



THE INVESTIGATIVE PROJECT ON TERRORISM

MOHAMED ELIBIARY



Mohamed Elbiary visited the White House at least twice. Once on April 20, 2011 with Paul Monteiro, Associate Director of the White House Office of Public Engagement , and once with Quintan Wiktorowicz, Senior Director of the National Security Council.

As detailed below, Mohamed Elbiary has defended Muslim Brotherhood luminary Sayyid Qutb¹, Ayatollah Khomeini², and radical New York Imam Siraj Wahhaj.³ He has asserted conspiracy theories, supported terror-related individuals and organizations and accused the government of mounting a war against Islam.⁴

Despite all this, he was appointed by Department of Homeland Security (DHS) Secretary Janet Napolitano to the **Homeland Security Advisory Council (HSAC)**

¹ Rod Dreher, "Unreliable advice from this Muslim group," *Dallas Morning News*, November 11, 2009, <http://dallasmorningviewsblog.dallasnews.com/archives/2009/11/unreliable-advi.html>; Rod Dreher, "Who is Mohamed Elbiary – and why is he advising DHS?," *TheAmericanConservative.com*, December 8, 2011, <http://www.theamericanconservative.com/dreher/mohamed-elbiary-homeland-security/>; Rod Dreher, "CNN gets played by Muslim activist," *Beliefnet.com*, Dec. 11, 2009, <http://web.archive.org/web/20101122203714/http://blog.beliefnet.com/crunchycon/2009/12/cnn-gets-played-by-muslim-acti.html>. See also pages 3-4 and accompanying footnotes below.

² In December 2004, Elbiary spoke at a conference held in honor of Iran's **Ayatollah Ruhollah Khomeini** entitled, "A Tribute to Great Islamic Visionary." Freedom & Justice Foundation website, <http://www.freeandjust.org/KhomeiniAyatollapoluza.htm>. See also page 4-5 and accompanying footnotes below.

³ Frank Trejo, "Local Muslims condemn attack, defend their faith; They say those behind London bombings do not represent Islam," *Dallas Morning News*, July 8, 2005. See also page 5 and accompanying footnotes below.

⁴ See pages 5-8 and accompanying footnotes below.

in October 2010.⁵ Elibiary previously served on the White House's **Countering Violent Extremism (CVE) Working Group** that made a series of recommendations to the DHS leadership for addressing homegrown extremism.⁶

He has had **at least two White House meetings**, both after his DHS appointment. One, an April 21, 2011 session with Paul Monteiro, the liaison to the Arab-American community for the Office of Public Engagement,⁷ included 40 people. But on March 8, 2012, he had a private meeting with Quintan Wiktorowicz, a National Security Council official who has written White House policies on countering violent extremism.⁸

Elibiary is the co-founder, president and CEO of the **Freedom and Justice Foundation (F&J)**,⁹ founded in November 2002 "to promote a Centrist Public Policy environment in Texas by coordinating the state level government and interfaith community relations for the organized Texas Muslim community."¹⁰ F&J's **nonprofit status was revoked** by the IRS in May 2010 for failure to file the requisite 990 forms that would reveal the entity's source of income.¹¹ Similarly, according to the Texas Comptroller of Public Accounts, F&J has not filed a Texas Franchise Tax Public Information Report.¹²

The **North Texas Islamic Council (NTIC)**, also called the "**Texas Islamic Council**," is an affiliate organization of F&J.¹³ Elibiary is the registered agent for the NTIC, and one of the directors is **H. Mustafaa Carroll**,¹⁴ who is also the executive director of the Houston chapter of the Council on American-Islamic Relations (CAIR).¹⁵

⁵ "Secretary Napolitano Swears in Homeland Security Advisory Council Members," Department of Homeland Security (DHS) Press Release, October 18, 2010, <http://www.dhs.gov/news/2010/10/18/secretary-napolitano-swears-homeland-security-advisory-council-members>

⁶ "Countering Violent Extremism (CVE) Working Group," *Homeland Security Advisory Council*, Spring 2010, http://www.dhs.gov/xlibrary/assets/hsac_cve_working_group_recommendations.pdf. Elibiary's appointment to both CVE and HSAC has been questioned by some members of Congress. *See, e.g.*, House Judiciary Committee, Hearing on DHS Oversight, October 26, 2011, Witness Janet Napolitano, Secretary of DHS, questions by Rep. Louis Gohmert; House Judiciary Committee, Hearing on DHS Oversight, July 19, 2012, Witness Janet Napolitano, Secretary of DHS, questions by Rep. Louis Gohmert.

