



THE INVESTIGATIVE PROJECT ON TERRORISM

FARHANA KHERA



Farhana Khera visited the White House at least three times. Khera met with Quintan Wiktorowicz, Senior Director for Global Engagement at the National Security Council, on March 1, 2011; Shaarik Zafar, Director for the Global Engagement Directorate at the White House National Security Staff, on August 1, 2011; and Kaplen Modi, Associate Director, Office of Public Engagement on February 2, 2010.

Biography

Farhana Khera is Executive Director of Muslim Advocates and the National Association of Muslim Lawyers (NAML). Prior to joining Muslim Advocates and NAML in 2005, Ms. Khera was Counsel to the U.S. Senate Judiciary Committee, Subcommittee on the Constitution, Civil Rights, and Property Rights.¹

Muslim Advocates is a U.S.-based national legal advocacy organization.²

Government Sting Operations are “Entrapment Operations”

At an annual dinner hosted by Muslim Advocates in Millbrae, Cal. on December 10, 2010, Khera criticized government sting operations as “entrapment operations” targeting innocent Muslims with no real ties to terrorism. She also argued that sting

¹ <http://www.muslimadvocates.org/about/staff.html>

² <http://www.muslimadvocates.org/about/main.html>

operations fuel “anti-Muslim sentiment” and draw attention away from “actual threats.”³

Her comments came in response to remarks made earlier by Attorney General Eric Holder. Holder, a featured speaker at the event, had claimed sting operations were an “essential law enforcement tool in uncovering and preventing terror attacks.”⁴

Khera was also quoted in *USA Today* saying, “Some of these [terrorism] cases look and feel like entrapment.” She also said that “But for the government’s role in these cases the suspects may have been left with their own bravado. Law enforcement resources need to be focused on actual threats.”⁵

FBI Planting Informants

In an April 13, 2010 article titled “Americans Should Be Free to Pray without FBI Snooping,” Khera accused the FBI of “planting informants” in “American Muslim congregations.”

FBI agent provocateurs had infiltrated mosques, she said, “without evidence of wrongdoing” in places as far as New York, Florida and Southern California. She cited the example of Craig Monteilh, “who pretended to be a congregant in order to spy on numerous mosques in Southern California.” She alleged that “the FBI also wanted to build a gym to attract young Muslims to work out and ‘discuss jihad.’”⁶

In the same article Khera referenced controversial cleric Foad Farahi. “A Miami imam was threatened with deportation if he didn’t spy on his congregants,” she said.⁷ Farahi, imam at the Shamsuddin Islamic Center in North Miami Beach, is reported to have links with known terrorists. Al-Qaida operative Jose Padilla prayed at Farahi’s mosque and was one of his Arabic students, although Farahi says he had no contact with Padilla since 1998.⁸ Farahi also reportedly told the FBI that he had once met with al-Qaida operative Adnan Shukrijumah but had no contact with him after that.⁹ In addition to Padilla and Shukrijumah, Farahi also had contact at his mosque with Imran Mandhai,

³ Malia Wollan and Charlie Savage, “Holder Calls Terrorism Sting Operations ‘Essential’” *New York Times*, December 11, 2010, http://www.nytimes.com/2010/12/12/us/politics/12holder-1.html?_r=1 (Accessed March 25, 2011).

⁴ Malia Wollan and Charlie Savage, “Holder Calls Terrorism Sting Operations ‘Essential’” *New York Times*, December 11, 2010, http://www.nytimes.com/2010/12/12/us/politics/12holder-1.html?_r=1 (Accessed March 25, 2011).

⁵ Kevin Johnson, “FBI’s terror sting tactics questioned,” *USA Today*, December 15, 2010, http://www.usatoday.com/news/washington/2010-12-15-fbi-sting_N.htm (Accessed December 17, 2010).

⁶ Farhana Khera, “Americans Should be Free to Pray without FBI Snooping,” April 13, 2010, <http://www.progressive.org/mpkhera041310.html>

⁷ Ibid.

⁸ Trevor Aaronson, “A South Florida Muslim Leader Refused to Be a Snitch, so the Feds Tried to Destroy Him,” *New Times Broward-Palm Beach (Florida)*, October 8, 2009, <http://www.browardpalmbeach.com/2009-10-08/news/a-nbsp-south-florida-nbsp-muslim-leader-nbsp-refused-to-be-a-nbsp-snitch-so-the-nbsp-feds-tried-to-destroy-him/> (Accessed March 25, 2011).

