

STOKING DISTRUST: ATTEMPTS TO UNDERMINE U.S.-MUSLIM RELATIONS

Although MPAC claims to be an organization dedicated to the “integration of Islam into American pluralism, and for a positive, constructive relationship between American Muslims and their representatives,”¹ statements made by the organization sow distrust between the American and Arab American communities. Whether it is in the form of generalized fear mongering or more specific allegations that the “war on terrorism” is a “war on Islam,” the leadership of MPAC has done more to undercut relations between these two segments of our society rather than to help.

A. MPAC: The U.S. is Engaged in a “War on Islam”

Despite numerous public statements to the contrary by American political leaders, MPAC continues to claim that anti-terrorism efforts are a de facto “war on Islam.”² They claim that those in positions of authority are “Islamophobic,” and that statements made by these people have intentionally fueled misperceptions of Muslims.³

In support of their claims of a rampant Islamophobia in America, MPAC frequently cites “special interest groups” working to marginalize the Muslim community.⁴ Moreover, according to MPAC, anti-Islamic rhetoric is not limited to special interest groups, but rather has been part of a concerted effort by members of the U.S. government.⁵ They claim that

¹ Muslim Public Affairs Council, *About: Staff*, available at <http://www.mpac.org/about/staff-board> (last accessed Aug. 8, 2008).

² *Id.*

³ See e.g., Leila Fadel, *American Muslims Face Suspicion, Distrust*, Sun-Sentinel (Oct. 11, 2009), available at http://articles.sun-sentinel.com/2009-10-11/news/0910100126_1_muslim-americans-muslim-student-association-mosques (“It’s not a guilty complex; it’s the stigma of being a Muslim and constantly having to defend religion,” said Edina Lekovic, the communications director for MPAC. “It causes people to give up and say ‘why should I bother? No one likes me. Why should I keep trying?’”).

⁴ See e.g., “Guidelines for Constructive Engagement, An Islamic Approach to Building Civil Partnerships,” MPAC, June 19, 2009, <http://www.mpac.org/docs/CivicEngagement.pdf> (“As the Muslim American community has grown into a considerable political force; many anti-Muslim elements have chosen to obstruct and even defame us. Whether they represent special interest or hate groups, their goal is to harm Muslims or marginalize us in society”); Dr. Maher Hathout, “U.S. Muslims—From Confrontation to Cooperation,” *IslamOnline.net*, Islamic Center of Southern California, Jan. 30, 2009, http://www.islamonline.net/English/Islamic_Audio/Topic_02.shtml (“of course, in an environment like that, there were the special interest groups and the gangs who are bent on hatred and fanaticism, exploiting the fear of the country after 9/11, and the agitation of the previous administration to spread lies about Islam and about Muslims to intimidate, marginalize them to prevent Muslims from being part of the American discourse”); Dr. Maher Hathout, “Grassroots Campaign to fight Terrorism Handbook: Campaign Mission,” *Muslim Public Affairs Council*, 2005 at 7, <http://www.mpac.org/ngcft/campaign-mission/index.php> (“While we find ourselves in the same line with most American citizens, there is a fear that those who are hateful fanatics or special interests opportunists will insist to marginalize Muslims and depict them as suspects to be watched”); Kim Lawton, “American Muslims and Politics,” *Religion & Ethics News Weekly*, November 2, 2001 (“We have special interest groups whether they represent Christian Fundamentalism or Zionist Extremism you have that notion that they don’t want to share power therefore they are going to do everything to prevent Muslims from even discussing these issues let alone have any influence on any policy”).

⁵ Salam al Marayati, “There is Islamophobia in the American Government!” *Al Watan Al Arabi*, April 8, 2009 (“There is Islamophobia in the American government too, and this is a problem, since there are people in it

these groups have exploited the terrorist attacks of September 11, 2001 in order to push their ideologies and spread distrust among the communities.⁶ In an amicus brief filed on behalf of MPAC in a civil suit between the Islamic Society of Boston and the Investigative Project on Terrorism, MPAC complained that this Islamophobia was becoming normalized in the United States and that Muslims were being discriminated against and excluded:

“In the wake of the terrible tragedy of 9/11...the American Muslim community has fallen victim to McCarthyesque, guilt by attenuated and nonexistent association finger pointing...This Islamophobia has left American Muslims fearful and confused about their place in American society. And it has left them vulnerable to bigotry.”⁷

The defamation suit was eventually dismissed by the Islamic Society of Boston, which had the effect of preventing additional disclosure of information during discovery.⁸

Similarly, in a speech at ISNA’s 39th Annual Convention, al Marayati tried explaining why rumors had been circulating that American-Muslim groups did not condemn 9/11 and cast the allegation as a political cheap shot:

spreading fear of Islam and distributing misleading generalizations against American Islamic organizations”); Dr. Aslam Abdullah, “Torturing in the Name of Democracy,” *The Minaret*, Vol. 26, Issue 6, June 2004 at 25 (“those responsible for the Iraq occupation have turned the American military presence in Iraq into a crusade by adopting policies and procedures that expose a religious and racist agenda and prejudice against Islam, Muslims, and Arabs”).

⁶ Salam al Marayati and Edina Lekovic, “MPAC-NYC Benefit Dinner 2009,” *MPAC-NYC*, City University of New York, New York City, Feb. 27, 2009 (“It is really all around. There is not one source. It is an industry that is exploiting the fears and hysteria from 9/11 right now, and they are riding that wave to continue their anti-Islamic rhetoric”); Brent Hurd, “Americas Muslims: Caught in the Middle?” *Voice of America*, May 24, 2005 <http://www.voanews.com/English/NewsAnalysis/2005-05-24-voa65.cfm> (quoting MPAC National Director Ahmed Younis as stating “there is a whole market of people that are manipulating the genuine fears of the American public. Their goal is very simple—to make sure that Islam and Muslims are not part of mainstream American society because they see that as a threat to their existence”); Mahdi Bray, “Pro-Palestinian Rally,” *A.N.S.W.E.R. Coalition*, Washington, D.C. April 20, 2002 (“They are using the guise of terrorism as a front to extort money from our coughers, to increase the military buildup...and they’re going around and they’re actually pimping the tragedy of 9/11...”); MPAC, *MPAC Media Awards 2008*, Disneyland Resort and Hotel, Anaheim, CA (June 1, 2008) (quoting al Marayati as arguing that “as a result of the climate of fear, there is anti-Muslim hysteria, and people react to just the first suggestion that something may be sympathizing with extremism or is a defeat against terrorists. And people even say you should call it Islamic terrorism, because we don’t say Islamic terrorism, then that is a defeat against the terrorists”).

⁷ *The Islamic Society of Boston, et al v. The Investigative Project on Terrorism, et al*, Commonwealth of Massachusetts Appeals Court 2006-P-1358. “Brief of Amicus Curiae Muslim Public Affairs Council,” Feb. 26, 2007 at 5; *See also* Selwyn Crawford, *Dallas-area Muslims fear Backlash from arrests tied to terror plot*, Dallas Morning News (Oct. 19, 2009), available at <http://www.dallasnews.com/sharedcontent/dws/dn/latestnews/stories/101909dnmetmuslimangst.3f4b3c3.html> (Al Marayati explaining that “suspicions about Muslims persist, in large part, because Americans—Most of whom are Christian—either can’t or won’t make a distinction between the mainstream and fringe elements of Islam, while they discern that difference for others.” The article says that Marayati explains as an example, “that when non-Muslims commit extreme acts, they are quickly dismissed as being crazy or weird or having some deep-seated emotional problems, and are not viewed as representative of an entire group of people”).

⁸ Donovan Slack, *Islamic Society Drops Lawsuit*, *The Boston Globe* (May 30, 2007), available at http://www.boston.com/news/local/articles/2007/05/30/islamic_society_drops_lawsuit

“The question is why is it happening to the American Muslim community? Why are there special interest groups that are exploiting the pain and suffering of 9/11 to dehumanize, isolate, and stereotype Americans? Is it because they feel threatened by our mere existence as American Muslims? Is it because they feel that there is a political competition now taking place?”⁹

In support of its claims that there is a conspiracy aimed at Muslim Americans, MPAC points to the controversy surrounding the 2005 publication of cartoons depicting the Prophet Muhammed in the Danish newspaper *Jyllands-Posten*.¹⁰ Anger over the depictions of Muhammed, forbidden in Islam, escalated into violence that resulted in more than 100 deaths and the destruction of Danish embassies in Syria, Lebanon, and Iran.¹¹ To MPAC, the issue was not free speech, but a conspiracy to instigate Muslims to violence:

“While European newspapers hide under the false pretense of “freedom of press” to insult the Prophet and incite Muslims...in our view, it makes no sense for Muslims to die...over these cartoons. We urge our fellow Muslims to recognize that violence is exactly what European newspapers intended to instigate.”¹²

The effect of this agitation, according to the MPAC is that the “war on terrorism” is viewed as a *de facto* “war on Islam.”¹³ The result, in the words of Salam al Marayati is:

“[D]ouble standards in opinion—and policymaking vis-à-vis counterterrorism; it also exacerbates tensions in interfaith relations...biases the Middle East peace process, and intensifies the clash of civilizations between Islam and the West.”¹⁴

⁹ Salam al Marayati, “Challenges Facing American Muslims in the Wake of 9-11: In Search of Effective Responses” *ISNA 39TH Annual Convention*, Chicago, Ill. (Sept. 1, 2002).

¹⁰ See Charlotte Martin, “Conference unites Students, Leaders,” *Yale Daily News*, Feb. 21, 2006 (quoting Salam al Marayati as stating that, “the prophet and all other prophets before him have faced insult. This is an issue of injustice and dehumanization”).

¹¹ See e.g., “Protesters Burn Consulate Over Cartoons,” CNN.com (Feb. 6, 2006), available at <http://www.cnn.com/2006/WORLD/asiapcf/02/05/cartoon.protests/index.html> (last accessed Nov. 2, 2009).

¹² “MPAC Response to Danish Cartoon Firestorm,” *MPAC Report*, Sprint 2006, at 1. See also “MPAC Condemns Beirut Riots, Supports Calls for Calm and Restraint,” *MPAC News*, Feb. 6, 2006, http://www.mpac.org/home_article_display.aspx?ITEM=873 (“many have viewed the cartoons as intentional provocation by conservative, anti-immigration forces in Europe, while others consider them an indicator of a broader perception of Islam and Muslims”).

¹³ See e.g., Dr. Aslam Abdullah, “The Truth Behind America’s War on Terrorism,” *IslamOnline Live Dialogue*, Nov. 30, 2002 <http://www.islamonline.net/livedialogue/english/Browse.asp?hGuestID=Og1n6h> (“there are three specific lobbies that are turning the ongoing war on terrorism against Islam. The Christian Evangelicals who want to see Muslims converted, the political Zionists who want to see Muslims politically obliterated, and the Hindu extremists who want to see Muslims humiliated. Those are the groups that want to make Islam and Muslims the new war frontier...They will do everything possible to serve their interests and they will use whatever means they have to ensure that Muslims are marginalized...Many members of these lobbies are in the administration and in the FBI, law enforcement, and even Congress”).

¹⁴ Salam al Marayati “Defining Terrorism for America: Jewish and Muslim Cases and their Readings by the American Public,” *CCAS Journal, A Reform Jewish Quarterly*, (Fall 2000), at 30.

At the American Muslim Council's Second Annual Imam Conference in April 2002, then-MPAC National Director Mahdi Bray, spoke on a panel with Sami Al-Arian, then under investigation for his ties to the Palestinian Islamic Jihad (more on Al-Arian later in this report). Bray concluded his remarks by saying that terrorism was another word the government used to institute oppression against minorities:

“So let me just say this in conclusion, don't fall for it brothers and sisters. You have to stand up. You have to realize this whole thing about terrorism is a paper tiger. It's just an excuse. They've used it before. Before terrorism it was communism. They've used it before. So don't fall for the terrorism.”¹⁵

This “climate of fear,” according to MPAC, has fueled hate crimes against Muslims.¹⁶ During a news conference in March 2008 about that year's national elections, al Marayati warned that a bad perception could hurt America globally:

“America is judged today by the rest of the world by how it treats its Muslim citizens and how it views Islam. If the war on terror continues to be viewed as a war against Islam America will lose. It's as simple as that. And this is not about censorship; it's about exposing the stupidity...and the way messages are going out to our media and in the way politicians are conducting the affairs of our society.”¹⁷

Whether the result of a deliberate policy or simply an unintended consequence, MPAC's consistent efforts at painting the war on terrorism as a “war on Islam,” could negatively affect criminal investigations into terrorist activity.