⁷ Paul Monteiro biography, White House Office of Public Engagement website,

<http://www.whitehouse.gov/administration/eop/ope/staff/D-Paul-Monteiro-archive>

⁸ Dina Temple Raston, "New Advisor Takes A 'Broad Tent' Approach," National Public Radio, Jan. 24, 2011, <http://www.npr.org/2011/01/24/133125267/new-terrorism-adviser-takes-a-broad-tent-approach>

⁹ *F&J's Executive Officers*, The Freedom and Justice Foundation, <http://www.freeandjust.org/OurTeam.htm>

¹⁰ Freeandjust.org, <http://www.freeandjust.org/OurTeam.htm>.

¹¹ Guidestar report, Freedom and Justice Foundation, EIN 16-1639380, <http://www.guidestar.org/organizations/16-1639380/freedom-justice-foundation.aspx> (accessed August 30, 2012). For more details, see Patrick Poole, "Mohamed Elibiary: Alleged Homeland Security Leaker, Confirmed Tax Scofflaw," *PJ Media*, December 1, 2011 <http://pjmedia.com/blog/mohamed-elibiary-alleged-homeland-security-leaker-confirmed-tax-scofflaw/>

¹² The Texas Corporate Record lists F&J as "No standing, franchise responsibility ended."

¹³ Freeandjust.org, <http://www.freeandjust.org/TexasIslamicCouncilTIC.htm>

¹⁴ Texas Corporate Records - Texas Comptroller of Public Accounts File Number 0800658162

¹⁵ Council on American-Islamic Relations Chapters, <http://www.cair.com/Chapters.aspx>

[CAIR is a Muslim Brotherhood-linked group in the U.S. that was formed as part of a Hamas-support network in the U.S.¹⁶]

An adjunct address associated with F&J in 2002, the year of its founding, is 6801 Bellaire Court South, Benbrook, Texas. The **American Muslim Democratic Caucus**,¹⁷ incorporated in 2008,¹⁸ also is listed at this address. Among its directors is CAIR's San Antonio Executive Director **Sarwat Husain**.¹⁹

Elibiary was a Fellow²⁰ in 2008-2009 with the American Muslim Civic Leadership Institute (AMCLI), "housed at the University of Southern California's Center for Religion and Civic Culture (CRCC), [which] works **in partnership with the Prince Alwaleed Bin Talal Center for Muslim Christian Understanding (ACMCU)** at Georgetown University."²¹

Elibiary was featured in a CNN piece in December 2009 as a "deradicalizer."²² He likened the allure of radicalism among American Muslim teens to "at-risk gangbangers, who want to stand up for their community, to address **grievances of the global Muslim community** more effectively than they've seen the elder generation."²³

Some of his statements and actions, however, expose an affinity for some of modern Islam's most radical ideologues.

On Sayyid Qutb and Ayatollah Khomeini:

- Elibiary has defended **Sayyid Qutb**, the Islamist ideologue credited with inspiring the Muslim Brotherhood and terrorist groups including al-Qaida. He **recommends Qutb's writing** as offering "the potential for a strong spiritual rebirth that's truly ecumenical allowing all faiths practiced in America to enrich us and motivate us to serve God better by serving our fellow man more."²⁴

¹⁶ <http://www.investigativeproject.org/profile/172>

¹⁷ American Muslim Democratic Caucus, <http://www.am-mdc.org/>

¹⁸ Texas Corporate Records - Texas Comptroller of Public Accounts File Number 0800999377

¹⁹ Council on American-Islamic Relations Chapters, <http://www.cair.com/Chapters.aspx>

²⁰ <http://crcc.usc.edu/initiatives/amcli/mohamed-elibiary.html>.

²¹ <http://crcc.usc.edu/initiatives/amcli/alumni.html>. ACMLI's mission is "[b]uilding the capacity of American Muslim leaders to participate in the public square." Its funders include the Carnegie Corporation of New York, The Ford Foundation, McCormick Foundation, One Nation for All, Open Society Foundation, Pillars Foundation, Rockefeller Brothers Fund, Security and Rights Collaborative, (a project of the Proteus fund), and Unitarian Universalist Veatch Program.

<http://crcc.usc.edu/initiatives/amcli/mohamed-elibiary.html>.

²² Paul Cruickshank and Tim Lister, "Deradicalizer used in case of 5 Muslim men arrested in Pakistan," CNN.com (December 10, 2009),

<http://web.archive.org/web/20100419022509/http://www.cnn.com/2009/US/12/10/deradicalizers/>

²³ Paul Cruickshank and Tim Lister, "Deradicalizer used in case of 5 Muslim men arrested in Pakistan," CNN.com (December 10, 2009),

<http://web.archive.org/web/20100419022509/http://www.cnn.com/2009/US/12/10/deradicalizers/>.