⁹ Ibid.

who was arrested in 2002 in a bombing conspiracy.¹⁰ Mandhai was sentenced to 11½ years in prison that year after pleading guilty to conspiring to bomb a National Guard Armory among other targets.¹¹ After an appeal by federal prosecutors, Mandhai was re-sentenced to 14 years in prison.¹²

Farahi, who is also head of the South Florida chapter of the Muslim American Society,¹³ has cited Muslim Brotherhood luminary Hassan al-Banna, Esam Omeish, and Dar al-Hijrah under “Activities and Interests” on his Facebook page.¹⁴ Omeish resigned for a Virginia immigration commission in 2008 after videos showed him praising Palestinians for choosing “the jihad way” to liberate their land.¹⁵ Records obtained through a Freedom of Information Act request show that federal law enforcement officials consider Dar al-Hijrah, a northern Virginia mosque, to be “linked to numerous individuals [linked to terrorism financing](#)” and “operating as [a front for Hamas operatives](#) in U.S.”¹⁶

At an Islamic Society of North America (ISNA) convention in Chicago in July 2010, Khera focused part of her remarks on Muslim community leaders – those often sought out by law enforcement officials for community relations and outreach. They might be using you, she warned, to get to members of your mosque:

“And sometimes these community members don't even think of themselves as a source. You know that they just might think themselves – Well I have a good relationship with the head of the FBI office; you know he comes by my office from time to time and we have tea, or we go to lunch, and he just talks to me about the community. But what may seem like an innocuous set of conversations in the FBI's mind they may be thinking of you as an informant, as a source. And the repercussions and the harm that that can cause can be pretty serious.”¹⁷

During the session at the ISNA conference, Khera claimed the FBI's unconstrained investigation into the Muslim community started after 9/11. “Director [Robert] Mueller instructed every field office to actually go out into their fields and count every mosque, every Muslim charity, cultivate sources and informants, open investigations, and open

¹⁰ Ibid.

¹¹ *U.S. vs. Imran Mandhai*, 02CR60096 (S.D. Fla.) “Amended Judgment in a Criminal Case,” October 29, 2002.

¹² *U.S. vs. Imran Mandhai*, 02CR60096 (S.D. Fla.) “Second Amended Judgment in a Criminal Case,” August 15, 2005.

¹³ <http://muslimamericansociety.org/main/content/local-chapters>

¹⁴ <http://www.facebook.com/people/Foad-Farahi/542716898>

¹⁵ Esam Omeish, speech at Jerusalem Day rally in Washington, D.C., December 22, 2000. “We the Muslims of the Washington metropolitan area are here today in sub-freezing temperatures to tell our Brothers and Sisters in Filasteen that you have learned the way, that you have known that the Jihad way is the way to liberate your land. And we by standing here today, despite the weather and despite anything else, we are telling them that we are with you and we are supporting you and we will do everything that we can, Insh'Allah, to help your cause.”

¹⁶ Immigration and Customs Enforcement FOIA 2010-1510000001, TECS II Information dated August 28, 2002.

¹⁷ Session titled “Free To Pray,” ISNA Convention, Chicago, July 3 2010.

and actually prosecute," she said. As a result, people sitting beside them at their mosques might be an agent provocateur sent there "to provoke and incite our fellow community members."¹⁸

Khera further blamed the Muslim community's problems with the FBI on new DOJ guidelines for domestic FBI operations, implemented in December 2008:

“[The DOJ] issued formal guidance to FBI agents, to FBI field offices saying – ‘Go ahead, go undercover, develop informants, go into mosques, go into other religious gatherings, community organizations, political gatherings, and poke around. Poke around, talk to people, see what you can sniff out, and you can also use what are called agent provocateurs, or informants, in these settings.’”¹⁹

FBI Director Robert Mueller has repeatedly disputed similar claims, including in testimony before a congressional committee.²⁰

Support for Terror-Linked Imam Ahmed Afzali

At a session organized by Muslim Advocates titled “Free to Pray” at the July 2010 ISNA convention in Chicago, Khera discussed the case of Imam Ahmed Afzali, who tipped off New York subway bomb plotter Najibullah Zazi that investigators were asking about him. Khera defended Afzali, saying that the imam thought he was doing his “civic duty” by asking Zazi what he was up to, thereby helping “self-police” the community.²¹ Afzali pleaded guilty in March 2010 to lying to the FBI about tipping off Zazi, who tried to flee from authorities after the imam's phone call. Zazi pleaded guilty to conspiracy to provide material support to al-Qaida and conspiracy to use weapons of mass destruction against U.S. citizens.²²

Denial of Homegrown Radicalization

On June 23, 2008, Muslim Advocates joined in a press release with criticizing a Senate Homeland Security report that claimed the threat from radical extremists comes “increasingly from within” the United States. The press release alleged “the report heavily relied upon a widely criticized and deeply flawed New York Police Department study on domestic radicalization that claimed that typical ‘signatures’ of radicalization

¹⁸ Session titled “Free To Pray,” ISNA Convention, Chicago, July 3 2010.