B. Impeding Criminal Investigations by Sowing Distrust

MPAC publicly feigns support for terrorism investigations while at the same time its officials often try to undermine any effective efforts at preventing acts of terrorism, most notably by claiming that the FBI's investigative efforts are isolating the community. They also argue that

¹⁵ Mahdi Bray, “The Civil Rights and Empowerment in America,” *American Muslim Council 2nd Annual Imam Conference*, Alexandria, VA April 28, 2002.

¹⁶ Salam al Marayati, “MPAC Testimony to the CA State Select Committee on Hate Crimes,” *MPAC News*, May 2, 2003, <http://www.mpac.org/article.php?id=149> (“The trigger point for hate crimes is often a war or a violent incident in the Middle East. The hostile environment results in series of anti-Muslim bias in the media and in the political arena. This hostility creates an environment that is conducive to hate crimes”); Dr. Aslam Abdullah, “Islamophobia: A Conflict of Ignorance?” *IslamOnline Live Dialogue*, Dec. 14, 2004, <http://www.IslamOnline.net/livedialogu/english/Browse.asp?hGuestID=17ICSX> (“What is being written about Islam is horrible. It is ridiculous and amounts to insanity. It appears to be an open season against Islam and Muslims...it is a combination of anti-Islam and Islamophobia as well as ignorance that has resulted in attacking on Islam”).

¹⁷ Salam al Marayati, “MPAC Election Coverage,” *MPAC and the Islamic Center of Southern California*, Los Angeles, California, March 22, 2008. See also Lenny Savino, “Justice Dept. Orders Sharing of Suspected Terrorist List,” *Knight Ridder/Tribune News Service*, April 13, 2002 (quoting al Marayati as saying “The only known American supporter of al-Qaida and bin Laden is John Walker Lindh. If the attorney general has any evidence that there are other supporters of al-Qaida in our community, then that should be disclosed immediately and due process should be followed in order to preserve the civil liberties we all cherish and aim to protect. This fishing expedition will not help the war against terrorism. It will only hurt America's image abroad”).

many laws enacted to prevent another attack in fact are designed to target Muslims.¹⁸ In challenging the Bush administration's national security policies, MPAC stated:

“Several of Attorney General Ashcroft's initiatives...smacks of McCarthyism and constitutes a new threat to the freedoms, lifestyle choices, and safety of all Americans. Furthermore, just as McCarthyism accomplished little or nothing ... today's tactics of rampant racial and religious profiling ... have similarly accomplished little or nothing.”¹⁹

In August 2009, the new government liaison for MPAC's Washington, DC office, Alejandro Beutel, debated Kamal Nawash, founder of Free Muslims Against Terrorism, on Al-Jazeera English television about whether the FBI was targeting American Muslims. When asked by the host if the FBI was deliberately targeting American Muslims, Beutel answered yes, and that this was a trend in law enforcement since 9/11:

“Absolutely; we do see that there is a trend ... within the FBI, but more generally within law enforcement. Since 9/11 this has been going on ... These latest issues with informants seem to be the latest in a trend of ongoing issues.”²⁰

In a March 2003 *Los Angeles Times* article discussing the FBI's relationship with Muslim American communities, al Marayati said the law enforcement approach has not worked:

“[T]he FBI's policy of targeting people because of their race and religion...That's what they've been doing since the attacks, and we don't know of any case that has resulted in the arrest, indictment or prosecution of a terrorist.”²¹

¹⁸ “DOJ's New Fingerprinting Rules Diversionary,” *MPAC Report*, Second Quarter 2002, p. 6 (“[B]latant racial profiling that will yield no intelligence value ... MPAC believes that this Justice Department move is the latest in a grave chain of events that are chipping away at our civil liberties while hindering our efforts to defeat terrorism”); “Flaws in State Department Global Terrorism Report,” *MPAC News*, May 18, 2001. http://web.archive.org/web/20030106000133/http://www.mpac.org/news_article_display.aspx?ITEM=198 (“Domestic counterterrorism efforts, such as the unconstitutional use of secret evidence, also disproportionately target Muslims”).

¹⁹ “ACTION ALERT: American Muslims Decry Ashcroft's Tactics as the 'New-McCarthyism',” *MPAC News*, April 12, 2002.

²⁰ Alejandro Beutel, “Is the FBI Targeting American Muslims?” *Al-Jazeera English*, Aug. 19, 2009 <http://www.mpac.org/article.php?id=878>; “Gov't Liaison Debates FBI Surveillance of Mosques on Al-Jazeera English,” *MPAC News*, Aug. 19, 2009 <http://www.mpac.org/article.php?id=878>.

²¹ H.G. Reza, “FBI Has a Pledge and a Request for Muslims.” *The Los Angeles Times*, March 16, 2003; *See also*, MPAC News: *MPAC Concerned with iWatch Program* (Oct. 7, 2009), available at <http://www.mpac.org/article.php?id=927> (discussing and criticizing the LAPD iWatch Program, which lists nine types of suspicious behavior that should compel people to call police and types of places to look for it, MPAC-D.C. Director Haris Tarin said, “while we understand law enforcement's concern with preventing terrorism, these standards are ineffective and broad-brushed...if finding terrorists is like finding needles in a haystack, this just adds more hay”).

In addition to these types of broad brush critiques of U.S. counterterrorism policies, MPAC has singled out specific programs for extra scrutiny, including fusion centers, the PATRIOT Act, and the FBI's use of informants.

C. Criticism of Report by National Commission on Terrorism

In June 2000, the National Commission on Terrorism issued a report proposing measures that would enhance national security against terrorist threats.²² Among the recommendations, the Commission suggested that the "U.S. intelligence and law enforcement communities use the full scope of their authority to collect intelligence regarding terrorist plans and methods;" that policies "firmly target all states that support terrorists," using both domestic and international sanctions mechanisms; and that "private sources of financial and logistical support for terrorists...be subjected to the full force and sweep of U.S. and international laws," through the use of regulatory and immigration laws.²³

Responding to the report, al Marayati and Hussein Ibish, Communications Director for the American-Arab Anti-Discrimination Committee (ADC) published an editorial in the *Los Angeles Times* lambasting the report saying that its recommendations created new dangers for "core American values" without enhancing American national security and should be "vehemently" rejected. The report, al Marayati and Ibish said, should be "flung with full force" across the room:

"[I]he recommendations in its recently released report instead create new dangers for core American values ... Most of what is proposed would damage civil liberties without providing any obvious increase in security or even addressing the serious challenges demonstrated by this country's experience with terrorism ...its recommendations should be vehemently rejected. As another great American, [sardonic poet] Dorothy Parker, might have put it, this report is not a document to be cast aside lightly; it should be flung with full force across the room."²⁴

In an article in *The Minaret* in July/August 2000, al Marayati, who withdrew his name from participating in the commission "due to pressure of pro-Israeli elements and Zionists," again lambasted the commission's recommendations saying that they maintained a policy of "confrontation" that targeted Muslims:

"They [American Muslims] feel the recommendations, and the ensuing legislation or directives made by the government, will continue to target them, using Islam as the scapegoat for a serious and complex problem ... the new policies recommended by this commission only serve to reinvigorate stereotypes, target individuals, and fail in

²² *Countering the Changing Threat of International Terrorism*, The National Commission on Terrorism, available at <http://www.gpo.gov/nct/>

²³ *Id.*

²⁴ Salam Al-Marayati and Hussein Ibish, "Should The Army Keep Terrorists at Bay?; National Security: The Recommendations Intended to Make the U.S. Safer in Fact Infringe on Our Liberties." *Los Angeles Times*, June 19, 2000 p. B7

actually producing a plan to combat terrorism ... The commission seems determined to maintain the status quo of confrontation, targeting a segment of American society and the world.”²⁵

D. The USA PATRIOT Act

MPAC has been critical of the USA PATRIOT Act since its passage into law. In his book *American Muslims: Voir Dire [Speak the Truth]* published in 2002, MPAC Political Director Ahmed Younis described the Act as the work of a right wing Christian fundamentalist (U.S. Attorney General John Ashcroft), who - along with others like him - was pursuing a racist agenda:

“Thomas Jefferson, James Madison and the rest of our founding fathers turned over in their graves when right wing Christian fundamentalist John Ashcroft pushed the USA PATRIOT Act. Such laws are designed to clearly lead to the subversion of ... the Bill of Rights that protect the right to due process, fair and speedy trials and protect citizens from illegal searches and seizures ... It is fair to assume that Ashcroft and the like don’t have an anti-Islam agenda. They have an anti-‘other’ agenda.”²⁶

Similarly, MPAC Board Member Omar Ricci went even further, saying in his opening remarks that the PATRIOT Act was “the biggest attack on democracy in America right now.”²⁷ While there are many provisions which have been criticized, the focus of Ricci’s speech was the ability of the government to detain individuals for immigration violation and expanded electronic surveillance authorities, both of which have been consistently upheld in Federal courts.

At the Patriot Act Forum held at the Islamic Center of Southern California on January 22, 2003, Maher Hathout announced that the American Muslim Political Coordination Council (AMPCC), of which MPAC is a member, was working to repeal the Patriot Act saying that it

²⁵ Salam Al-Marayati, “Commission Report Rife with Bias,” *The Minaret*, July/August 2000, pp. 19-20.

²⁶ Ahmed Younis, *American Muslims: Voir Dire [Speak the Truth]*. Los Angeles: Multimedia Vera International, 2002, p. 53.

²⁷ “Patriot Act is Under Attack,” *Orange County Register*, December 22, 2002. <http://web.archive.org/web/20021223080708/http://www2.ocregister.com/ocrweb/ocr/article.do?id=17415§ion=LOCAL&year=2002&month=12&day=22>; Mahdi Bray, “The Patriot Act and the Silent War on Civil Liberties,” *MPAC 2nd Annual Convention*, California, December 21, 2002 (“[I]t is important to understand that the Patriot Act is only the tip of the iceberg in terms of what is happening in terms of civil liberties and civil justice in this country. It is the center of a larger violation that takes place against Muslims every day and also the rights of all Americans ... Make no mistake about it; there is an orchestrated attack on the Muslim community to circumvent your rights and your liberties and to prevent you from being effective in this country. There is an attack on, and we need to face up to it and move away from this thing that there is nothing going on ...”). See also Ahmed Younis, *American Muslims: Voir Dire [Speak the Truth]*. Los Angeles: Multimedia Vera International, 2002, p. 53. (“[A]uthorizes the government to violate the Constitution while failing to enhance national security,” and that by expanding the authority of the federal government to detain, investigate, and engage in electronic surveillance of citizens and non-citizens, the civil rights and liberties ... have been threatened and compromised”).

was a “bad law,” that endangered American democracy and generated an idea of guilt towards Muslim Americans.

“Because in the past it was at first the African Americans ... and now it is our turn and the Japanese of course, and definitely tomorrow it will be somebody else ... you are guilty until proven innocent.”²⁸

E. Fusion Centers

Another target in MPAC’s effort to undermine U.S. counterterrorism policies is a campaign against fusion centers.²⁹ Fusion centers were created after September 11th as part of efforts by state and local agencies to assist in terrorism investigations. More than 40 have been created throughout the country.