²⁴ Rod Dreher, "Unreliable advice from this Muslim group," *Dallas Morning News*, November 11, 2009, <http://dallasmorningviewsblog.dallasnews.com/archives/2009/11/unreliable-adv.html>; Rod Dreher, "Who is Mohamed Elibiary — and why is he advising DHS?," *TheAmericanConservative.com*,

- In December 2004, Elibiary spoke at a conference held in honor of Iran’s **Ayatollah Ruhollah Khomeini** entitled, “A Tribute to Great Islamic Visionary.”²⁵
 - The conference reportedly opened with a 10-year-old boy paying tribute to Ayatollah Khomeini “for reviving ‘pure’ Islamic thinking and saving the religion from being conquered by the West.”²⁶ The boy also allegedly referred to President George W. Bush as “the greatest enemy of the Muslim Ummah.”²⁷
 - Speakers at the conference included radical cleric Muhamed al-Asi,²⁸ who has a history of making anti-American and anti-Semitic statements,²⁹ and has even supported suicide bombings.³⁰

- Although the conference was advertised as such, “Elibiary claimed that he did not know the event was a tribute to Ayatollah Khomeini until after he arrived.”³¹ A **defense of this event** posted on Elibiary’s Freedom & Justice Foundation website blamed the controversy on “**agenda-driven and disingenuous media reporting**”:
 - “Some **right-wing websites, mostly blogs, choose to fan the flame of fear** due to the event's flyer choosing to highlight Ayatollah Khomeini's stand on reconciliation between Sunnis and Shia... When the mainstream media, interfaith groups and civic society organizations looked into the event, they found nothing illegal or anti-American about it, but these are facts causing much cognitive dissonance for right-wing pundits looking to fan the flames of fear and division.”³²

December 8, 2011, <http://www.theamericanconservative.com/dreher/mohamed-elibiary-homeland-security/>;

Rod Dreher, “CNN gets played by Muslim activist,” *Beliefnet.com*, Dec. 11, 2009, <http://web.archive.org/web/20101122203714/http://blog.beliefnet.com/crunchycon/2009/12/cnn-gets-played-by-muslim-acti.html>.

²⁵ Freedom & Justice Foundation website, <http://www.freeandjust.org/KhomeiniAyatollapoluza.htm>

²⁶ Todd Bensman and Robert Riggs, “Texas Muslims Host Ayatollah Khomeini Tribute,” *CBS-11 News*, December 17, 2004, <http://iranvajahan.net/cgi-bin/printarticle.pl?l=en&y=2004&m=12&d=18&a=1>

²⁷ Todd Bensman and Robert Riggs, “Texas Muslims Host Ayatollah Khomeini Tribute,” *CBS-11 News*, December 17, 2004, <http://iranvajahan.net/cgi-bin/printarticle.pl?l=en&y=2004&m=12&d=18&a=1>

²⁸ Todd Bensman and Robert Riggs, “Texas Muslims Host Ayatollah Khomeini Tribute,” *CBS-11 News*, December 17, 2004, <http://iranvajahan.net/cgi-bin/printarticle.pl?l=en&y=2004&m=12&d=18&a=1>

²⁹ “Muhammad al-Asi—Ghetto Jews,” February 21, 2001, <http://www.investigativeproject.org/239/muhammad-al-asi-ghetto-jews>.

³⁰ “Al-Asi Reaffirms Views on Suicide Bombing,” May 12, 2008, <http://www.investigativeproject.org/678/al-asi-reaffirms-views-on-suicide-bombing>

³¹ Todd Bensman and Robert Riggs, “Texas Muslims Host Ayatollah Khomeini Tribute,” *CBS-11*, December 17, 2004, http://www.toddbensman.com/Bensman/Television_Work.html and http://www.toddbensman.com/Bensman/Ayatollah_tribute.html

³² “Background on the ‘Khomeini Ayatollapoluza event’ on December 11, 2004”, Freedom & Justice Foundation website, <http://www.freeandjust.org/KhomeiniAyatollapoluza.htm>

- In a 2006 e-mail exchange, **Elibiary accused columnist Rod Dreher** of having “the reputation of being a Klansman without a hood in the Dallas Muslim community.”³³ He further warned Dreher against treating Muslims unfairly, saying “Treat people as inferiors and **you can expect someone to put a banana in your exhaust pipe or something.**”³⁴