¹⁹ Session titled “Free To Pray,” ISNA Convention, Chicago, July 3 2010.

²⁰ During a March 25, 2009 hearing before the Senate Judiciary Committee, Mueller said “we do not focus on institutions. We focus on individuals. And I will say generally if there is evidence or information as to an individual or individuals undertaking illegal activities in religious institutions with appropriate high-level approval, we would undertake investigative activities, regardless of the religion. But we would single that out as an exceptionally sensitive circumstance that would require much more vetting before that occurred.”

²¹ Session titled “Free To Pray,” ISNA Convention, Chicago, July 3 2010.

²² Department of Justice Public Affairs, “Najibullah Zazi Pleads Guilty to Conspiracy to Use Explosives Against Persons or Property in U.S., Conspiracy to Murder Abroad and Providing Material Support to Al-Qaeda,” February 22, 2010.

include wearing traditional clothing, growing a beard, or giving up cigarettes, drinking, and gambling.”²³

Khera, in particular, said that while the report “appropriately observes the value of outreach and engagement with American Muslims as vital to securing the freedom and safety of our nation, it undermines this very aim by falsely characterizing Muslims in America as susceptible to ‘radicalization.’”²⁴

Holy Land Foundation Not Tied to Terrorism

Khera is not the only Muslim Advocates staffer to criticize the U.S. government’s efforts to combat terrorism. At a Muslim Public Affairs Council convention in December 2007, Akil Vohra, then a Muslim Advocates counsel, denied the connection between Muslim charities such as the Holy Land Foundation and terrorism. He claimed that “shared American values” were “under attack” with investigations of Muslim charities such as the Holy Land Foundation.²⁵ The Holy Land Foundation was a Texas-based charity that was convicted, along with five of its leaders, for funneling millions of dollars to the terrorist group Hamas.²⁶ Appeals of those convictions are pending as of March 2011.

Allegations of Racial Profiling

At a hearing on “Racial Profiling and the Use of Suspect Classifications in Law Enforcement Policy,” Khera strongly condemned profiling the Muslim American community. She claimed that since 9/11 Muslim Americans “have been subject to heightened scrutiny by federal law enforcement,” which has included “FBI interviews conducted in the community without suspicion of wrongdoing; extensive and invasive questioning and searches at the border; the surveillance of community organizations and the use of informants and undercover agents; and data gathering and mapping of the community based on cultural and ethnic behavior.”²⁷

Khera also criticized the profiling of Muslims by law enforcement officers at an ISNA convention in 2007, saying, “We are concerned that if our law enforcement officers are using stereotypes as a proxy for real evidence of criminal wrong doing, it’s not only wrong and non-American but an ineffective use of law enforcement resources.”²⁸

²³ “Muslim Advocates, ADC, CAIR, MPAC: Senate Homeland Security Report Lacks Substantive Analysis, Contradicts Own Recommendations,” *Muslim Advocates Press Release*, June 23, 2008, http://www.muslimadvocates.org/press_room/muslim_advocates_adc_cair_mpac.html (Accessed March 25, 2011).

²⁴ *Ibid.*

²⁵ “Balancing National Security and Civil Liberties: Assessing Our Policies,” MPAC Annual Convention, Long Beach, California, December 15, 2007

²⁶ <http://www.investigativeproject.org/case/65>

²⁷ Testimony of Farhana Khera, “Hearing on Racial Profiling and the Use of Suspect Classifications in Law Enforcement Policy,” U.S House of Representatives, Committee on the Judiciary, Subcommittee on the Constitution, Civil Rights, and Civil Liberties, June 17, 2010,

http://www.muslimadvocates.org/MA_ERPAHearing_WrittenTestimony.06.17.10.pdf

²⁸ Living Within the Law: Muslim Americans Expressing Opinions and Protecting Civil Rights,” ISNA 2007 Convention, Rosemont, IL, Aug 31-Sept. 3, 2007.