The focus picked up in the wake of the February 2009 arrest of Ahmadullah Niazi in California on immigration related charges. It’s not clear how they fit into the Niazi case, but MPAC joined other groups in raising the issue following the Afghan native’s arrest. Prosecutors say he is heard on recorded conversations discussing terrorist plots with an undercover informant, but is charged with perjury and unlawfully procuring his American citizenship. Niazi claimed that he was targeted because he refused to cooperate with the FBI and other agencies.³⁰ MPAC complained that the information and intelligence shared between centers was coming from dubious sources that would lead to “faulty” threat assessments:

“While not all fusion centers may be engaging in improper intelligence activities, MPAC and other privacy and civil liberties groups are concerned that the information gathered at fusion centers may be used in violation of Constitutionally protected civil liberties. Furthermore, nontraditional collectors of intelligence, such as private sector organizations who hold themselves out to be national security experts may be providing information that is inaccurate, biased and discriminatory. This could result in faulty threat assessments as it relates to American Muslims ...”³¹

MPAC continued criticizing the fusion centers in April 2009, supporting a statement released by the American Muslim Taskforce on Civil Rights and Elections (AMT) calling for their elimination:

²⁸ Dr. Maher Hathout, “Patriot Act Forum”, *MPAC, CAIR, and AMC*, Islamic Center of Southern California, Jan. 22, 2003

²⁹ Many states and larger cities have created state and local fusion centers to share information and intelligence within their jurisdictions as well as with the federal government. See *State and Local Fusion Centers*, Department of Homeland Security, available at http://www.dhs.gov/files/programs/gc_1156877184684.shtm

³⁰ See Eliot C. McLaughlin, *FBI Planting Spies in U.S. Mosques, Muslim Groups Say*, CNN.com, (March 20, 2009), available at <http://www.cnn.com/2009/US/03/20/fbi.muslim.groups/index.html>

³¹ “What are Fusion Centers?” *MPAC D.C. News and Views*, May 18, 2009. <https://app.e2ma.net/app/view/CampaignPublic/id:2785.2019349196/rid:851945ffc565872c4472750337066fa7>

“We are fully united in asking the Obama administration to address ... use of McCarthy-era tactics, most notably dissemination of Islamophobic analysis by federally-funded ‘fusion centers’ to local law enforcement agencies.”³²

F. Use of Informants

Although MPAC has publicly called upon its members to remain vigilant and assist U.S. law enforcement officials, that message is undercut by the group’s casting informants as provocateurs. At a July 2005 conference in Dallas sponsored by the Islamic Society of North America (ISNA), al Marayati told the audience that Muslims should not become informants for the federal government.

“We reject any efforts, notion, suggestion that Muslim should start spying on one another. In fact if you look at the Lodi case, the disaster of Lodi is that Muslims were reporting each other to the authorities saying, ‘Oh, this person is an extremist’ and the other camp saying the same things so both of them got in trouble. So, we are, this is the model not to follow.”³³

The use of informants is a time tested investigative tool used to infiltrate drug cartels, organized crime rings and even to stop murder-for-hire schemes. In recent years, informants have helped break out terrorist plots in New York,³⁴ North Carolina³⁵ and New Jersey.³⁶ Yet, MPAC remains critical of such efforts.³⁷ In an October 2006 interview with PBS, Al Marayati cast informants as opportunistic and unreliable:

³² “U.S. Muslim Coalition Reaffirms Opposition to FBI Says,” *The American Muslim Taskforce on Civil Rights and Elections*, April 19, 2009.

<http://www.americanmuslimvoter.net/pView.asp?action=viewPDDetails&pageId=11307&pCatName=%20&pGrpName=%20&pT=U.S.%20Muslim%20Coalition%20Reaffirms%20Opposition%20to%20FBI%20Tactics>

³³ Salam al-Marayati. “The Muslim Political Outreach Agenda (Constructive Engagement of Muslims with Other Americans in these Challenging Times).” *ISNA Dallas Conference*, Dallas, Texas, July 1-3, 2005. *See also*, Leila Fadel, *American Muslims Face Suspicion, Distrust*, Sun-Sentinel (Oct. 11, 2009), available at http://articles.sun-sentinel.com/2009-10-11/news/0910100126_1_muslim-americans-muslim-student-association-mosques (“There is a fine line between informant and entrapment,” said Edina Lekovic of MPAC. “Show us the guidelines these informants should operate under. Where is our privacy if I don’t even have my privacy in my mosque?”).

³⁴ *United States v. Cromitie*, 09r558, Southern District of New York, Indictment, May 20, 2009.

³⁵ *United States v. Boyd*, 5:09-CR-216-1-FL, Eastern District of North Carolina, Superseding Indictment, Sept. 24, 2009.

³⁶ *United States v. Shnewer*, 07cr459, District Court of New Jersey, June 5, 2007. Mohamad Ibrahim Shnewer and co-defendants Serdar Tatar, Dritan Duka and Shain Duka were convicted of conspiring to kill U.S. soldiers at Fort Dix and each sentenced to at least 30 years in prison in April 2009. *See*; Statement of Acting U.S. Attorney Ralph J. Marra, Jr., “One Plotter Sentenced to Life plus 30 years; Second Gets

33 Years in Prison for Conspiring to Kill U.S. Soldiers,” April 29, 2009.

³⁷ “MPAC Sends Letter to FBI Over Use of Informants,” MPAC News, May 26, 2009. <http://www.mpac.org/article.php?id=819> (“MPAC feels that it is of utmost importance that the FBI comes out with a clear and thorough explanation addressing what is perceived as a trend of using agent provocateurs

“I think the question that has to be asked about them is, are they providing us valuable information about terrorism, or are they just instigating people to say stupid things and as their meal tickets to justify their salaries right now? I don't have much respect for informants, but if the FBI feels that they have to utilize informants, then I would like them to make the case to us on how they've been useful in their terrorist investigations. And if they have been involved in entrapment, then I would like that to be made clear as well.”³⁸

The Niazi arrest ratcheted up the campaign, after an informant disclosed publicly that he was sent into several California mosques as part of his assignments from the FBI. The AMT statement MPAC joined in signing cast this as a betrayal:

“Federal law enforcement cannot establish trust with American Muslim communities through meetings and townhall forums, while at the same time sending paid informants who instigate violent rhetoric in mosques. This mere act stigmatizes American mosques and casts a shadow of doubt and distrust between American Muslims and their neighbors. It has also led many mosques and community groups to reconsider their relationship with the FBI.”³⁹

There has been no evidence or court finding that the informant instigated any plot or otherwise behaved inappropriately to back up MPAC's concerns. In sworn testimony, FBI agent Thomas Ropel III said that Niazi instigated conversations in which Niazi called jihad a duty for Muslims to perform and in which he talked about possibly blowing up buildings in California.⁴⁰

FBI Director Robert Mueller, while declining to discuss any specific case, rejected MPAC's allegations during testimony before the Senate Judiciary Committee. Informants are not dispatched at random, he said, and their actions are closely monitored:

“[W]e do not focus on institutions, we focus on individuals. And I will say generally if there is evidence or information as to individual or individuals undertaking illegal

and entrapment. In addition to casting a cloud on the credibility of the FBI and the seriousness of effective counterterrorism, it enforces a stigma that some insist on using when addressing the Muslim community in America.”)

³⁸ Salam Al-Marayati, “The Enemy Within,” *PBS Frontline*, Oct. 10, 2006. <http://www.pbs.org/wgbh/pages/frontline/enemywithin/interviews/al-marayati.html>; See also ³⁸ “MPAC Files Freedom of Information Act Request with FBI,” *MPAC News*, Dec. 2, 2004. <http://www.mpac.org/article.php?id=30> (“The Freedom of Information Act (FOIA) requests seek two kinds of information: 1) the actual FBI file of groups and individuals targeted for speaking out or practicing their faith, and 2) information about whether the structure and policies of the Joint Terrorism Task Force are encouraging rampant and unwarranted spying”).

³⁹ “FBI Losing Partnership with American Muslim Community,” *MPAC News*, Feb. 25, 2009. <https://app.e2ma.net/app/view/CampaignPublic/id:2785.1761898998/rid:7e1330c1a667b900378e1b55870a6d81>

⁴⁰ *United States v. Niazi*, 8:09-cr-00028-UA, Central District of California, Bond Hearing, Feb. 24, 2009.

activities in religious institutions, with appropriate high-level approval, we would undertake investigative activities, regardless of the religion."⁴¹

⁴¹ Testimony of the Honorable Robert S. Mueller, III, Senate Judiciary Committee, March 25, 2009.

IN DEFENSE OF TERRORIST FINANCIERS

In an effort to disrupt this method of terrorist financing, the FBI and the United States Treasury Department have undertaken programs aimed at “stopping the flow of funds by freezing the assets of charities that are supporting terrorist groups, as well as aggressively investigating suspected abuses of charities.”⁴² Despite the array of tools available for starving the terrorists of funding, labeling a group *persona non grata* has been the most effective.⁴³

Rather than concede the obvious—that terrorist groups have used Islamic charities as covers for financing their violent acts—MPAC has consistently sought to undermine U.S. counterterrorism efforts by arguing that authorities “have not proven their allegations” against organizations such as the Holy Land Foundation for Relief and Development, the Global Relief Foundation, and the Benevolence International Foundation. MPAC charges that U.S. enforcement actions against these organizations “bear strong signs of politicization.”⁴⁴

⁴² The Role of Charities and NGOs in the Financing of Terrorism: Hearing Before the S. Banking Subcommittee on International Trade and Finance, (June 4, 2002) (statement of Kenneth W. Dam, Deputy Secretary, U.S. Department of the Treasury). See also Exec. Order. No. 13,224 (authorizing the Treasury to freeze or impose financial sanctions on any individual entity that meets the following five criteria: (i) foreign individuals or entities listed in the executive order; (ii) foreign individuals or entities that “have committed or...pose a significant risk of committing acts of terrorism that threaten the national security...” of the United States; (iii) individuals or entities that either are “owned or controlled by” or “act for or on behalf of” the parties above; (iv) individuals or entities that support parties designated as terrorist organizations; (v) individuals or entities that are “otherwise associated” with the parties listed above).

⁴³ See 2003 Money Laundering Strategy, at 6-7 (“Freezing terrorist assets...does more than deprive terrorists of their money. Rather it has the added benefit of being a highly visible weapon which often prevents the collecting, receiving, consolidating, managing, and moving of assets by deterring those who would use the financial system to fund terrorism in the future”). See also Audrey Kurth Cronin, *The “FTO List” and Congress: Sanctioning Designated Foreign Terrorist Organizations*, (CRS Report No. RL 32120) (Oct. 21, 2003) (discussing the process of designating an individual or entity as a terrorist organization and the effects of such designations). A list of all currently designated organizations is maintained by the Treasury Department. *Specially Designated Nationals List*, United States Department of Treasury, Office of Foreign Assets Control, available at <http://www.treas.gov/offices/enforcement/ofac/sdn/t11sdn.pdf> (compiling all U.S. designation lists).

⁴⁴ “A Review of U.S. Counterterrorism Policy: American Muslim Critique and Recommendations,” MPAC, September 2003, http://www.mpac.org/bucket_downloads/CTPaper.pdf (“sensationalized allegations have become common features in terrorism-related prosecutions, perhaps as means of bolstering cases that otherwise appear to be built on pretexts. The arrests of individuals connected with Muslim charities accused of involvement in terrorist financing, in particular, many of those that had been under investigation for several years prior to September 11, bare strong signs of politicization”); see also Laila Al-Marayati and Basil Abdelkarim, “The Crime of Being a Muslim Charity,” *Washington Post*, March 12, 2006, p. B10 (“Changes in the law have greatly enhanced the Department’s ability to target and disable organizations and individuals based primarily on suspicion and not on proven evidence of wrong doing as would be required in a court of law for a conviction of terrorism ... Despite attempts by the Administration, the Treasury Department and others to reassure American Muslims that neither they nor their institutions are being targeted unfairly, the facts suggest the opposite ... The government appears to function under the basic assumption that charitable donations on behalf of Muslims have been and will be corrupted intentionally or unintentionally and therefore, all acts of Muslim giving overseas are suspect”); Laila Al-Marayati, “American Muslim Charities: Easy Targets in the War on Terror,” *MPAC News*, August 15, 2005 (“Based on the evidence offered to the public to date, one can hardly conclude that the seizure of assets, intimidation of the community, and dwindling opportunities for Muslims to give ... overseas has had any meaningful effect in the War on Terror. In fact, these actions may actually make things worse ... the long-term success of US efforts ... will be thwarted when we target the

MPAC has gone so far as to claim that efforts to shut down charities funneling money to organizations identified as Foreign Terrorist Organizations was simply the “result of people who are against Islam and Muslims.” Criticizing the need to defend such criminal and civil suits, al Marayati exclaimed:

“So far, the government has frozen over \$12 million of Muslim assets. Those \$12 million have dwindled to \$3 million because, even though the money is frozen, the organizations have to continue paying for rent and for lawyer's fees. Not only that, but we have people whose interests are against Islam and Muslims, who are filing lawsuits for those assets to seize those assets in the name of defending victims of terrorism.”⁴⁵

Contrary to these statements, a number of charitable groups have been the subject of both criminal and civil actions aimed at holding them liable for their financial support of terrorist acts. At each turn in the road, MPAC defended charities designated as terror financiers such as the Holy Land Foundation for Relief and Development, Infocom, Benevolence International Foundation and Global Relief, Islamic American Relief Agency, KindHearts, and the SAAR Foundation.