Asserting Conspiracy Theories, Supporting Terror-Related Individuals and Organizations:

- In defense of **Siraj Wahhaj**, an unindicted co-conspirator in the first World Trade Center bombing base, and a defense witness for the Blind Sheik, Omar Abdel Rahman:³⁵ "The guy never did anything illegal. If he had, the government not only would prosecute him, but the community would back off from supporting him. ... Imam Siraj Wahhaj is very well-known to law enforcement; if there was anything to what has been said, they would have acted upon it."³⁶
- Asserting that the Holy Land Foundation criminal trial was part of a government **conspiracy against Muslims**, Elbiary stated: “The community sentiment...was that this was a political trial trying to achieve a government policy....”³⁷
- “Elibiary said Muslims are offended by the government's list of more than 300 unindicted co-conspirators, which includes Muslim leaders and groups in the US. **‘That list implicates most of the Muslim community in a wider conspiracy.’**”³⁸
- “The U.S. government won a resounding court victory..., convicting all the Palestinian HLF defendants on all ‘material support’ charges leveled against them. Yet in the grand scheme of things, our government’s policy of denying our civil liberties and privacy at home while pursuing a cold war ‘containment’ policy that often turns into a hot war for ‘regime change’ has left thousands of Americans dead, tens of thousands maimed, trillions of taxpayer dollars squandered and our homeland more vulnerable than ever. **A myopic view might wish to celebrate the HLF verdict, but the big picture clearly shows a continuing loss for America.**”³⁹

³³ Rod Dreher, “Responding to Mohamed,” *Dallas Morning News*, June 9, 2006

³⁴ Rod Dreher, “Responding to Mohamed,” *Dallas Morning News*, June 9, 2006

³⁵ <http://www.investigativeproject.org/case/409>

³⁶ Frank Trejo, "Local Muslims condemn attack, defend their faith; They say those behind London bombings do not represent Islam," *Dallas Morning News*, July 8, 2005.

³⁷ “Holy Land Verdict Shocks Americans,” *IslamOnline*, November 25, 2008, reprinted at <http://staging.onislam.net/english/news/americas/423031>.

³⁸ “Holy Land Verdict Shocks Americans,” *IslamOnline*, November 25, 2008, reprinted at <http://staging.onislam.net/english/news/americas/423031>.

³⁹ Mohamed Elibiary, "Holy Land verdict is another U.S. defeat," *Dallas Morning News*, November 26, 2008,

http://www.dallasnews.com/sharedcontent/dws/dn/opinion/viewpoints/stories/DN-elibiary_01edi.5bef31.html

- “And Representative Louie Gohmert out of Texas ... wants an HLF, the Holy Land Foundation, 2.0 trial that would have the unindicted co-conspirators, that were labeled by the prosecution in that first trial, tried as, in a criminal case... **[I]t works for him in his very Evangelical, Born Again district** in east, in ... east Texas, where he can basically say that **I’m going after these groups** because they’re quote, unquote, ‘associated,’ which is a very loose term, with Islamic movements overseas and **Islamic movements are a threat to the state of Israel.**”⁴⁰
- Elibiary argued that the US should not assassinate **Anwar al-Awlaki**, an American-born radical cleric who served as the English-speaking voice of al-Qaida.⁴¹ Despite Awlaki’s connection to a number of recent terrorist plots, Elibiary wrote: **“President Obama should rescind this assassination order** and clarify publicly our national position. We should support, if requested by the Yemeni government, the “capture” of Anwar al-Awaki and his prosecution under Yemeni law since there is no extradition treaty between our two nations.”⁴² Awlaki was later killed in a U.S. drone strike in September 2011 in Yemen.⁴³
- **Commending CAIR**, a Muslim Brotherhood-linked group in the U.S. that was formed as part of a Hamas-support network in the U.S.⁴⁴: “Lastly, I’d like to publicly commend the Council on American Islamic Relations (CAIR) for being brave enough to step forward and allow us to facilitate the cooperation with the FBI concerning the recent disappearance case of 5 young men to Pakistan from Alexandria, Virginia... To their credit, **despite the overwhelming political assault they’ve weathered since 9/11**, they recognized that the community’s interests are safeguarded when community leaders act with an objective and nuanced understanding of the law enforcement community.”⁴⁵

Attacking Counterterrorism Measures, Use of Informants, Accusing the Government of Mounting a War Against Islam:

- "And I grew up in the midst of a lot of the government’s prosecution of a lot of Muslim Americans and closure of the largest Muslim charity in America. So I was very intimately aware of the repercussions of positive counterterrorism policies

⁴⁰ Statement by Mohamed Elibiary, Arab Voices Radio Talk Show, KPFT Pacifica Station, 90.1 FM Houston, 89.5 FM Galveston, August 22, 2012 <http://www.arabvoices.net/archives-2012.htm>; http://www.arabvoices.net/archives/kpft_120822_190001av.mp3.

