

# FBI and Muslims

by Maha El-Genaidi

The FBI recently visited a local Muslim (whose name will not be disclosed for privacy and who will be referred to in this article as 'Sadiq') at his workplace because, according to the agent, they received "a couple of calls about him being connected to a foreign terrorist group based in the Middle East," which is at first laughable because Sadiq is neither Arab nor Iranian. Furthermore, he's never been involved with a foreign Islamic group, let alone with any one particular Muslim group in the United States, so it's ridiculous that anyone would associate him with a terrorist group.

On his behalf, Islamic Networks Group (ING) immediately consulted a civil rights attorney about the veracity of the FBI claim. We were told that the FBI receives these types of calls all the time, but that following up on them in person was not common.

The FBI agent told Sadiq that he was coming to see him for his own protection. Supposing that was true, then why did the agent make a point of demonstrating his knowledge of personal information about Sadiq and his wife? Sadiq spent about 30 to 45 minutes having what he characterized as a "friendly and informal chat" in which he was asked about his relationship with the INS, why he came to the US, who his sponsor was for the green card, whether he's been outside the US since he arrived, how many languages he spoke, and what his position is with his employer.

Furthermore, the agent was interested in learning his views on the government of Pakistan, Taliban, Afghanistan, and Iran. From these types of questions, it's evident that the FBI

*The FBI agent told Sadiq that he was coming to see him for his own protection. Supposing that was true, then why did the agent make a point of demonstrating his knowledge of personal information about Sadiq and his wife? Sadiq spent about 30 to 45 minutes having what he characterized as a "friendly and informal chat" in which he was asked about his relationship with the INS, why he came to the U.S., who his sponsor was for the green card, whether he's been outside the U.S. since he arrived, how many languages he spoke, and what his position is with his employer.*

visit had purposes other than Sadiq's protection.

Sadiq's reaction to the FBI agent was not unusual for an ordinary, law-abiding Muslim. When the agent called him from the lobby of his company's building, Sadiq didn't hesitate to invite him up to his office, nor was he concerned with how his colleagues might view a visit by the FBI. After all, Sadiq didn't do anything wrong, so why should he be afraid, or reluctant to answering questions--he had nothing to hide!

This was exactly the same attitude of Dr. Wen Ho Lee, a nuclear scientist, during the months and years he was under investigation by the FBI for spying for the Chinese government. During that time, Dr. Lee, who is an American citizen, cooperated fully with

*According to the agent, they received "a couple of calls about him being connected to a foreign terrorist group based in the Middle East," which is at first laughable because Sadiq is neither Arab nor Iranian.*

authorities. For instance, he voluntarily submitted to polygraph examinations, relinquished his passport, notified the FBI whenever he was working outside of Los Alamos, and opened his home and office for searches, without a warrant. Despite his full cooperation, and the lack of any evidence that he was spying for China, on December 10, 1999, the FBI arrested Dr. Wen Ho Lee. Dr. Lee's alleged offense is not spying, but that he "mishandled" nuclear data by transferring classified information about US nuclear weapons secrets to personal computer files. This incidentally is very similar to the highly publicized offense committed by John Deutch, former Director of the CIA. But while Deutch only got a reprimand and lost his security clearance, Dr. Lee was arrested, put in solitary confinement and denied bail.

Why is this happening to Dr. Lee? Former high-ranking government lawyer Hoyt Zia said that the indictment was "part of the witch hunt spawned by a political atmosphere that demonizes China". A former head of counterintelligence at Los Alamos, Robert Vrooman said that he thought, "Dr. Lee was unfairly singled out because of his race, that a lot of Caucasians were not investigated, even

*According to the agent, they received "a couple of calls about him being connected to a foreign terrorist group based in the Middle East," which is at first laughable because Sadiq is neither Arab nor Iranian. You do NOT have to talk to the FBI, even if you are not a citizen of the United States. Unless they have obtained a search or arrest warrant, your are under no obligation to permit them entry into your home or your office. A simple script to follow is, "Thank you for your visit, but I would like to consult my attorney about speaking to the FBI. Please leave your business card."*

though they had access to weapons secrets."

Both his defenders are referring to the politically charged debate in Congress over American-Chinese relations, such as human rights, trade, and suspicions of Chinese attempts to influence the 1996 presidential elections through illicit campaign contributions, as well as Beijing's suspected theft of technology known as W-88, which is the U.S.'s most advanced miniaturized nuclear warhead. To this day, investigators have not determined whether the Chinese acquired the technology on their own or whether they stole it, but nonetheless, the FBI continues to investigate Dr. Lee.

Even before and increasingly after Dr. Lee's arrest, there has been a rise in documented discrimination against Asian American scientists working at nuclear weapons laboratories. U.S. Secretary Bill Richardson, fearing alleged "racial profiling," followed the recommendation of a task force he appointed in June of last year, that would halt all work for a day for discussions about diversity and equal treatment. Richardson's task force reported that Asian American lab workers felt "an increase in insensitive jokes and comments, perceived disparate treatment and overall sense of isolation." Overall, some Asian Americans employees felt their loyalty

and patriotism had been called into question. For example, FBI agents interviewed Asian American employees about Dr. Lee, even if they didn't know him. Some lab team leaders have also avoided appointing Asian American workers to prime projects for fear they would draw scrutiny to the project.

Does this sound all too familiar to the environment that Muslims in America find themselves in today? Against the backdrop of negative images of Islam propagated by academia, Hollywood, and the media, and an imbalanced foreign policy towards the Middle East and other Muslim regions, it's no wonder Congress enacted the Anti-Terrorism Act. Of the persons being detained under this Act, all but one or two are either Arab or Muslim.