A. Holy Land Foundation for Relief and Development

The case presented against the Holy Land Foundation for Relief and Development (HLF) by federal prosecutors represents one of the starkest examples of the abuse of Islamic charities for nefarious purposes.⁴⁶ Although HLF initially began operating in 1989 as a Section 501(c)(3) charitable organization,⁴⁷ over time it became clear that it was an active supporter of and financial conduit for Hamas.⁴⁸ As evidence gathered by the FBI and the Treasury Department demonstrated, HLF supported Hamas activities through direct fund transfers to charities it controlled in the West Bank and Gaza.⁴⁹

wrong groups at home simply because of political expediency ... the Treasury Department functions based on the principle of “guilty until proven innocent”).

⁴⁵ Salam Al-Marayati, “The Shape of the American Muslim Community in the Next Decade,” *MPAC*, Houston, Texas June 18, 2004; *See also* “Congress Endangers Muslim Zakat Money.” *MPAC Press Release*, Nov. 22, 2000 (“American Muslims consider the diversion of the funds of these charities, intended to fulfill American Muslim religiously-mandated zakat (almsgiving) and other forms of charitable contributions, a clear violation of our 1st Amendment right for the free exercise of religion”).

⁴⁶ *Holy Land Found. for Relief and Develop. v. Ashcroft*, 219 F. Supp. 2d 57 (D.D.C. 2002).

⁴⁷ *Id.* At 64.

⁴⁸ Press Release: Statement of Secretary Paul O'Neill on the Blocking of Hamas Financiers' Assets, United States Department of the Treasury, (Dec. 4, 2001), available at <http://www.ustreas.gov/press/releases/po837.htm>

⁴⁹ Press Release, *Statement of Secretary Paul O'Neill on the Blocking of Hamas Financiers' Assets*, United States Department of the Treasury (Dec. 4, 2001) available at <http://www.ustreas.gov/press/releases/po837.htm> (explaining that “HLF funds were used by Hamas to support schools that served HAMAS ends by encouraging children to become suicide bombers and to recruit suicide bombers by offering support to their families”). *See also Holy Land Found.*, 219 F. Supp. 2d at 69 (explaining that “there is evidence that HLF raised funds for

As a consequence of HLF's persistent support for Hamas, on December 4, 2001 the Secretary of the Treasury designated the charity as a Specially Designated Terrorist and a Specially Designated Global Terrorist.⁵⁰ Additionally, Treasury issued a blocking order for all funds, property, and assets based on alleged links to the terrorist group Hamas.⁵¹ As Secretary Paul O'Neill explained in the statement announcing HLF's designation, "the Holy Land Foundation masquerades as a charity, while its primary purpose is to fund Hamas...*This organization exists to raise money in the United States to promote terror.*"⁵²

MPAC criticized the HLF designation, issuing a joint statement with seven other Islamic groups:⁵³

"American Muslims support President Bush's effort to cut off funding for terrorism and we call for a peaceful resolution to the Middle East conflict. These goals will not be achieved by taking food out of the mouths of Palestinian orphans or by succumbing to politically-motivated smear campaigns by those who would perpetuate Israel's brutal occupation."⁵⁴

The statement further condemned the government's actions as creating the impression that there was a war against Islam:

"We ask that President Bush reconsider what we believe is an unjust and counterproductive move that can only damage America's credibility with Muslims in this country and around the world and could create the impression that there has been a shift from a war on terrorism to an attack on Islam."⁵⁵

Hamas, that Hamas provided financial support to HLF, and that HLF paid for Hamas leaders to travel to the United States on fundraising trips").

⁵⁰ *Statement of Secretary Paul O'Neill on the Blocking of Hamas Financiers' Assets*, *supra* n.24 (explaining that "the seven Vol., 3,130 page administrative record in this case provides substantial support for OFAC's determination that HLF acts for or on behalf of Hamas").

⁵¹ *Id.*

⁵² *Id.* (emphasis added); *See also Holy Land Found. v. Ashcroft*, 219 F. Supp. 2d (D.D.C. 2002).

⁵³ "Freeze on Group's Assets Questioned by U.S. Muslims." *CAIR Press Release*. Dec. 4, 2001. <http://web.archive.org/web/20011207204405/www.cairnet.org/asp/article.asp?articleid=531&articletype=3>, Accessed August 11, 2008. The American Muslim Alliance (AMA), American Muslim Council (AMC), Islamic Society of North America (ISNA), Islamic Circle of North America (ICNA), Muslim American Society (MAS), Muslim Public Affairs Council (MPAC), and Muslim Student Association of USA and Canada all co-issued this statement.

⁵⁴ "Freeze on Group's Assets Questioned by U.S. Muslims." *CAIR Press Release*, Dec. 4, 2001. <http://web.archive.org/web/20011207204405/www.cair-net.org/asp/article.asp?articleid=531&articletype=3>, (Accessed Nov. 2, 2009). The American Muslim Alliance (AMA), American Muslim Council (AMC), Islamic Society of North America (ISNA), Islamic Circle of North America (ICNA), Muslim American Society (MAS), Muslim Public Affairs Council (MPAC), and Muslim Student Association of USA and Canada all co-issued this statement.

⁵⁵ "Freeze on Group's Assets Questioned by U.S. Muslims." *CAIR Press Release*, Dec. 4, 2001. <http://web.archive.org/web/20011207204405/www.cairnet.org/asp/article.asp?articleid=531&articletype=3>, (Accessed August 11, 2008). The American Muslim Alliance (AMA), American Muslim Council (AMC), Islamic

After HLF was forced to closed down, MPAC Board Member Laila al-Marayati created a new entity with a former HLF director.⁵⁶ Al-Marayati co-founded KinderUSA,⁵⁷ along with Riad Abdelkarim,⁵⁸ who had served as HLF's secretary.⁵⁹ Al-Marayati currently serves as KinderUSA's chairperson, while Abdelkarim, is listed as former chairperson.⁶⁰ A 2004 *Los Angeles Times* article described KinderUSA's approach to giving aid; "When aiding orphans, the organization does not inquire how the father died to avoid charges that it knowingly supports the families of suicide bombers."⁶¹

B. Infocom

Infocom was a Richardson, Texas based internet company run by five brothers named Elashi, selling computer systems, networking, telecommunications, and internet services and exported computers to the Middle East.⁶² On September 5, 2001, the FBI raided Infocom offices,⁶³ freezing two of its accounts,⁶⁴ and subpoenaing records from HLF and the Islamic Association for Palestine.⁶⁵ In December 2002, Infocom, the Elashi brothers, Hamas leader Musa Abu Marzook, a relative of the Elashis, and his wife Nadia Elashi were all indicted. Nadia Elashi is a cousin of the Elashi brothers. Infocom and the Elashi brothers were charged with illegally sending computer equipment to Libya and Syria and with engaging in financial transactions with Marzook, a Specially Designated Terrorist.⁶⁶

Society of North America (ISNA), Islamic Circle of North America (ICNA), Muslim American Society (MAS), Muslim Public Affairs Council (MPAC), and Muslim Student Association of USA and Canada all co-issued this statement; *See also* "State Department Receiving Ire from the Muslim Community," *MPAC News*, Sept. 2, 2000 ("There is a strong suggestion, therefore that this policy of targeting Muslim charities is driven by special interests and anti-Muslim bigotry. Other Muslim charities will be detrimentally affected by this political posturing of the US government if the problem is not rectified and a clear course of counterterrorism policy is not elucidated to the public. MPAC demands disclosure of substantive evidence by the State Department of violating US laws ...")

⁵⁶ Pat Twair and Samir Twair, "Los Angeles Resident Startled by 'Israeli Checkpoint'" *Washington Report on Middle East Affairs*, September-October 2002, pp. 59-61. <http://www.wrmea.com/archives/sept-oct02/0209059.html> (Accessed Nov. 2, 2009).

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ Holy Land Foundation. Internal Revenue Service. Form 990, 2000.

⁶⁰ "Board of Directors.. *KinderUSA*. http://www.kinderusa.org/index.php?option=com_content&task=view&id=50_&Itemid=36 (last accessed Nov. 2, 2009).

⁶¹ Teresa Watanabe, "U.S. Muslims Temper Ramadan Giving With Caution." *The Los Angeles Times*, Nov. 6, 2004. <http://articles.latimes.com/2004/nov/06/local/me-beliefs6>

⁶² *U.S. v. Elashi*, (NDTX) 02-CR-052-R, "Superseding Indictment." December 17, 2002.

⁶³ David Koenig, "FBI Raids Dallas-Area Internet Business as Part of Terrorism Investigation," *Associated Press*, Sept. 6, 2001.

⁶⁴ Steve McGonigle, "Local Firm's Accounts Frozen," *The Dallas Morning News*, September 26, 2001.

⁶⁵ *Id.*

⁶⁶ *U.S. v. Elashi*, (NDTX) 02-CR-052-R, "Indictment." Dec. 17, 2002.

MPAC repeated the allegation that Israel dictates U.S. policy and law enforcement activity in a 2003 counterterrorism paper:

“The Elashi arrests, the culmination of an investigation dating back more than two years, also came one year after a formal request by the Israeli government to close HLF and more than six years of inflammatory allegations by pro-Israel groups.”⁶⁷

Additionally, MPAC released its own statement expressing concern over the raid, calling it “an assault,” and wondering whether civil liberties were violated:

“The Muslim Public Affairs Council joins other Muslim national organizations in expressing our deep concern regarding the raid of a Richardson Internet services company ... we are anxious over the possibility that the civil liberties of InfoCom owners and their many important clients were violated by this unexplained raid. We believe that such an assault leaves the Muslim community and the public at large with many vexing, unanswered questions and a sense of violation ... Furthermore, our constituency can not help but question the timing of this raid and the apparent sense of urgency with which it was undertaken.”⁶⁸

The day after the raids, MPAC and several other Muslim groups issued a statement casting the raid as a sign law enforcement follows Israel’s orders:

“American Muslims view yesterday's action as just one of a long list of attempts by the pro-Israel lobby to intimidate and silence all those who wish to see Palestinian Muslims and Christians free themselves of a brutal Apartheid-like occupation. We believe the genesis of this raid lies not in Washington, but in Tel Aviv.”⁶⁹

On July 7, 2004, Infocom was found guilty on all 10 counts against it.⁷⁰ The named defendants, Ihsan Elashi, Hazim Elashi, Bayan Elashi, and Ghassan Elashi were convicted of illegally exporting computer equipment to Libya and Syria, conspiracy to illegally export computer equipment, laundering funds derived from the export violations, making false statements on export documents, conspiracy to make false statements on export documents, dealing in property of a Specially Designated Terrorist, and related offenses.⁷¹ Upon review by the U.S. Court of Appeals for the Fifth Circuit, the conviction against Ihsan was reversed

⁶⁷ “A Review of U.S. Counterterrorism Policy: American Muslim Critique & Recommendations,” *MPAC*, September 2003, p. 47, http://www.mpac.org/bucket_downloads/CTPaper.pdf

⁶⁸ “FBI Raids Raises Suspicion of Anti-Muslim Bias,” *MPAC News*, Sept. 6, 2001.

