:** You're raising a complex and difficult question, which is basically: Is there a point at which income inequality becomes so vast that it can no longer coexist with legitimate political and legal institutions

-- that no matter what safeguards you have, the wealth becomes so concentrated that inevitably it will spill over into and corrupt these other institutions? The reason why I say this is a complex question is because you can assemble evidence to support either position. You can look at American history and see where there has been massive amounts of income inequality but at the same time, some of the wealthiest and most powerful people were brought down by the law, by prosecution, and you had politicians acting on behalf of the working class or other less powerful and less wealthy groups at the expense of those powerful and wealthy groups. And you can point to empirical evidence where they tend to coexist, but I'm starting to come around to the idea that there is a point where income inequality becomes so overwhelming, and it's not that you have a sector of society that is so wealthy, it's that you disempower everyone else, and when you disempower everyone else by making them so poor that they lose the ability to band together and they lose the incentive



At some point, there will be a new enemy – there always is – but treating Muslims as, first, an external enemy and now an internal enemy is too important to too many big players to change much in the near-term.

to fight back, that's when it does become inevitable that legal and political institutions will start to be reshaped because of that inequality.

**T.I.M.:** If the U.S. political system creates parties that are arguing on the margins and agreeing on the vast majority of issues, then what would be three fundamental changes that you would make to the political system that would create the correct incentives to pursue political parties for Americans to have real choices in the upcoming election? How do you create incentives to change regardless of what parties are pursuing, since they will always pursue their own interest?

**GG:** I think precisely because the two political parties have zero incentives to reform the system to make other systems viable, in fact they have incentives to ensure that doesn't happen. It's never going to come from political parties themselves, it's only going to come from the voters. There are a few things that I think can happen. One is that voters can help support candidates other than the two parties and open up the playing field that way. There is still structural differences but there are still third-party candidates that have gotten on the ballot in some states, sometimes all 50 states, and so just breaking up the two-party monopoly that way is something voters can do. One of the reasons why I encouraged the Ron Paul candidacy in the Republican primary isn't because I want him to become president or I support his candidacy, it's because what he would do is would scramble what has become this ideological stasis among the two parties. There

is no debate on a huge range of issues because there is bipartisan consensus, and so things like America's foreign policy toward Israel and endless war and the drug war, these things never get debated even though they are incredibly consequential because both parties agree on them, they are on the same page with them and they don't have debates between them. I think another way is by having an aberrational heterodox candidate represent one of the two major parties who can completely scramble the static political debates that we have without needing fundamental political reform. So if Ron Paul were the GOP nominee, you would have real debates about American aggression, about its blind support for Israel, about the policy that is an extraordinary failure and destroys a lot of communities, which is the drug war, and a lot of other issues that are just now off the table. And I think another reform is campaign finance. Because if you made it so that all parties are on financially equal terms as the two parties, then you would take a big step toward undermining the monopoly that Republicans and Democrats currently wield on the political process.

**T.I.M.:** In regards to some of the criticism that people levy against you, is it better to be 100 percent correct in what you are saying or is it better to try and say it in a way that will create as much impact toward the effect that you desire – the criticism that Glenn Greenwald doesn't understand how politics works, if he moderated some of his criticisms, he would be more effective in communicating to certain establishments and policy figures would be more open to his ideas? Do you ever consider the potential impact of what you are saying on political actors or are you always saying what you 100 percent believe in?

**GG:** Ultimately I think the way you persuade people to believe a certain way is to make as compelling a case as possible for those views, which means articulating them forcefully, compiling evidence in support of them and appealing to people's claims about their value systems and their belief systems and pointing out which position is most consistent with those claimed values. I think we have way too much accommodationist rhetoric and effort and compromise on the part of people who write about politics for a living because they want to make sure they are not alienating

people in power. To me, the effect of that and intent of that is to not be more persuasive, it's just to be less alienating for its own sake in order to ensure access and in order to ensure positive relationship with people in power or other people in media positions, it's just a way of placating powerful factions, clinging to safe orthodoxies, and promoting careerist interests. I do think that when you write about politics, you have an obligation to take into account tactics in terms of how to best persuade and how to have your ideas be heard and the like, but I think you should think about those tactics only in the context of not diluting or compromising what needs to be argued. And I think that's the balance that needs to be struck: figuring out how most effectively to persuade and be heard without ever refraining from expressing the ideas one really believes out of fear of how others will react or career impact and the like. And given the things that I argue and the platform I have built in which I argue them, I'm pretty content with how I maintain that balance. I think I have enabled my ideas to be heard, to be injected into venues where those views aren't typically heard without ever diluting or compromising what I think. So yeah, I think you should not be gratuitously confrontational or alienating, and I think you should conduct yourself in a way that people take seriously what it is that you are saying, but I also think you should not dilute or compromise the things that you think need to be said in order to accommodate people's predilections. Not because I think persuading people is unimportant, but because I think the best way to persuade people that is to make as unequivocal a case for it as you can, and that's what I try to do.

**T.I.M.:** What's one thing most people would be surprised to know about you?

**GG:** I have 11 dogs. §

*Amina Chaudary holds a master's degree from Harvard University in Islamic History and Culture from the Graduate School of Arts and Sciences. She is earning a PhD at Boston University with a focus on Islam in America. She is the founder and editor of The Islamic Monthly.*