

**JUSTICE DENIED:
WASTE & MISMANAGEMENT
AT THE DEPARTMENT OF JUSTICE**



United States Senate
110th Congress
Office of Senator Tom Coburn, M.D., Ranking Member
Subcommittee on Federal Financial Management, Government Information,
Federal Services, and International Security

October 2008
www.coburn.senate.gov/ffm

Dear Taxpayers,

As part of my commitment to question how Washington spends your money, this is one of many in a series of oversight reports on federal agencies. I hope agencies and other congressional committees alike will welcome this oversight and work with us to help identify even more areas of waste, fraud, and abuse, as well as new ways to better prioritize our nation's limited financial resources.

America's legal greatness is supported by the Department of Justice's (DOJ) mission to ensure public safety and the fair and impartial administration of justice. As we hold ourselves and our legal system to high expectations, it is our job to continuously keep DOJ accountable to such standards. Unfortunately, in some areas, DOJ is just one of many federal agencies I believe is not properly living up to its own mission. This report highlights numerous instances of millions of taxpayer dollars thrown at duplicative programs marred by waste, abuse, and lack of accountability. If this problem is ignored, the safety of our nation will be placed further in serious peril as we continue to spend recklessly without demanding results, while failing to support programs with demonstrated and effective outcomes.

"Justice Denied" is not intended to question the hard-working employees at the Department of Justice, but instead is meant to shed light on various challenges facing the agency that should be addressed by DOJ management and congressional oversight. In light of its incredible size and extensive bureaucratic red tape, the federal government is incapable of prioritizing spending and requiring measurable results from those entrusted with billions of hard-earned tax dollars to help carry out its crucial missions. I believe that you, the American taxpayer, deserve better.

As President Lincoln said, we are a "government of the people, by the people, for the people," and to uphold that principle we need your help. As part of my ongoing effort to shine the light on the federal government, I encourage anyone with examples of government waste, fraud, or abuse to let us know about it.

To submit a tip (anonymously, if you wish) through the Internet, please visit my tip page: <http://coburn.senate.gov/ffm/>.

Or, to submit a tip by mail to my subcommittee office, please mail to:
Senator Tom Coburn
Subcommittee on Federal Financial Management,
Government Information, Federal Services, and International Security
340 Dirksen Senate Office Building
Washington, D.C. 20510

With your help, we can begin making a difference and change the way Washington works.

Sincerely,

Tom Coburn, M.D.
United States Senator

DOJ SUPPORTING ORGANIZATIONS UNDER INVESTIGATION FOR TERROR TIES

As the agency tasked with handling our nation's legal affairs, the DOJ is currently prosecuting a terror-financing case against the Holy Land Foundation, a non-government organization that is accused of funding terrorists. During the course of this investigation and trial, DOJ has identified several organizations as unindicted co-conspirators.⁴³ Despite their known ties to terror and their being under investigation by DOJ, the agency funds, endorses, or otherwise legitimizes these same Islamist groups and Muslim Brotherhood affiliates in the U.S., even though DOJ itself is currently investigating these groups.

The Muslim Brotherhood is an Islamist organization opposed to Western liberal democracy that seeks to establish an Islamic Caliphate, or one-world government, ruled by Islamic law. On Thursday, July 10, 2008, the Senate Homeland Security and Governmental Affairs Committee held a hearing entitled, "The Roots of Violent Islamist Extremism and Efforts to Counter It."⁴⁴ The testimonies of Zeyno Baran of the Hudson Institute, Maajid Nawaz of the Quilliam Foundation, and Steve Emerson of the Investigative Project on Terrorism document the history and extremist ideology of the Muslim Brotherhood, one of the first and most prominent Islamist organizations.

According to these witnesses, the central tenets of Islam and the Muslim Brotherhood is that Islam is the only basis for a legal and political system and that Islamic law, or *Sharia*, must shape all aspects of human society. According to Zeyno Baran, the goal of the Muslim Brotherhood and other Islamist groups is the eventual Islamization of the world and the "[rejection] of Western norms of pluralism, individual rights, and the secular rule of law." This is diametrically opposed to liberal democracy. In other words, Islamists work to promote "separation, sedition, and hatred, ... [which] is at the core of Islamist terrorism."⁴⁵

The extremist ideology of the Muslim Brotherhood is best illustrated by the Muslim Brotherhood's own strategic plan for its affiliates in the U.S. The plan was outlined in the Muslim Brotherhood memorandum that was submitted as evidence by federal prosecutors in a recent terror financing trial.⁴⁶ The Muslim Brotherhood's description of its agenda in the United States is alarming:

“Understanding the role of the Muslim Brother in North America: The process of settlement is a ‘Civilization-Jihadist Process’. . .the [Muslim Brotherhood affiliates] must understand that their work in America is a kind of grand Jihad in

⁴³ Unindicted co-conspirators are people who federal prosecutors have evidence suggesting they were a part of a criminal conspiracy, along with the people who are on trial. The Justice Department is currently prosecuting a terror-financing case against the Holy Land Foundation, a non-government organization that is accused of sending money to terrorists; for the list of unindicted co-conspirators, see *United States District Court For the Northern District of Texas, Dallas Division, USA vs. Holy Land Foundation et al.* Attachment A.

⁴⁴ <http://hsgac.senate.gov/public/index.cfm?Fuseaction=Hearings.Detail&HearingID=5a224d11-2f50-4fcc-a1f0-450ee0b42885>

⁴⁵ Testimony from Zeyno Baran presented to the Senate Committee on Homeland Security and Governmental Affairs, July 10, 2008.