⁶⁹ “Raid on Texas Business is 'Anti-Muslim Witch Hunt' Say Muslim Leaders.” *PR Newswire*, September 6, 2001; *see also* “FBI Accused of Anti-Muslim Bias,” *BBC News*, September 7, 2001, <http://news.bbc.co.uk/1/hi/sci/tech/1530361.stm> (“Raid on Texas Business is 'Anti-Muslim Witch Hunt' Say Muslim Leaders.” *PR Newswire*, September 6, 2001 (“We have deep concerns that this once again is an attempt to rush to judgment and to marginalize the American Muslim community. There is a pattern of bias that often permeates all of these types of investigations”).

⁷⁰ “Elashi Brothers Convicted,” *U.S. Department of Justice Press Release*, July 8, 2004, http://www.usdoj.gov/usao/txn/PressRel04/elashi_conv.pdf, (last accessed Nov. 2, 2009).

⁷¹ *Id.*

based upon a prior plea agreement with the government, however, all of the other convictions were affirmed.⁷²

C. Benevolence International Foundation and Global Relief Foundation

The Benevolence International Foundation (BIF) began operating in the United States in the early 1990s.⁷³ Founded in Saudi Arabia in the late 1980s as Lajnat al-Birr al-Islamiah (LBI), it was renamed upon incorporation in the United States.⁷⁴ BIF provided support for the Mujahedeen fighting the Soviets in Afghanistan, as well as to facilitate the immigration of jihadists to the battlefield.⁷⁵ After the war in Afghanistan ended, BIF helped al Qaida establish its presence in the Sudan, Bosnia and Chechnya, providing support for the Mujahedeen in those conflicts as well.⁷⁶

BIF was shut down by the U.S. government in December of 2001, as part of a crackdown on terrorist financing after the September 11th attacks.⁷⁷ The United States Treasury Department then designated BIF as a financier of terrorism on November 19, 2002, along with two closely-linked but separately incorporated entities called Benevolence International Fund (Canada), Bosanska Idealna Futura (Bosnia), and their branch offices.⁷⁸ BIF also worked with HLF in its relief efforts in Palestine.⁷⁹

BIF challenged that designation in court, but voluntarily dismissed its lawsuit on February 25, 2003.⁸⁰ Earlier that month, the organization's executive director, Enaam Arnaout, pled guilty to conspiring to commit racketeering.⁸¹ In his plea, Arnaout admitted that BIF claimed to engage solely in humanitarian charity but in reality diverted donations to "fighters in Chechnya" and Bosnia-Herzegovina.⁸²

⁷² *United States v. Elashi*, 554 F.3d 480 (5th Cir. 2008).

⁷³ Benevolence International Foundation. Articles of Incorporation, 1992.

⁷⁴ *Id.*

⁷⁵ *Id.*

⁷⁶ *United States v. Arnaout*, (NDIL) 02-CR-892 "Government's Evidentiary Proffer Supporting the Admissibility of Co-Conspirator Statements," Jan. 6, 2003, pp. 48, 58.

⁷⁷ *BIF v. Ashcroft* (NDIL) 02-CV-763 "Plaintiff's Memorandum in Opposition to Defendant's Motion to Stay Proceedings," May 9, 2002; "Feds Close Two More Muslim Groups," *CBS News*, Dec. 14, 2001.

⁷⁸ "Treasury Designates Benevolence International Foundation and Related Entities as Financiers of Terrorism." *United States Treasury Department Press Release*, Nov. 19, 2002.

⁷⁹ "All Eyes on Palestine," *Benevolence Report* Vol. 6 Issue 4, Dec. 2000, p. 7.

⁸⁰ *BIF v. Ashcroft* (NDIL) 02-CV-763, Minute Order dismissing case with Prejudice by U.S. District Judge James H. Alesia, February 25, 2003.

⁸¹ *United States v. Arnaout*, (NDIL) 02-CR-892, Plea Agreement, February 10, 2003.

⁸² *Id.*

Arnaout appealed his 10-year sentence, which was upheld by the 7th Circuit Court of Appeals in 2009.⁸³

In a column for the *New York Times* on October 11, 2002, Salam al Marayati protested BIF's shutdown, saying that the action was counterproductive:

“The government's policy has inflicted considerable harm. By effectively shutting down these charities, it has given Americans the false impression that American Muslims are supporting terrorists. It has also given the Muslim world a similarly false impression that America is intolerant of a religious minority.”⁸⁴

The Global Relief Foundation (GRF) began operating in the United States as a tax-exempt, nonprofit charitable organization in 1992.⁸⁵ Based in Bridgeview, Illinois, it grew into one of the largest Islamic charities in the United States providing humanitarian and charitable relief to Muslims, especially in conflict zones such as Afghanistan, Bosnia, Chechnya, Kashmir, and Lebanon, through a network of overseas offices.⁸⁶

In addition to undertaking this charitable work, however, the organization served as a propaganda organ for global jihad, and the U.S. government has alleged that GRF funded violent jihadism.⁸⁷ GRF was suspected of having ties with an Al Qaida precursor organization in Pakistan, and other known terrorist groups such as Algerian Armed Islamic Group (GIA), the Egyptian Islamic Jihad, Gama'at Al Islamiyyah, and the Kashmiri Harakat ul-Jihad-al-Islami, and Al Qaida.⁸⁸

GRF's headquarters were raided on December 14, 2001 by the FBI and GRF co-founder and Chairman, Rabih Haddad⁸⁹ was arrested on a visa violation.⁹⁰ Subsequently, the U.S. Treasury Department's Office of Foreign Assets Control (OFAC) froze GRF's assets.⁹¹ On that same day, NATO soldiers and United Nations police raided GRF's offices in Kosovo.⁹²

In November 2002, an immigration judge denied Haddad's application for asylum, concluding that he presented “a substantial risk to the national security of the United

⁸³ *United States v. Arnaout*, (NDIL) 02-CR-892, Order, April 3, 2009.

⁸⁴ Salam Al-Marayati, “Indict Individuals, Not Charities” *New York Times*, Oct. 11, 2002, p. A33. <http://www.nytimes.com/2002/10/11/opinion/indict-individuals-not-charities.html>

⁸⁵ Global Relief Foundation. IRS Form 990, 1993.

⁸⁶ “Monograph on Terrorism Financing.” *National Commission on Terrorist Attacks upon the United States*, August 21, 2004, p.89 http://govinfo.library.unt.edu/911/staff_statements/911_TerrFin_Monograph.pdf

⁸⁷ *Id.* at 90.

⁸⁸ *Id.* at 91.

⁸⁹ Deanna Bellandi, “FBI Issues Search Warrants at Two Islamic Charities Based in Suburban Chicago.” *Associated Press*, Dec. 14, 2001.

⁹⁰ *Id.*

⁹¹ *Global Relief Foundation, Inc. v. New York Times Company, et al.*, (NDIL) 01-C-8821, “Memorandum Opinion and Order.” Feb. 19, 2003.

⁹² “Feds Close Two More Muslim Groups,” *CBS News*. Dec. 14, 2001.

States”⁹³ as a member of Makhtab Al-Khidamat, a precursor organization to Al-Qaida, founded by Osama Bin Laden and Abdullah Azzam.⁹⁴ In July 2003, Haddad was deported to Lebanon.⁹⁵

A federal judge in Illinois denied GRF’s petition for a preliminary injunction blocking the Treasury freeze of its assets,⁹⁶ a decision upheld by the 7th Circuit Court of Appeals in 2002.⁹⁷

GRF sued six media outlets in 2002, claiming it was libeled and defamed in news reports about the U.S. crackdown on suspected terror financiers. A district judge granted summary judgment, finding the reports were true. The 7th Circuit upheld that find, too, affirming “that each of the reports was substantially true.”⁹⁸

In the aftermath of a July 4, 2002 attack at the Los Angeles Airport in which Hesham Mohamed Hadayet shot and killed 2 Israelis at the El Al Airlines counter, al Marayati wrote an article discussing the definitions of terrorism as the FBI was conducting its investigation of the incident. Al Marayati argued the airport attack was not an act of terrorism.⁹⁹ In the same article, he cast HLF, BIF, and GRF as charitable organizations unjustly caught in the U.S. response to terrorism:

“Should the same standard [for defining terrorism] apply for the three American Muslim charities shut down as a result of the government's freeze of their assets? ... Selective justice is injustice -- it does not help us in the war on terror and continues to project the image that the U.S. is anti-Islam ... American Jews celebrate the fact that their children defer going to college in order to serve in the Israeli army, but American Muslims are chastised as terrorist sympathizers for giving money to the refugees of war-torn countries.”¹⁰⁰

Al Marayati finished his article with a warning:

“To the valiant spokespeople who want to promote the war on terrorism in their selective application of terrorism: Be careful for what you wish, because you might

⁹³ “Statement of Barbara Comstock, Director of Public Affairs, on the Haddad Asylum Decision,” *Department of Justice Press Release*, Nov. 22, 2002, http://www.usdoj.gov/opa/pr/2002/November/02_civ_691.htm

⁹⁴ “Treasury Announces Designation of Terrorist Organization,” *U.S. Department of Treasury Press Release*, October 18, 2002. <http://usinfo.org/wf-archive/2002/021018/epf510.htm>

⁹⁵ Sarah Freeman, “Haddad Deported, Family Remains in the U.S.,” *Associated Press*, July 16, 2003

⁹⁶ *Global Relief Foundation v. O’Neill, et al.* Memorandum Opinion and Order, 02CV674 (NDIL) June 11, 2002.

⁹⁷ *Global Relief Foundation v. O’Neill, et. al.*, 315 F.3d 748, 7th Circuit Court of Appeals, December 31, 2002.

⁹⁸ *Global Relief Foundation v. New York Times, et al.* 390 F.3d 973, 7th Circuit Court of Appeals, December 1, 2004.

⁹⁹ Charles Feldman, “Federal Investigators: L.A. Airport Shooting a Terrorist Act,” *CNN*, Sept. 5, 2002. <http://archives.cnn.com/2002/US/09/04/lax.shooting/index.html>

¹⁰⁰ Salam Al-Marayati, “When is Terrorism Not Defined as Terrorism?” *MPAC News*, July 15, 2002. <http://web.archive.org/web/20020825171331/http://www.mpac.org/NEWS/newsitemdisplay.asp?ID=188&ITEMTYPE=NEWS>

get it, and then you will have to recoil to your corners when the double-edged sword of the terrorism debate swings the other way.”¹⁰¹

D. Islamic American Relief Agency

On October 13, 2004, the U.S. Treasury Department named the worldwide network of the Islamic African Relief Agency (IARA), along with five senior officials, as Specially Designated Global Terrorists (SDGT) for providing direct financial support to Osama Bin Laden as well as the terrorist organizations Hamas and Al-Ittihad al-Islamiya (AIAI).¹⁰² In March 2007, a 33-count indictment was filed against IARA and several of IARA’s officials¹⁰³ in the Western District of Missouri. Some of the more significant charges include conspiracy to violate the international emergency economic powers act and the Iraqi sanctions regulations, money laundering, and theft of public money.¹⁰⁴

After the shutdown, Salam al Marayati appeared on National Public Radio on October 26, 2004 and questioned the timing of the government’s actions:

“It was a bit disturbing that the announcement of shutting down another charity taking place just before the month of Ramadan in the peak of the election season. And so there are always questions around. ‘Why now? What does the government know now that it didn’t know three years ago, or apparently in 1999, when it has made accusations about this group?’”¹⁰⁵

The criminal case is scheduled for trial in July 2010. On December 16, 2009, former IARA employee Ahmad Mustafa pled guilty in U.S. District Court for transferring money to Iraq as part of his work with the “charity.”¹⁰⁶

E. KindHearts

KindHearts for Charitable Humanitarian Development is an Islamic charity that was incorporated in Toledo, Ohio in 2002¹⁰⁷ and is registered in other states including

¹⁰¹ *Id.*

¹⁰² “Treasury Designates Global Network, Senior Officials of IARA for Supporting bin Laden, Others.” *U.S. Department of the Treasury Press Release*, October 13, 2004. <http://www.treas.gov/press/releases/js2025.htm> (last accessed Nov. 2, 2009).