⁴¹ “Targeted Killing of Awlaki Debated in Federal Court,” *IPT News*, November 9, 2010, <http://www.investigativeproject.org/2317/targeted-killing-of-awlaki-debated-in-federal>.

⁴² Mohamed Elibiary, *It’s a Mistake to Assassinate Anwar al-Awlaki*, FoxNews.com, April 16, 2010, <http://www.foxnews.com/opinion/2010/04/16/mohamed-elibiary-alawlaki-assassinate-muslims-war-terror-nsc/>, reprinted at <http://muslimmatters.org/2010/04/21/its-a-mistake-to-assassinate-anwar-al-awlaki/>.

⁴³ Steve Emerson, “Exclusive: The Inside Story Behind Awlaki Assassination,” *IPT News*, September 30, 2011, <http://www.investigativeproject.org/3210/exclusive-the-inside-story-behind-the-awlaki>.

⁴⁴ <http://www.investigativeproject.org/profile/172>

⁴⁵ “Working With Communities to Disrupt Terror Plots,” Testimony of Mohamed Elibiary, President & CEO of the Freedom and Justice Foundation, before the U.S. House Homeland Security Committee’s Subcommittee on Intelligence, Information sharing, and Terrorism Risk Assessment, March 17, 2010, <http://chsdemocrats.house.gov/SiteDocuments/20100317103442-74422.pdf>

and **excessive counterterrorism and security policies.**"⁴⁶

- “[S]ome Bureau field offices... elected to increase their surveillance of religious institutions and expand their use of more coercive techniques such as **Agent Provocateur Informants**. More subtle techniques to identify and neutralize such unacceptable security vulnerabilities as low hanging potential violent extremism recruits are available, but not within the FBI.”⁴⁷
- “I was honestly **worried about the security of Muslims** riding in buses, ad hoc created transportation committees in, popping up or whatever from Dallas and Houston going down to Austin. I didn’t know what the state troopers were gonna do, what at the state capital, what at the gallery rooms. **I was like, you know, I wouldn’t be surprised in Texas if they rounded us all up.**”⁴⁸
- On recent House Homeland Security Committee hearings on radicalization: **“Peter King unfortunately, I’ve had some interaction with his staff in private where I advised them that they didn’t necessarily have to do the radicalization hearing about the Muslim community the way they did; they could have done them in a much more constructive way and they would have found a lot of support in the Muslim community and in other communities. But instead they just wanted to have a political theater, and by throwing out sensational, alarmist language...”**⁴⁹
- “Radicalism is nothing more than holding outside the mainstream political viewpoints... Radicalism is 100% constitutionally protected by the First Amendment. Government gets in trouble and law enforcement gets in trouble when they venture into monitoring radical political expression. The line of where the law says you are now entering the wrong is when you start moving from holding political viewpoints that are outside the mainstream and/or expressing them to actually acting – some action – some planning for an action that will produce what’s called violent extremism. Extremism and radicalism are essentially synonyms. There’s nothing really different between the two. And notice that both terms are subjective terms. What the government should be working to counter is violent extremism, which is the action part or the planning

⁴⁶ Statement by Mohamed Elibiary, Arab Voices Radio Talk Show, KPFT Pacifica Station, 90.1 FM Houston, 89.5 FM Galveston, Aug. 22, 2012 <http://www.arabvoices.net/archives-2012.htm>; http://www.arabvoices.net/archives/kpft_120822_190001av.mp3.

⁴⁷ “Working With Communities to Disrupt Terror Plots,” Testimony of Mohamed Elibiary, President & CEO of the Freedom and Justice Foundation, before the U.S. House Homeland Security Committee’s Subcommittee on Intelligence, Information sharing, and Terrorism Risk Assessment, March 17, 2010, <http://chsdemocrats.house.gov/SiteDocuments/20100317103442-74422.pdf>.

⁴⁸ “Strategic Partnerships That Advance Community Causes,” ISNA’s 45th Annual Convention, Columbus, OH, August 29–September 11, 2008.

