



A Conservative Reading on American Cyberspace Issues

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Translated from French*

Jay Sekulow is an American attorney and serves as Chief Counsel of the ACLJ (American Center for Law and Justice)¹ and ECLJ (European Centre for Law and Justice). He has built part of his reputation (and fortune) defending the causes of religious groups in the United States.² Jay Sekulow just published a book entitled “Rise of ISIS”³ that covers rise of Islamist terrorism, focusing in particular on the Islamic State and Hamas.

1 - A review of the challenges of terrorism

Without any ambiguity this book is pro-American, pro-Israel, anti-Obama, and it supports a more free and radical use of armed force against Islamist terrorism. The main message of the book can be summarized in a few lines: Islamist terrorism is a global threat like Nazism was in the 20th century; in the face of this destructive threat that knows no other strategy than that of total war there is, according to him, only one option: intransigence and military force. Any hesitation could be, according to him, fatal to world peace. However, he asserts that this necessary war against Hamas and the Islamic State (the two terrorist groups that are at the center of his arguments) cannot be conducted as it should be since terrorists can rely on allies around the world. It is not only individuals, who are responding to the call to jihad and joining their theaters of operation, but complacent actors in European countries, within the United States, international institutions such as the United Nations, and a family of actors pushing “left thinking,” that have brought about a “legal battle” (the title of one of the book’s chapters) to criminalize not the terrorists but forces exerting their right of self-defense (such as Israel responding to Hamas terrorists attacks). By criminalizing legitimate forces (like accusing Israel of war crimes), and not the real war criminals such as terrorists, the entirety of anti-terrorist efforts are compromised. The book enumerates arguments and facts to substantiate this argument: it refers to the Hamas attacks and its modus operandi, the horrors perpetrated by ISIL, the fate of the victims, the toll of the bombings and mass killings, and the impossible dialogue between Israel and Hamas, and between ISIL and Christians and Jews. The author explains with references to international law (including specific references to legal texts), why

¹ [<http://aclj.org/>]

² [<http://jonathanturley.org/2011/09/07/serving-mammon-and-making-millions-jay-sekulow-accused-of-funneling-millions-to-family/>]

³ “Rise of ISIS. A threat we can’t ignore.” Jay Sekulow, Jordan Sekulow, Robert W. Ash, David French. Howard Books, New York, 2014, 128 pages.

all these terrorist atrocities constitute war crimes. He explains the trap that Israel finds itself in, in which they fight for survival (against Hamas, which has the aim of destroying the State of Israel) and is forced to retaliate but when it kills civilians Israel is described as the war criminal. How can it be, asks Jay Sekulow, that the real murderers (Hamas and ISIL terrorists) do the same and are considered heroes by millions of people around the world? He then explains why the actions taken by forces fighting against terrorism, from the perspective of international law, are legitimate and cannot be considered war crimes.

In this book on Islamist terrorism, Jay Sekulow makes relatively little reference to cyberspace. It covers:

- Torture videos (execution of James Foley)
- Youtube and Twitter that censor the broadcasts of the American hostage executions
- The existence of media (DVDs, phone cards, etc.) on which images / videos of IED attacks against Americans are found. These media formats (DVDs, etc.) may contain malware
- The use of social media to spread images, videos, and messages
- The interjection of terrorist messages into content reaching masses of users: the images sent on Twitter with the hashtag #WorldCup in the middle of the soccer World Cup.

2 - Political arguments used regarding cyberspace

This work by Sekulow on the situation in the Middle East reflects his political ideology (conservative Christian): it seems consistent in its arguments that are applied to various political issues, including safety. The reinterpretation of history to serve his ends is criticized by his critics.⁴

It seems the real purpose of this work appears to not be about terrorism itself nor cyber security, but the development of his conservative ideology. In the process we see the definition of targets and objectives:

- Targets:

- Terrorism;
- the complicit, the threats: those who reveal themselves to be too weak, too benevolent, not tough enough on terrorism (such as the Obama administration and more generally the "left," the U.S. Democrats, the United Nations, and Europe, etc.), or those that even disrupt victims from implementing their legitimate right to defend themselves by seeking to criminalize them rather than support them without restraint

- Objectives:

- Security / defense issues: for victims to defend their own legitimate interests; defense of Israel (in-line with conservative Christian thinking⁵)
- To defend values, fundamental rights (freedom of worship, etc.)
- To promote the conservative position, a tough stance through: (Jay Sekulow is however opposed to the death penalty⁶) radical choices, rejecting any negotiation or