¹⁰³ Mubarak Hamed (IARA Executive Director, 1992-2004), Ali Bagegni (IARA Board Member, 1992-2004), Ahmad Mustafa (IARA fundraiser, 1996-2004), Khalid Al-Sudanee (Regional Director of Islamic Relief Agency’s [ISRA] Middle Eastern Office in Amman, Jordan), and Abdel Azim El-Siddiq (IARA fundraiser and vice president for international operations).

¹⁰⁴ *United States v. Islamic American Relief Agency* (WDMO) 07-CR-87 “Indictment.” March 6, 2007.

¹⁰⁵ “Transcript: Treasury Department freezes assets of the Islamic African Relief Agency in Columbia, Missouri.” *National Public Radio: All Things Considered*, Oct. 26, 2004.

¹⁰⁶ Tony Rizzo, *Fundraiser pleads guilty in case involving former Islamic charity group*, *The Kansas City Star* (Dec. 17, 2009), at A14.

¹⁰⁷ KindHearts for Charitable Humanitarian Development, Ohio Secretary of State, Jan. 22, 2002.

Colorado,¹⁰⁸ Pennsylvania,¹⁰⁹ Oklahoma,¹¹⁰ Nevada,¹¹¹ and Indiana.¹¹² The U.S. Treasury Department froze the assets of KindHearts on February 19, 2006 for its financial ties to Hamas.¹¹³ In a statement released with the news of the freeze, Treasury Under-Secretary for Terrorism and Financial Intelligence Stuart Levey called KindHearts “the progeny of Holy Land Foundation and Global Relief Foundation, which attempted to mask their support for terrorism behind the façade of charitable giving.”¹¹⁴

In response, MPAC released a statement calling for an emergency meeting of the National Council for American Non Profits to discuss the matter and accused the U.S. government of singling out Muslim charities for prosecution:

“Since the terrorist attacks of 9/11, more than 25 American Muslim non-profits and charities have been shut down amid vague allegations of providing support to terrorists ... In many cases U.S. Muslim and non-Muslim charities operate in the same parts of the world and send funds to the same social service agencies who can deliver assistance to needy individuals in the region; however, the perception is that the U.S. government is singling out charities such as KindHearts mainly because they are Muslim in origin.”¹¹⁵

Laila al Marayati offered similar sentiments in a subsequent *Washington Post* op-ed written with a fellow KinderUSA board member:

“The Treasury Department is playing target practice with American Muslim charities. On Feb. 19 Treasury seized the assets and froze the operations of KindHearts, a Toledo-based humanitarian organization, acting on the dubious allegation that it is financing terrorism.”¹¹⁶

¹⁰⁸ KindHearts for Charitable Humanitarian Development, Colorado Secretary of State, Sept. 29, 2003; “Annual Report on Charitable Solicitations 2004 Part 1,” Colorado Secretary of State’s Office, Dec. 27, 2004, p. 74. <http://www.sos.state.co.us/pubs/charities/CCSAAnnualReport2004.pdf> (last accessed Nov. 2, 2009).

¹⁰⁹ KindHearts for Charitable Humanitarian Development, Unified Registration Statement for Charitable Organizations. September 9, 2002.

¹¹⁰ KindHearts for Charitable Humanitarian Development, Oklahoma Secretary of State, Sept. 29, 2003.

¹¹¹ KindHearts for Charitable Humanitarian Development, Nevada Secretary of State, Aug. 18, 2003.

¹¹² KindHearts for Charitable Humanitarian Development, Indiana Secretary of State, Oct. 17, 2003.

¹¹³ “Treasury Freezes Assets of Organization Tied to Hamas.” *U.S. Department of the Treasury Press Room*, Feb. 19, 2006, available at <http://www.ustreas.gov/press/releases/js4058.htm> (last accessed Nov. 2, 2009).

¹¹⁴ *Id.*

¹¹⁵ “MPAC calls for meeting of National Council of American Non-Profits on KindHearts closure,” *MPAC-DC*, March 3, 2006, available at <http://www.mpac.org/article.php?id=49> (last accessed Nov. 2, 2009).

¹¹⁶ Laila Al-Marayati and Basil Abdelkarim, “The Crime of Being a Muslim Charity.” *Washington Post*, March 12, 2006, available at <http://www.washingtonpost.com/wp-dyn/content/article/2006/03/10/AR2006031001859.html>

During the summer of 2009, a federal court judge in Ohio, ruled in favor of KindHearts, finding that freezing the organization's assets violated the charity's due process rights.¹¹⁷ Even more recently, the same judge ordered the government not to move forward with efforts at designating KindHearts an SDGT until he has reviewed the underlying asset seizure and determined what, if any, remedy is available to KindHearts for the alleged violations.¹¹⁸

F. SAAR Foundation

The SAAR network is a sophisticated arrangement of non-profit and for-profit groups that are suspected of serving as fronts for Islamic terrorist organizations including the Palestinian Islamic Jihad (PIJ), and Hamas.¹¹⁹ On March 20, 2002, the FBI executed a series of raids on homes, businesses and charities associated with the SAAR Foundation in Northern Virginia as part of the government's investigation into "a criminal conspiracy to provide material support to terrorist organizations."¹²⁰

In the May 2002 issue of *The Minaret*, Center for Islam and Science in Canada President Muzaffar Iqbal¹²¹ wrote "The American Calamity," in protest of the SAAR raids. Iqbal lamented what he saw as a dangerous new phase in American assaults on Muslims:

"On March 20, the American government crossed yet another limit; it attacked its own citizens because they happened to be Muslims ... The American crusade against Islam and Muslims is now definitely in its most aggressive phase. One can say with enough justification that this crusade is not going to stop in the near future ... But the raid was not only a violation of all civilized norms, it was a clear indicator of a deeply pathological state of the American system ... we must ask some serious questions about the system that allows such atrocities ... Is the American system at the brink of degeneration into an apartheid system?"¹²²

¹¹⁷ *Kindhearts v. Geithner*, Order, Doc. No. 3:08-cv-02400-JGC (N.D. Oh., Aug. 18, 2009).

¹¹⁸ *See Kindhearts v. Geithner*, Doc. No. 3:08-cv-02400-JGC (N.D. Oh., Oct. 26, 2009).

¹¹⁹ *In the Matter of Searches Involving 555 Grove Street, Herndon, Virginia, and Related Locations*, (EDVA) 02-114-MG "(Proposed Redacted) Affidavit In Support of Application For Search Warrant," Oct. 17, 2003.

¹²⁰ *In the Matter of Searches Involving 555 Grove Street, Herndon, Virginia, and Related Locations*, (EDVA) 02-114-MG "(Proposed Redacted) Affidavit In Support of Application For Search Warrant," Oct. 17, 2003.

¹²¹ "About Us: Local Executive Board," *Center for Islam and Science*, 2009. http://www.cis-ca.org/index.php?page=About_Us

¹²² Dr. Muzaffar Iqbal, "The American Calamity." *The Minaret* Vol. 24 Issue 5, May 2002, pp. 17-18; *See also* MPAC's Case Statement on March 20th Raids." *MPAC Position Papers*, March 27, 2002, available at http://web.archive.org/web/20040507010150/http://www.mpac.org/popa_article_display.aspx?ITEM=162 (last accessed Nov. 2, 2009) ("The Virginia raids were mere fishing expeditions or an attempt by federal agencies to find 'evidence' against American Muslim organizations. We would argue that this 'evidence' does not exist. MPAC is also cognizant of foreign-interest lobbies in the United States whose agenda includes curtailing American Muslim political power...").

MPAC's Report for the Second Quarter of 2002, further criticized the raids as an "assault on the community" which "further isolated and alienated law-abiding Muslims:"

"MPAC is gravely concerned and feels betrayed by the raids of 24 American Muslim establishments without disclosure as to the evidence, if any, against them, without consultation of American Muslim leaders ... MPAC is disappointed and outraged over the intimidating and humiliating manner in which the raids were conducted which may sour relations between the innocent American Muslim community and law enforcement.¹²³

¹²³ "March 20 Raids: A Turning Point for American Muslims," MPAC Report, *Second Quarter* 2002, p. 1. *See also* "MPAC's Case Statement on March 20th Raids," *MPAC News*, March 27, 2002. http://web.archive.org/web/20020415234901/www.mpac.org/NEWS/newsitemdisplay.asp?ID=111&ITEM_TYPE=NEWS ("MPAC feels a sense of betrayal over the raiding of twenty-four American Muslim establishments without disclosure as to the evidence, if any, against them, without consultation with American Muslim leaders, and without consultation with those who were raided ...").

DEFENDING DOMESTIC TERRORISTS

As with MPAC's consistent response to U.S. efforts to shut down the support structure for terrorist organizations, they have publicly defended at least a dozen individuals suspected of terrorist activity within the United States.

A. On the Millennium Plot: Downplaying Ahmed Ressam

Two weeks before New Year's Day 2000, Al Qaida operative Ahmed Ressam was arrested as he tried to drive from Canada into Washington State with a trunk full explosives¹²⁴ planning to bomb the Los Angeles International Airport.¹²⁵ Ressam was convicted for his role in the plot and sentenced in July 2005 to 22 years in prison.¹²⁶

Responding to Ressam's arrest and government assertions that it had discovered a worldwide network of sleeper cells, MPAC Vice Chairman Aslam Abdullah, downplayed the whole affair saying that the government and media were "overblowing an issue."¹²⁷ He added:

"This is not to deny that terrorism exists, because it is there. But it should not be given a proportion more than is due."¹²⁸

B. Dr. Rafil Dhafir

In February 2003, Dr. Rafil A. Dhafir and three others were indicted on a variety of charges related to the charity "Help the Needy," including money laundering and conspiracy to transfer funds to Iraq in violation of the provisions of the International Emergency Economic Powers Act.¹²⁹ In October 2004, commenting on the government's actions against Dhafir, Salam al Marayati said:

"It is a sham. You just hope at the end of a long battle these people can be vindicated because they did nothing wrong."¹³⁰

Al Marayati also defended Dhafir in an editorial distributed by United Press International in October 2004, saying that his arrest was wrongly "spun:"

¹²⁴ Hal Bernton, Mike Carter, David Heath and James Neff. "The Terrorist Within." *The Seattle Times*, June 23 – July 7, 2002, available at, <http://seattletimes.nwsourc.com/news/nation-world/terroristwithin/> (last accessed Nov. 2, 2009).

¹²⁵ *Id.*

¹²⁶ *U.S. v. Ahmed Ressam* (WDWA) 99-CR-666C-001 "Judgment." July 27, 2005.

¹²⁷ Josh Meyer, "Border Arrest Stirs Fear of Terrorist Cells in U.S." *Los Angeles Times*, March 11, 2001. p. A1 (Nov. 2, 2009)

¹²⁸ Josh Meyer, "Border Arrest Stirs Fear of Terrorist Cells in U.S.," *Los Angeles Times*, March 11, 2001, p. A1.

¹²⁹ *U.S. v. Dhafir* (NDNY) 03-CR-64, "Indictment," Feb. 19, 2003.

¹³⁰ Renee Gadoua, "Muslim Vote's Impact Weighed," *The Post-Standard*, Oct. 12, 2004.