⁴⁹ Statement by Mohamed Elibiary, Arab Voices Radio Talk Show, KPFT Pacifica Station, 90.1 FM Houston, 89.5 FM Galveston, August 22, 2012 <http://www.arabvoices.net/archives-2012.htm>; http://www.arabvoices.net/archives/kpft_120822_190001av.mp3.

for an action to do some violence. Because it's the violence that's illegal."⁵⁰

- Criticizing a US Supreme Court decision upholding the “material support” statutes which prohibit “aid to formally designated ‘foreign terrorist organizations’ (FTOs)”⁵¹: “This verdict has significantly undermined - if not decimated - multiple defense arguments for the Holy Land Foundation appeal as well as undermining efforts to encourage communities to help with nonviolent counter-radicalization efforts.”⁵²

Subject of controversy:

After his DHS appointment, reports have raised concerns about how he obtained his security clearance in light of, *inter alia*, the financial questions about his organization F&J⁵³ and other accusations of impropriety.⁵⁴

One report⁵⁵ **accused Elibiary of downloading sensitive material from state and local law enforcement databases**, and “shopp[ing] some of those materials to a media outlet. He allegedly used the documents to claim the department was promoting “Islamophobia” — claims that the media outlet ultimately rejected.”⁵⁶ Subsequently, at a House Judiciary Committee hearing on Department of Homeland Security Oversight in October 2011, Rep. Louie Gohmert asked DHS Secretary Napolitano about this report. Napolitano claimed she had no knowledge of the alleged incident:⁵⁷

Rep. GOHMERT: ...[Elibiary] took documents that said, "For Official Use Only" and shot them at -- with national media. It appears not only is our security being compromised, a secure system, that he's using it to help his friend politically, the president. I've got one question and it's not a got you question. There's nothing

⁵⁰ Muslim Radicalization Forum at Roxbury Mosque, March 15, 2010, <http://vimeo.com/12048080>. Moderator: Hossam al-Jabri (MAS); Panelists: Mohamed Elibiary; Imam Talal Eid (Islamic Institute of Boston); Alejandro Beutel (MPAC).

⁵¹ Andrew C. McCarthy, "Roberts Rules: The Supreme Court upholds an important terrorism law," *National Review Online*, June 22, 2010, <http://www.nationalreview.com/articles/243306/roberts-rules-andrew-c-mccarthy>.

⁵² Mohamed Elibiary, "Verdict misinterprets 'material support,'" *Dallas Morning News*, June 24, 2010, <http://www.dallasnews.com/opinion/latest-columns/20100624-Mohamed-Elibiary-Verdict-misinterprets-4772.ece>.

⁵³ Patrick Poole, "Mohamed Elibiary: Alleged Homeland Security Leaker, Confirmed Tax Scofflaw," *PJ Media*, December 1, 2011 <http://pjmedia.com/blog/mohamed-elibiary-alleged-homeland-security-leaker-confirmed-tax-scofflaw/>.

⁵⁴ Patrick Poole, "Breaking: Homeland Security Adviser Allegedly Leaked Intel to Attack Rick Perry," *PJ Media*, October 26, 2011 <http://pjmedia.com/blog/breaking-homeland-security-adviser-allegedly-leaked-intel-to-attack-rick-perry/>.

⁵⁵ Patrick Poole, "BREAKING: Homeland Security Adviser Allegedly Leaked Intel to Attack Rick Perry," *PJ Media*, October 26, 2011, <http://pjmedia.com/blog/breaking-homeland-security-adviser-allegedly-leaked-intel-to-attack-rick-perry/>.

⁵⁶ Patrick Poole, "Breaking: Homeland Security Adviser Allegedly Leaked Intel to Attack Rick Perry," *PJ Media*, October 26, 2011, <http://pjmedia.com/blog/breaking-homeland-security-adviser-allegedly-leaked-intel-to-attack-rick-perry/>.

⁵⁷ Full transcript, House Committee on the Judiciary, Chairman Rep. Lamar Smith, Hearing on the Department of Homeland Security Oversight, October 26, 2011.

confusing about it. Before you came in here today, were you given information about Elibiary using the state and local intelligence community database and taking information he downloaded and shopping it to the media?

Sec'y NAPOLITANO: No.

GOHMERT: If anyone from Homeland Security, your staff, advised anyone else that you were briefed last night they would be wrong; is that correct?

NAPOLITANO: Yes.