⁴ [http://www.huffingtonpost.com/chris-rodda/the-lies-used-by-jay-seku_b_4226678.html]

⁵ "Many conservative Christians say they believe that the president's support for Israel fulfills a biblical injunction to protect the Jewish state". David D Kirkpatrick, For Evangelicals, Supporting Israel Is 'God's Foreign Policy,' 13 November 2006, The New York Times,

[<http://www.nytimes.com/2006/11/14/washington/14israel.html?pagewanted=all>]

⁶ Kirsten Powers, "Conservative case against death penalty," 24 June 2014, USA Today,

[<http://www.usatoday.com/story/opinion/2014/06/24/kirsten-powers-conservative-death-penalty-column/11328301/>]

compromise with criminals; rejecting dialogue with the so-called "moderate" jihadists; defending and supporting legitimate rights of victims to defend themselves without restraint.

Jay Sekulow previously used similar arguments to address issues in cyberspace:

- Targets:

- In May 2014 he denounces Obama for wanting to transfer control of the Internet to a multinational group and then to the United Nations and perhaps it could go to repressive regimes such as Russia, China or Iran: ⁷ "The success and freedom of the Internet would be in serious jeopardy if the Obama Administration is allowed to carry through with its plan to turn over control of the Internet to a 'multinational body.'" Here again he denounces the Democrats as weak.
- The inside actors that undermine national security. Again, he calls for radical solutions and firm sanctions. Thus in early 2013 he said about information leaks from the Obama administration: "There must be a 'no tolerance' policy when it comes to leaking confidential information concerning our national security."⁸
- Obama's policy: Petition against the Cyber Security Act (2009),⁹ which jeopardizes freedom of expression; denounces and anticipates possible abuses if the Cybersecurity Act is justified by a major security challenge, and would give full powers to officials (a limited circle), leaving the door open to control and censorship of the internet for any reason. Jay Sekulow does not hesitate to compare the American situation to what happens in Iran.¹⁰

- Objectives:

- Fundamental and constitutional rights, freedoms, security:
 - Concern about what would happen to the freedom of the Church if the internet was in the hands of islamistes.¹¹
 - Concern about what would happen to the freedom of expression if the internet was entirely in the hands of Obama.

Sekulow's ideas are in line with the stance of conservative Christians. Some examples:

- Regarding the fight against Islamist terrorism: US religious conservatives call for the total destruction of ISIL.¹²
- Regarding denouncing the Obama administration: the site "Conservative Christian Voice" posted an article on July 20th, 2011¹³ originally published on WND, titled "Look who Obama's hired for cybersecurity team,"¹⁴ which attacks the composition of the U.S. Cybersecurity Command. (Laura Callahan was suspected of fraud regarding her university degrees and was forced to resign DHS in 2004 and was involved in a scandal that included the "losses" of thousands of emails, and was considered by some of her colleagues to be a risk to cybersecurity because of her practices and lack of skills. Despite these liabilities, she got a position in the newly created Cyber Command).
- Regarding freedom of expression: conservative Christians support the bill introduced by Mike Kelly, the Defending Internet Freedom Act of 2014.¹⁵

⁷ "ACLJ Calls on Congress to Block Obama Adm. Move to Transfer Internet to "Multinational" Body & Maintain American Control of the Web," May 2014, [<http://aclj.org/free-speech-2/aclj-calls-on-congress-to-block-obama-adm-move-to-transfer-internet-to-multinational-body-maintain-american-control-of-web>]

⁸ "No tolerance for Obama Leaks," [<http://aclj.org/us-constitution/jay-sekulow-no-tolerance-for-obamaleaks>]

⁹ "President Obama to Control Internet?," 2009, [<http://drkentshow.com/wordpress/?tag=cybersecurity-act-of-2009>]

¹⁰ "Health Care and Cybersecurity Act," 2011, [<http://aclj.org/obamacare/update-health-care-cyber-security-act>]

¹¹ [<http://www.examiner.com/article/jay-sekulow-obama-gave-control-of-internet-to-un-will-censor-the-church>]

¹² David Gibson, "US must 'destroy' Islamic State, say religious conservatives," RNS, 13 August 2014,

[<http://www.religionnews.com/2014/08/13/us-must-destroy-islamic-state-say-religious-conservatives/>]

¹³ [<http://conservativechristianvoice.blogspot.fr/2011/07/look-who-obamas-hired-for-cybersecurity.html>]

¹⁴ [<http://www.wnd.com/2011/07/323373/>]

¹⁵ [<http://maplight.org/us-congress/bill/113-hr-5737/6109661/total-contributions.table>]

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