“U.S. Muslim physician [Dhafir] in Syracuse was arrested ... and his indictment was spun as a win in the war on terror. We continue to see the wheels come off as the U.S. government attempts to prosecute these cases and most are reduced to fraud or immigration violations ... but an arrest over tax fraud should not be paraded by U.S. officials as a conclusive element to the war on terror.”¹³¹

Dhafir was convicted and sentenced to 22 years in prison in October 2005 for violating sanctions on Iraq.¹³²

C. “Virginia Jihad”

On September 23, 2003, a superseding indictment was filed against 11 members of a “Virginia jihad” network.¹³³ The indictment listed a variety of charges, including conspiracy to levy war against the United States, conspiracy to provide material support to al Qaida, and conspiracy to contribute services to the Taliban.¹³⁴

MPAC, in its 2003 counterterrorism paper, suggested that the U.S. government had insufficient evidence to bring charges. MPAC stated that, “U.S. District Judge T. Rawles Jones, Jr. cast doubt on the government’s allegations and ordered five of the men released without bond.”¹³⁵

Evidence showed the “jihad network” worked with Lashkar-e-Taiba,¹³⁶ a Foreign Terrorist Organization¹³⁷ believed to be responsible for the terrorist attacks in Mumbai in November 2008. Six members of the cell pled guilty, three more were convicted at trial, and two were acquitted.¹³⁸

D. Abdurahman Alamoudi

The founder and executive director of the American Muslim Council (AMC), Abdurahman Alamoudi was indicted in September 2003 for illegal financial dealings with Libya¹³⁹ and,

¹³¹ Salam Al-Marayati, “Outside View: Picking on U.S. Muslims.” *United Press International*, Oct. 21, 2004.

¹³² *U.S. v. Dhafir* (NDNY) 03-CR-64. “Judgment,” Nov. 2, 2005.

¹³³ “Defendants Convicted in Northern Virginia ‘Jihad’ Trial.” *U.S. Department of Justice News Release*. March 4, 2004. http://www.usdoj.gov/opa/pr/2004/March/04_crm_139.htm (Accessed August 11, 2008)

¹³⁴ *Id.*

¹³⁵ “A Review of U.S. Counterterrorism Policy: American Muslim Critique & Recommendations.” *MPAC*. Sept. 2003, p. 48. http://www.mpac.org/bucket_downloads/CTPaper.pdf (last accessed Nov. 2, 2009).

¹³⁶ *Id.*

¹³⁷ “Powell Names Two Groups as Terrorist Organizations.” *U.S. State Department: Washington File*, December 26, 2001. <http://usinfo.org/wf-archive/2001/011226/epf302.htm> (last accessed Nov. 2, 2009).

¹³⁸ News Release, Paul J. McNulty, U.S. Attorney for the Eastern District of Virginia, April 26, 2005. See also; Jerry Markon, “Final Defendant in ‘Va. Jihad’ Case Acquitted.” *The Washington Post*, March 9, 2004, p. B5.

¹³⁹ *U.S. v. Alamoudi*, (DC VA) 03-1009M, “Indictment,” Oct. 23, 2003.

according to court documents, provided financial support to Hamas and Al Qaida.¹⁴⁰ He pleaded guilty to engaging in prohibited transactions with a foreign country, unlawful procurement of citizenship and impeding administration of the Internal Revenue Service.¹⁴¹ In October 2004 he was sentenced to 23 years in jail.¹⁴² MPAC claimed the government's case against Alamoudi was politically motivated:

“MPAC is disturbed by the arrest of Mr. Al-Amoudi ... He was taken into custody for violations of the law that were unrelated to the War on Terror or to any alleged involvement with terrorism.”¹⁴³

MPAC also cautioned against politicizing the case to avoid it becoming part of a campaign to marginalize the Muslim community:

“The targeting of individuals or organizations by law enforcement should not be politicized, and the alleged crimes of one individual should not be allowed to taint an entire community. Biased pundits motivated by personal agendas, with the support of some in the government, have exploited the tragedy of 9-11 to marginalize the voices of American Muslims, and to prevent the emergence of an effective and independent American Muslim leadership. The FBI should be free to pursue investigations based on criminal activity and behavior, and not be pressured from private ideologically motivated ‘terrorism experts’ or television pundits to pursue their political opponents.”¹⁴⁴

After Alamoudi's 2004 guilty plea, al Marayati obfuscated the issue, commenting: “Anti-Muslim groups will definitely take this to their own purpose.”¹⁴⁵

E. Sami Al-Arian

Then a University of South Florida computer science professor, Sami Al-Arian was arrested by federal agents on February 20, 2003 for allegedly serving as North American leader of

¹⁴⁰ *U.S. v. Alamoudi*, (DC VA) 03-1009M, “Supplemental Declaration in Support of Detention,” Oct. 22, 2003.

¹⁴¹ *U.S. v. Alamoudi*, (DC VA) 03-513-A, “Plea Agreement,” July 30, 2004.

¹⁴² “Abdurahman Alamoudi Sentenced to Jail in Terrorism Financing Case,” *Department of Justice Press Release*, Oct. 15, 2004, available at, http://www.usdoj.gov/opa/pr/2004/October/04_crm_698.htm (last accessed Nov. 2, 2009).

¹⁴³ “MPAC Releases the Following Statement on the Arrest of Abdel-Rahman Al-Amoudi” *MPAC News*, Oct. 6, 2003.

¹⁴⁴ *Id.*

¹⁴⁵ Mustafa Abd ElHaleem, “US Muslims ‘Furious, Fearful’ After Amoudi’s Admission,” *IslamOnline.net*, Aug. 1, 2004, available at, <http://www.islam-online.net/English/News/2004-08/01/article03.shtml> (last accessed Nov. 2, 2009).

Palestinian Islamic Jihad (PIJ), a U.S. government-designated terrorist organization responsible for the deaths of two Americans and over 100 Israelis.¹⁴⁶

After his 2003 arrest, MPAC, issued a press release in which MPAC Senior Advisor Maher Hathout echoed the concerns MPAC voiced about Alamoudi's case:

“Our community is in dire need to understand how these charges [against Al-Arian] are founded on concrete evidence of criminal activity and not guilt by association or political considerations.”¹⁴⁷

Evidence in his trial showed Al-Arian served on the PIJ governing board and worked feverishly to keep the group from splintering in 1994.¹⁴⁸ A year later, he solicited donations for the PIJ, invoking a double-suicide bombing attack that killed 22 Israelis. The attack, he wrote, shows “what the believing few can do in the face of Arab and Islamic collapse at the heels of the Zionist entity.” He then sought “true support for the jihad effort in Palestine so that operations such as these can continue.”¹⁴⁹

In December 2005, however, jurors in Tampa acquitted Al-Arian on eight of the 17 charges against him. MPAC issued a statement expressing their support for Al-Arian, overlooking the remaining charges:

“The acquittal ... proves once again that everyone deserves their day in court, and that such cases should be fairly tried in the court of law not the court of public opinion.”¹⁵⁰

¹⁴⁶ “Members of the Palestinian Islamic Jihad Arrested, Charged With Racketeering and Conspiracy to Provide Support to Terrorists,” *United States Department of Justice News Release*, Feb. 20, 2003, http://www.usdoj.gov/opa/pr/2003/February/03_crm_099.htm (last accessed Nov. 2, 2009).

¹⁴⁷ “Ashcroft Indictment,” *MPAC Press Release*, Feb. 20, 2003, available at http://web.archive.org/web/20050407214821/%20http://www.mpac.org/home_article_display.aspx?ITEM=415 (last accessed Nov. 2, 2009). *See also* “Ashcroft Indictment,” *MPAC Press Release*, Feb. 20, 2003, available at http://web.archive.org/web/20050407214821/%20http://www.mpac.org/home_article_display.aspx?ITEM=415 (last accessed Nov. 2, 2009) (“Dr. Hathout added that it was disturbing that Attorney General John Ashcroft inserted religious expressions, like Jihad and martyrdom, to a major federal investigation and indictment. Such ambiguous assertions and inflammatory language about religious terms does not help in clarifying the direction of the war on terrorism nor does it reassure Americans of the effectiveness in the government approach in rooting out terrorism.”)

¹⁴⁸ Remarks of U.S. District Judge James S. Moody at Al-Arian's sentencing hearing, May 1, 2006. *US v. Al-Arian*, (MDFL) 1563 03-CR-77

¹⁴⁹ *US v. Al-Arian*, (MDFL) 1563 03-CR-77, Government Exhibit T-516.

¹⁵⁰ “Al-Arian Acquitted On Terror Charges,” *MPAC News*, Dec. 6, 2005, available at <http://app.e2ma.net/app/view:CampaignPublic/id:2785.166114066/rid:59bd651d003d3c091d637caddb46751af> (Quoting al Marayati as saying “We still, as Muslim Americans, we believe in the integrity of our justice system, and we believe in our jurors who really did a marvelous job in the case of ours, and cleared the mess of the accusations against Sami Al-Arian.”)

Facing a retrial on the nine charges on which jurors deadlocked, Al-Arian pleaded guilty on April 14, 2006, to “conspiracy to make or receive contributions of funds, goods or services to or for the benefit of the Palestinian Islamic Jihad, a Specially Designated Terrorist.”¹⁵¹

MPAC defended Al-Arian throughout, claiming that he was being targeted unfairly by law enforcement and special interests groups and that his trial was unfair.

MPAC came to Al-Arian’s defense after he was suspended with pay from the University of South Florida before his indictment.¹⁵² In a September 28, 2001 interview on the “O’Reilly Factor,” Al-Arian was aggressively questioned about his connections to the Palestinian Islamic Jihad and some of the radical statements he had made in years past.¹⁵³ Despite this, MPAC regarded Al-Arian as a “community activist, who has spearheaded the fight against secret evidence.”¹⁵⁴

At a banquet dinner held on March 12, 2006 in support of Al-Arian, al Marayati defended Al-Arian as a:

“[G]entleman who defied the odds in a system that is unfair and there is no way that you can get a fair trial in view of any of these issues today.”¹⁵⁵

F. Muhammad Salah

Muhammad Salah, Abdelhaleem Al-Ashqar,¹⁵⁶ and Hamas leader Musa Abu Marzook were indicted in August 2004 on charges of racketeering, providing material support or resources to the terrorists and attempting to influence, obstruct, and impede the due administration of justice.¹⁵⁷ Salah, a former car salesman from Chicago, had spent 4½ years in Israeli prison from 1993-1997 for Hamas fundraising. In September 2001, he was named a Specially Designated Terrorist and his assets were frozen.¹⁵⁸ Marzook is believed to live in Syria and has not been tried. Although acquitted on the racketeering and terrorism charges, Salah was sentenced to 21 months in prison and 100 hours of community service and was fined

¹⁵¹ *US v. Al Arian*, (MDFL) 1563 03-CR-77, “Plea Agreement,” April 14, 2006.

¹⁵² “MPAC Expresses Support for Prof. Sami Al-Arian,” *MPAC Report*, First Quarter 2002, at 4 (“Eltantawi said that Dr. Al-Arian had done nothing wrong and is being punished for the “non-crime of sparking dissent.”)

¹⁵³ Adam Emerson, “USF Talked Deal With Al-Arian,” *Tampa Tribune*, Feb. 8, 2007, available at, <http://www.tbo.com/news/metro/MGBDVCKMWXE.html>.

¹⁵⁴ “MPAC Leads Muslims in White House Walkout: Prompts Bush Apology,” *MPAC Report*, Third Quarter 2001, at 1.

¹⁵⁵ Salam Al-Marayati, “Sami Al-Arian Banquet Dinner,” *Islamic Shura Council of Southern California*, Anaheim, California, March 12, 2006.

¹⁵⁶ A professor from Virginia, Al-Ashqar was also a prominent Hamas member. See “Action Memorandum, Holy Land Foundation for Relief and Development International Emergency Economic Powers Act.” *From Dale Watson, Assistant Director FBI Counterterrorism Division to Richard Newcomb, Director of the Office of Foreign Assets Control, Department of Treasury*, Nov. 5, 2001.

¹⁵⁷ *United States v. Marzook*, (NDIL) 03-CR-978, “Second Superseding Indictment,” Aug. 19, 2004.

¹⁵⁸ “Executive Order No. 13224,” *Code of Federal Regulations*, Title 31, Sections 595-597, Sept. 23, 2001.