Again, at a House Judiciary Committee hearing on Department of Homeland Security Oversight held in July 2012, Rep. Gohmert questioned Secretary Napolitano about the same incident. Secretary Napolitano stated that “the statements that had been made in that regard are false. They are misleading and objectionable” and inaccurate. Their heated interchange demonstrates the tension over the accusation:⁵⁸ [emphasis added]

REPRESENTATIVE LOUIE GOHMERT (R-TX): ... When you were here before back in October, we discussed the gentleman, Mr. Elibiary, and the week before, he had been online using the secret security clearance that you had given him when you placed him on the advisory -- the Homeland Security Advisory Council. And he had used that to access the state and local intelligence community of interest classified material database and downloaded material.

And we had information that he had shopped that trying to claim Texas was Islamaphobes because they were concerned about radical Islamists.

But since that time, has -- you told me personally at that time that you were going to look into it. You weren't going to appoint somebody. You, yourself, were going to look into it. So what did you find out?

SEC. NAPOLITANO: I found out that the statements that had been made in that regard are false. They are misleading and objectionable. And I think they --

REP. GOHMERT: OK. Then, Madam, you need to know that you have people who are lying in your department because Texas Department of Public Safety has been told the investigation was done; **he did access the classified information with his own private computer; he did download the documents that we knew he did; and the one thing they could not confirm because they didn't talk to the reporter or the people that he shopped the story to, they couldn't confirm that he shopped the story.**

But are you saying before this Congress right now that, as secretary of Homeland Security, that it is a lie that Mohamed Elibiary downloaded material from a

⁵⁸ Full transcript, House Committee on the Judiciary, Chairman Rep. Lamar Smith, Hearing on the Department of Homeland Security Oversight, July 19, 2012.

classified website using the secret clearance you gave him? **Are you saying that's a lie?**

SEC. NAPOLITANO: I'm saying that is inaccurate. That is correct.

REP. GOHMERT: All right. What is inaccurate about that?

SEC. NAPOLITANO: A number of things. First of all, we have several people on the Homeland Security Advisory Committee who are Muslim. They've been helping law enforcement for a long time.

Mr. Elibiary himself was recognized by the FBI --

REP. GOHMERT: I didn't say anything about that. So if you could confine your answer to what I said and what you find misleading in it --

SEC. NAPOLITANO: Well, now, one of the things I find misleading is that he somehow downloaded classified documents.

REP. GOHMERT: So are you saying that the state and local intelligence community of interest database is not classified?

SEC. NAPOLITANO: I'm saying that he, as far as I know, did not download classified documents. And I'm saying --

REP. GOHMERT: Now, one of the games that gets played sometimes about people who come up here and testify is that they have somebody not provide them adequate information so that they can come in here and say, "so far as I know," "not to my knowledge," that kind of thing. And they obscure the truth.

Has Elibiary's status on homeland advisory council changed?

SEC. NAPOLITANO: No.

REP. GOHMERT: It did not bother you that he accessed information?

SEC. NAPOLITANO: No.

REP. GOHMERT: It did not bother you that he accessed information?

SEC. NAPOLITANO: He accessed some information. What bothers me, quite frankly, are the allegations that are made against anyone who happens to be Muslim.

REP. GOHMERT: Well, the allegations are not because he is Muslim. You follow me around the world, you see me hugging Muslims around the world because the ones I hug are our friends. And this administration seems to have a hard time

recognizing members of terrorist groups who are allowed into the White House. You are aware of that happening, aren't you?

SEC. NAPOLITANO: Absolutely not.

REP. GOHMERT: So -- (chuckles). All right, the evidence speaks for itself. Obviously, you're kept in the dark on a lot of these things. Are you aware of what the Freedom and Justice Party is in Egypt?

SEC. NAPOLITANO: Representative --

REP. GOHMERT: Are you aware of what the Freedom and Justice Party is in Egypt?

REP. : Mr. Chairman, could we have --

REP. GOHMERT: It's a simple question that doesn't afford an introduction. Is she aware of what the Freedom and Justice Party is in Egypt?

REP. SMITH: Would the secretary respond to the question?

SEC. NAPOLITANO: Yes.

REP. GOHMERT: Are you aware that Mr. Elibiary's foundation that has now had their charter pulled because they have failed to provide the information that the government requires to keep their 501(c)(3) status. Are you aware that that was, before the 501(c)(3) status was pulled, called the Freedom and Justice Foundation?

SEC. NAPOLITANO: Representative, I'm not going to get into a debate about some of the --

REP. GOHMERT: I'm asking you if you know simple facts.

SEC. NAPOLITANO: I would like to -- I would like to --

REP. GOHMERT: You say you're not going to get into a debate. I don't want a debate. This is a question-and-answer. Are you aware of that being the name of his foundation that has now had the 501(c)(3) status pulled?