There is no doubt that some law enforcement agencies view Muslim organizations or Muslims in general with suspicion. While no official report exists, according to a CAIR alert issued on January 3, 2000, "the FBI and other agencies questioned dozens of ordinary Muslims in several major cities in so-called knock-and-talk operations. A number of those questioned (told) CAIR that they do not know why they were targeted. They also say they were approached in a manner that led to unnecessary anxiety for them and their families" And as demonstrated by the

example of Dr. Lee, being an American citizen does not protect one from being treated as a suspect.

While Muslims, like most other Americans, support the work and purposes of law enforcement agencies, as well as the importance of defending America's national security in ways that are not unjust, Muslims must also protect their own civil rights and not allow those rights to be compromised. You have rights when the FBI approaches you. In the current climate that demonizes Islam and Muslims, it has become NECESSARY that you know those rights, and that you observe them for your own protection and the protection of civil liberties provided in the U.S. constitution.

The following points are taken from the American Muslim Council's brochure entitled

"If You Are Visited By the FBI" They have been reviewed and updated by a civil rights attorney from the Asian Law Caucus.

If you are approached by the FBI,

1) You do NOT have to talk to the FBI, even if you are not a citizen of the United States. Unless they have obtained a search or arrest warrant, your are under no obligation to permit them entry into your home or your office. A simple script to follow is, "Thank you for your visit, but I would like to consult my attorney about speaking to the FBI. Please leave your business card."

2) If they tell you they have a warrant, ask to see their identification and the warrant before permitting access, in order to be certain they are who they claim to be. Even if they do have a valid warrant, you should under NO circumstances answer any of their questions until your attorney can be present.

3) If you do not have an attorney, contact the AMC office (202) 789-2262 or CAIR office (202) 488-8787 (or MPAC office (213) 383-3443) to obtain a name of one in your area, or contact

any of the local Muslim or non-Muslim civil rights organization, such as the ACLU, for references.

4) If you do not wish to talk to the FBI, it cannot be held against you. If you answer one question, other questions will follow, and it becomes progressively more difficult not to answer. For example, in Dr. Lee's case, the FBI first approached him by asking him for help to solve some issues. According to Alberta Lee, Dr. Lee's daughter, "My father, being very trusting and willing, invited the FBI agents into our home, prepared tea and fruit for them, and began the first meeting of many sessions, stretching to 4-5 hours at a time. It wasn't until they pressured him into taking a polygraph that he realized he himself was being investigated." If you are considering talking to the FBI:

1) Of-course, it is a crime to lie or provide false information to the FBI.

2) Do not, under any circumstances, impulsively invite them inside your home or office to do so at that moment. Instead, ask them for identification and a business card. Tell the agent that your lawyer will contact the FBI office to schedule an appointment for you at which he or she can be present.

3) Keep a written record of all contact with the FBI, the date and time of the visit, what was said, how they approached you, who they contacted besides you, and anything else that is pertinent. Report the contact to the AMC and CAIR offices immediately so that they can document the visit and advice you further on how to proceed.

4) Any interviews with the FBI should take place at the local FBI headquarters, not your home, office or at a public place. Allowing the FBI in your home or office might provide them with information about you which you might not want to share with federal agents, by way of books or papers which might be on display. It may also invite criminal charges on

*If you do not wish to talk to the FBI, it cannot be held against you. If you answer one question, other questions will follow, and it becomes progressively more difficult not to answer. For example, in Dr. Lee's case, the FBI first approached him by asking him for help to solve some issues. According to Alberta Lee, Dr. Lee's daughter, "My father, being very trusting and willing, invited the FBI agents into our home, prepared tea and fruit for them, and began the first meeting of many sessions, stretching 4-5 hours at a time. It wasn't until they pressured him into taking a polygraph that he realized he himself was being investigated."*

small, unrelated offenses, such as infringements of copyright laws, for instance, if you happened to have duplicated audiocassette tapes.

5) Meeting in a public place is not advisable because it is impossible to know who might be listening in, and because it may be difficult to have the conversation tape-recorded for your protection. Instead, you and the agent will be forced to take notes, and notes are not always accurate. Any interview with the FBI should be tape-recorded for your protection.

6) Do not, under any circumstances, attend an FBI interview without a lawyer present. Your lawyer is there to advise you and protect your rights. The very presence of a lawyer will moderate the behavior of the interviewers, otherwise you may feel intimidated by the process. You might also want to ask your lawyer to write a letter to the FBI requesting, in advance, a written copy of the questions, which are to be asked by the FBI interviewers.

7) Do not answer any questions concerning the beliefs, activities, or personal lives of your friends or associates. To do so would be a violation of their privacy, and it could also lead to an FBI decision to investigate them more thoroughly.

According to Victor Hwang of the Asian Law Caucus, "the FBI is permitted under law to lie to you in order to gain your confidence or get you to talk. For example, they could say, 'your friend has already told us this...' to try to get you to say something against your friend..." If you are asked about the affairs of your friends or associates, one of the most common types of questions, simply tell them that you have nothing to say on the subject of anyone other than yourself.

*As a member of Lt. Governor Cruz Bustamante's "Commission for One California," and recipient of numerous civil rights leadership awards and commendations from human relations organizations and local government, Maha El-Genaidi is also Executive Director of Islamic Networks Group <www.ing.org>, a non profit educational organization based in San Jose, CA, which provides educational seminars relating to Islam and the Muslim world to public institutions. Contributing to this article were Alberta Lee, daughter of Wen Ho Lee, and Victor Hwang, Managing attorney of the Asian Law Caucus. For more information on the case of Dr. Wen Ho Lee or to learn how you can help, refer to <www.wenholee.org>. ♦*