\$25,000 for obstruction and lying under oath in a civil lawsuit about his past financial dealings with Hamas.¹⁵⁹

After the February 2007 verdicts,¹⁶⁰ MPAC issued a press release complaining about foreign intelligence used against Salah and Ashqar in their trial:

“While the verdict represents yet another blow to the government's high-profile ‘war on terrorism’ cases, it is also indicative of a troubling trend of foreign intelligence being admissible in domestic cases ... Such events feed a growing perception within the Muslim American community of deliberate targeting against Palestinians and sympathizers of the Palestinian cause, where they are stripped of Constitutional guarantees even in the court of law. Gone unchecked, such a perception hinders the execution of an effective campaign against terrorism and extremism.”¹⁶¹

G. Imam Wagdy Ghoneim

Imam Wagdy Ghoneim is a radical Egyptian cleric who has been arrested eight times in Egypt for “opposition activities,”¹⁶² and was denied entrance to Canada after immigration officials determined he was a member of Hamas and the Muslim Brotherhood.¹⁶³ During a 1998 rally in Brooklyn, he led the audience in a song with the lyrics, “No to the Jews, descendants of the apes.”¹⁶⁴ In November 2004, Ghoneim was arrested on immigration violations and held without bond. Immigration and Customs Enforcement (ICE) spokeswoman Virginia Kice explained the move was “[b]ased upon Department of Homeland Security concerns that his past speeches and participation in fund-raising activities could be supportive of terrorist organizations.”¹⁶⁵

In December 2004, MPAC met with DHS officials¹⁶⁶ and Congressman Chris Cox (R-CA) of Orange County and Chair of the House Select Committee on Homeland Security to

¹⁵⁹ *United States v. Salah*, (NDIL) 03-CR-978-2, “Judgment in a Criminal Case,” July 19, 2007. *See also United States v. Marzook*, (NDIL) 03-CR-978, “Second Superseding Indictment,” Aug. 19, 2004.

¹⁶⁰ Al-Ashqar was sentenced to 11-years in prison for refusing to testify before a grand jury regarding his ties to Hamas in November 2007. *See United States v. Ashqar*, (ND IL) 03-CR-978-3, “Judgment in a Criminal Case,” Nov. 21, 2007.

¹⁶¹ “MPAC Expresses Concern Over Foreign Intelligence in American Trials,” *MPAC News*, Feb. 1, 2007. <http://www.mpac.org/article.php?id=473>

¹⁶² Ben Fox, “Arrest of Orange County Mosque Leader a ‘Mistake,’ Supporters Say,” *Associated Press*, Nov. 9, 2004.

¹⁶³ Ellen Van Wageningen, “Egyptian Religious Leader Denied Canadian Visa.” *The Ottawa Citizen*, Jan. 10, 1998.

¹⁶⁴ Wagdy Ghoneim. *LAP Brooklyn Celebration*. Brooklyn, New York, May 24, 1998.

¹⁶⁵ “Muslim Leader Agrees to Leave United States.” *Daily Breeze (Torrance, California)*, Dec. 29, 2004. p. A4.

¹⁶⁶ “MPAC & CAIR-LA Raise Community Concerns to DHS-ICE.” *MPAC News*, Dec. 23, 2004.

protest Ghoneim's detention.¹⁶⁷ During their meeting with Cox, MPAC representatives criticized an earlier hearing held for Ghoneim, during which the government suggested that he was a national security risk and presented information from websites that mentioned his name. Al Marayati commented on the hearing:

“When ICE attempts to submit testimony that is downloaded articles from anti-Islamic websites, you cannot get a fair trial from biased articles...To use Muslims as scapegoats for political agendas, that is not helping us win the war on terrorism.”¹⁶⁸

Additionally, an impromptu town hall meeting with Congressman Cox (R-CA) was arranged by MPAC, where al Marayati and Maher Hathout publicly questioned evidence used by ICE, saying that Ghoneim's case should not be decided by special interest groups:

“MPAC officials questioned the evidence used by ICE to determine whether an individual poses a ‘national security’ threat. While Ghoneim's innocence or guilt should be decided in a court of law and not by public advocacy or special interest groups, his presumption of innocence, right to due process, and all applicable Constitutional standards and norms should be guaranteed.”¹⁶⁹

Ghoneim eventually volunteered to leave the U.S. in December 2004.¹⁷⁰

H. Ahmadullah Niazi

On February 20, 2009 Ahmadullah Niazi, an Afghani Muslim from Tustin, California was arrested and indicted for perjury during his naturalization application. Among the issues was his claim that “he had never been a member of or in any way associated ... with a terrorist organization.” In fact, a grand jury charged that “he was associated with...al Qaida, HIG [Hizb-i-Islami], and/or the Taliban.”¹⁷¹ Niazi had contact with his brother-in-law Ahmad Ul-Haq, Osama Bin Laden's security coordinator who has been labeled a Special Designated Global Terrorist by the U.S. government.¹⁷² He was also charged with perjury regarding having traveled outside the United States for longer than 24 hours, lying about his entitlement and obtaining naturalization, for having used a United States passport obtained through fraud, and issuing a fraudulent statement to the Department of Homeland Security

¹⁶⁷ “MPAC Facilitates Impromptu Townhall Meeting with Congressman Chris Cox,” *MPAC Press Release*, Dec. 27, 2004.

¹⁶⁸ Kimi Yoshino, “Muslims Meet Congressman to Protest Imam's Detention,” *The Los Angeles Times*. Dec. 28, 2004, at B3, available at <http://8.12.42.31/2004/dec/28/local/me-muslim28>

¹⁶⁹ “MPAC Facilitates Impromptu Townhall Meeting with Congressman Chris Cox.” *MPAC News*, December 27, 2004.

¹⁷⁰ David Reyes, “Islamic Cleric Leaves Country After Lockup,” *The Los Angeles Times*, December 30, 2004. <http://articles.latimes.com/2005/jan/04/local/me-imam4>

¹⁷¹ *United States v. Niazi* (CDCA) 09-CR-28 “Indictment.” October 2008.

¹⁷² *Id.*

regarding overseas travel to Pakistan.¹⁷³ The prosecution of Niazi is currently pending with a trial date set for April of 2010.

MPAC criticized Niazi's arrest complaining about the FBI's tactics of using informants to uncover terror cells and disrupt terror plots. As mentioned earlier in this report, MPAC joined with a statement released by the American Muslim Taskforce on Civil Rights and Elections (AMT)¹⁷⁴ urging the Obama Administration to address such tactics as being unhelpful against terrorism:

“We are fully united in asking the Obama administration to address the following issues: 1. Infiltration of mosques and systematic manipulation of Muslim religious affairs, 2. Use of agents provocateurs to trap unsuspecting Muslim youth ... 4. Use of McCarthy-era tactics, most notably dissemination of Islamophobic analysis by federally-funded ‘fusion centers’ to local law enforcement agencies.”¹⁷⁵

I. James Cromitie and the Bronx Terror Plot

On May 20th, 2009, James Cromitie¹⁷⁶ and three others were arrested and indicted on charges arising from a plot to detonate explosives near a synagogue in the Riverdale section of the Bronx, NY. Prosecutors say the men also wanted to shoot military planes located at the New York Air National Guard Base at Stewart Airport in Newburgh, NY with Stinger missiles.¹⁷⁷ The plot was thwarted by an FBI agent operating in the Masjid Al-Ikhlās mosque in Newburgh, NY.¹⁷⁸ Although they initially condemned the plotters and congratulated the FBI on its efforts, MPAC came to question the motives and methods of the FBI in this case, even challenging the case's seriousness into question.

In an interview on the FOX News show “Happening Now” on June 9, 2009, al Marayati downplayed the threat that the Bronx cell posed and tied it to the Niazi case saying the FBI was preying on gullible dupes:

“[N]one of these cases that we're talking about now involved al Qaida cells. These were individuals who were either petty criminals or gullible people who were guilty of stupidity. They were not imminent threats to our country, as the FBI has stated. I

¹⁷³ *Id.*

¹⁷⁴ The AMT is an umbrella organization made up of ten Muslim organizations whose goal is to define “objectives, issues, and strategies that concern the American Muslim community.” MPAC is an observer organization in the AMT. See “AMT: About Us – American Muslims in the American Mainstream,” *The American Muslim Taskforce on Civil Rights and Elections*, 2008. <http://www.americanmuslimvoter.net/images/special/ABOUT%20US%20AMT2008.pdf>

¹⁷⁵ “U.S. Muslim Coalition Reaffirms Opposition to FBI Says,” *The American Muslim Taskforce on Civil Rights and Elections*, April 19, 2009. <http://www.americanmuslimvoter.net/pView.asp?action=viewPDDetails&pageId=11307&pCatName=%20&pGrpName=%20&pT=U.S.%20Muslim%20Coalition%20Reaffirms%20Opposition%20to%20FBI%20Tactics>

¹⁷⁶ Aka Abdul Rahman.

¹⁷⁷ *United States v. Cromitie*, (SD NY) 09-CR-558, “Indictment,” June 2, 2009.

¹⁷⁸ *Id.*

am committed to protecting our country but I also want to tell the truth to the American public that our tax dollars here are not being used to fight al Qaida. We want those tax dollars to be used to fight al Qaida, not to entrap people who are just gullible.”¹⁷⁹

Maher Hathout also criticized the use of informants. Shortly after the arrests, an article by Robert Dreyfuss appeared in *The Nation* saying that the FBI entrapped hapless “losers” and provoked them into moving forward with their plot.¹⁸⁰ Trial preparations in the prosecution are currently underway, with the start date set as June 14, 2010.

J. Daniel Boyd and the North Carolina Cell

On July 27, 2009 Daniel Patrick Boyd,¹⁸¹ a 39-year old American convert to Islam, and six others¹⁸² were indicted in North Carolina for plotting to “advance violent jihad including supporting and participating in terrorist activities abroad and committing acts of murder, kidnapping or maiming persons abroad,” after three years of being under surveillance by the FBI.¹⁸³ Boyd had trained in Afghanistan from 1989-1992 and fought against the Soviet Union.¹⁸⁴ He was also charged with making false statements to law enforcement about a failed trip to Israel in 2007.¹⁸⁵

MPAC responded to the arrests not by expressing relief that they came before any violence, but by insinuating the FBI improperly investigated the case:

“MPAC is monitoring the situation and working to ensure that future policy-making on domestic terrorism balance national security with civil liberties. The arrests come at a time when questions have been raised about the use of FBI informants in mosques and tense relations law enforcement and local communities. Improper surveillance and questionable charges are not just contrary to American political values; they are bad counterterrorism policies.”¹⁸⁶

¹⁷⁹ Salam Al-Marayati, “FBI Director Defends Use of Informants in U.S. Mosques” *FOX News Happening Now*, June 9, 2009

¹⁸⁰ Robert Dreyfuss, “FBI Blows It: Supposed Terror Plot Against NY Synagogues is Bogus,” *The Nation*, May 23, 2009, available at, http://www.alternet.org/world/140209/fbi_blow_it_supposed_terror_plot_against_ny_synagogues_is_bogus/

¹⁸¹ Boyd was also known as Saifullah or “Sword of God.”

¹⁸² They were: Hysen Sherifi, Anes Subasic, Zakariya Boyd, Dylan Boyd, Jude Kenan Mohammad, Mohammad Omar Aly Hassan, and Ziyad Yaghi. Both Zakariya and Dylan are Daniel Boyd’s sons.

¹⁸³ *United States v. Boyd*, (EDNC) 09-CR-216,” Indictment,” July 22, 2009; “Seven Charged with Terrorism Violations in North Carolina,” *U.S. Department of Justice (09-725)*, July 27, 2009, available at <http://www.usdoj.gov/opa/pr/2009/July/09-nsd-725.html>.

¹⁸⁴ *Id.*

¹⁸⁵ *Id.*

¹⁸⁶ “MPAC Monitoring North Carolina Arrests,” *MPAC News*, July 29, 2009, available at <http://www.mpac.org/article.php?id=864>.

Although the investigation and trial preparations remain underway, a trial date for the case has not yet been set.