SEC. NAPOLITANO: The insinuation that I --

REP. GOHMERT: Can you answer the question? There's no insinuation.

REP. : Mr. Chairman, the gentleman's time has expired.

REP. SMITH: I will allow the witness to answer the question, yes.

REP. GOHMERT: Please, answer just the question.

SEC. NAPOLITANO: Representative, with all respect, I believe you are insinuating that I and members of my staff --

REP. GOHMERT: I am not insinuating anything. I'm asking a direct question.

SEC. NAPOLITANO: Mr. Chairman --

REP. GOHMERT: You're not answering the question. The question is very simple. Were you aware of his Freedom and Justice Foundation --

REP. : Let me say to the gentleman from Texas I don't think he's going to get a different answer.

REP. GOHMERT: Well, then I would ask the assistance of the chairman to direct the witness to answer the question as asked. It's very simple. It's yes or no. Was she aware, or was she not?

REP. SMITH: I will give the witness an opportunity to give a final answer, yes.

SEC. NAPOLITANO: Mr. Chairman, I would just like to say, for this committee, which has a proud --

REP. GOHMERT: That does not sound like a yes or no. It is non-responsive --

REP. : Mr. Chairman, regular order.

REP. GOHMERT: -- given on my time --

REP. SMITH: Madam Secretary, would --

REP. GOHMERT: -- an answer that is non-responsive.

REP. SMITH: OK. The answer may be non-responsive. Madam Secretary, do you have anything to add?

SEC. NAPOLITANO: Mr. Chairman, I didn't know this was a court with rules of evidence. I was hoping I could explain my answer.

REP. SMITH: Do you want to proceed to do just that?

SEC. NAPOLITANO: Thank you, Mr. Chairman.

REP. GOHMERT: Mr. Chairman, my question was a yes-or-no question --

REP. : Mr. Chairman, regular order.

REP. GOHMERT: Anything but a yes-or-no answer is not --

(Cross talk.)

REP. GOHMERT: And the reason there are rules of evidence is so witnesses just don't go off on a lark --

(Cross talk.)

REP. SMITH: The gentleman's time has expired. Does the witness have anything to add?

SEC. NAPOLITANO: Yes. This committee has a long and proud tradition. These kinds of insinuations demean the committee. The insinuation that I or my staff would allow someone who is a terrorist to infiltrate --

REP. GOHMERT: I have not insinuated that Elibiary is a terrorist.

REP. : Mr. Chairman, regular order.

REP. GOHMERT: He's a very nice gentleman. I've met him a couple of times. He's a nice guy. There's no such insinuation.

REP. : We will have regular order. We will have regular order, Mr. Gohmert.

REP. GOHMERT: That the secretary of homeland security would come in here and make such an allegation that --

REP. : Mr. Chairman, could we have regular order?

REP. SMITH: The committee will be in order. I understand the frustrations of the gentleman from Texas, but I don't believe he is going to get a different answer, and the gentleman's time has expired.

REP. : But he is out of order, too.

REP. SMITH: The gentleman from Texas, Mr. Poe, is recognized.

Links to the Muslim Brotherhood in the U.S.:

Elibiary is a **frequent speaker at events hosted by Muslim Brotherhood front groups:**

- Co-hosted a Presidential Campaign Forum in Houston, TX on January 25, 2004 with the Council on American-Islamic Relations (CAIR).⁵⁹

Spoke at the Islamic Society of North America's (ISNA) Dallas Conference held July 4-6, 2003,⁶⁰ 4th annual South Central Regional Conference held in Dallas June 30-July 2, 2006⁶¹, and its 45th Annual Convention held August 29-31, 2008.⁶²

⁵⁹ Freedom & Justice Foundation website, <http://www.freeandjust.org/Events.htm#candidates>.

⁶⁰ ISNA Dallas Conference, July 4-6, 2003, "Muslim Empowerment: Challenges and Opportunities."

⁶¹ Saffia Meek, Nabi Ghulam, Nikhat Izhar Qureshi, "Focus on the Future," *Islamic Horizons*, September 2006-October 2006.

⁶² 45th Annual ISNA Convention Program, <http://www.isna.net/assets/conventions/programs/convention08programv3.o.pdf>, page 12, accessed May 18, 2010. Speakers at the event included former Congressional aide and senior White House official Suhail Khan who is reported to have extensive ties with Islamist groups. Frank Gaffney, Jr., "Khan Job," *FrontPageMagazine*, February 20, 2007, <http://archive.frontpagemag.com/readArticle.aspx?ARTID=63>.