⁴⁶ “An Explanatory Memorandum on the General Strategic Goal for the Group in North America,” Government Exhibit 003-0085, *U.S. v. Holy Land Foundation, et al.*

eliminating and destroying the Western Civilization from within and ‘sabotaging’ its miserable house by their hands and the hands of unbelievers so that it is eliminated and God’s religion is made victorious over all other religions.”⁴⁷

The following are a few examples of the organizations currently being investigated by DOJ for possible involvement with terrorists, but they are also receiving or have recently received funds or other support from DOJ despite these serious concerns.

The Council on American-Islamic Relations (CAIR)

CAIR was established in 1994 by leaders of the Islamic Association of Palestine, a Muslim Brotherhood affiliate considered by the U.S. government to be a front for terrorist group Hamas.⁴⁸ In 2007, DOJ labeled CAIR as a member of the Muslim Brotherhood and an unindicted co-conspirator in a terror-financing trial.⁴⁹ This charge was confirmed by testimony and documentary evidence admitted in the ongoing prosecution of the Holy Land Foundation for Relief and Development (HLF), an organization charged by the U.S. government with being a terrorist entity that fundraised for Hamas. According to court documents, CAIR chairman Omar Ahmad mediated a financial dispute involving the HLF over funding for Hamas founder Sheik Jamil Hamami.⁵⁰ CAIR was co-founded by Rafeeq Jaber who was also the president of the American Muslim Society, a group listed in the aforementioned Muslim Brotherhood memorandum to carry out the “civilization jihad” against the U.S.⁵¹

Despite these concerns, DOHJ has funded and supported CAIR on a number of occasions including the following:

- In March 2005, DOJ’s Office of the Inspector General collaborated with CAIR to distribute information on how to report violations of civil rights.⁵²
- In June 2005, DOJ’s Community Relations Service hosted a seminar in Houston with CAIR entitled “Building Cultural Competency.”⁵³
- CAIR is a current member of DOJ’s Hate Crimes Task Force in Sacramento, California.⁵⁴

The Islamic Society of North America (ISNA)

ISNA was founded in 1963 at the University of Illinois Urbana-Champaign by several leaders of the Muslim Student Association, a U.S. affiliate of the Muslim Brotherhood.⁵⁵ Like CAIR,

⁴⁷ “An Explanatory Memorandum on the General Strategic Goal for the Group in North America,” Government Exhibit 003-0085, *U.S. v. Holy Land Foundation, et al.*

⁴⁸ Hamas is a terrorist organization that was also founded by the Muslim Brotherhood. See part 1 “CAIR’s origins” in the Investigative Project’s *CAIR Exposed* at <http://www.investigativeproject.org/article/621> and “CAIR trains FBI agents as new report cites links to terror” by Rowan Scarborough, *Insight Magazine*, March 18, 2004.

⁴⁹ *United States District Court For the Northern District of Texas, Dallas Division, USA vs. Holy Land Foundation et al.*, Attachment A.

⁵⁰ “CAIR trains FBI agents as new report cites links to terror” by Rowan Scarborough, *Insight Magazine*, March 18, 2004.

⁵¹ “An Explanatory Memorandum on the General Strategic Goal for the Group in North America,” Government Exhibit 003-0085, *U.S. v. Holy Land Foundation, et al.*

⁵² “Report to Congress on Implementation of Section 1001 of the USA PATRIOT Act (as required by Section 1001(3) of Public Law 107-56).” Office of the Inspector General, Department of Justice, March 11, 2005; <http://www.usdoj.gov/oig/special/0503/index.htm>.

⁵³ <http://www.cair.com/ArticleDetails.aspx?mid1=777&&ArticleID=15718&&name=n&&currPage=80>.

⁵⁴ http://www.usdoj.gov/usao/cae/hate_crimes/index.html (accessed September 5, 2008).

ISNA is an unindicted co-conspirator in the HLF terror financing trial.⁵⁶ ISNA is also at the top of the list in the Muslim Brotherhood memorandum which lays out an agenda to carry out a “civilization jihad” against the U.S.⁵⁷

Yet, despite these concerns, DOJ has funded and supported ISNA on a number of occasions including the following:

- The Bureau of Prisons at DOJ awarded \$2,300 in 2005 and again in 2006 for prisoner funeral services to one of the oldest affiliates of ISNA, the Islamic Center of Greater Kansas City;⁵⁸
- In 2005, The Bureau of Federal Prisons at DOJ awarded several grants totaling \$12,400 for chaplain services to the Islamic Center of Pittsburgh, established in 1985 by the Muslim Student Association, an affiliate of ISNA;⁵⁹
- DOJ co-sponsored the August 2007 ISNA convention despite DOJ lawyers’ objections and concerns that sponsorship of a named unindicted co-conspirator would undermine the agency’s case against the Holy Land Foundation for Relief and Development; and⁶⁰
- In August 2007, DOJ’s Federal Bureau of Prisons had a booth at the ISNA conference and passed out literature in order to recruit prison chaplains.⁶¹

RECOMMENDATION

- DOJ should prohibit any collaboration with or funding of Muslim Brotherhood U.S. affiliates and other entities with links to terrorism. It is the legal right and obligation of DOJ to bar, withhold or rescind funding for or collaboration with any entities that do not advance the mission of the Department, which is the security and stability of the United States, including its culture, its people, and its form of government.

⁵⁵ “Muslim Student Association,” the Investigative Project, pg. 8; see also “A Little Taste of History.” MSA-National website (Archive, March 21, 2005), <http://web.archive.org/web/20050321023458/http://www.msa-national.org/about/history.html> (Accessed August 13, 2007); Poston, Larry A. “Da’wa in the West,” *The Muslims of America*, ed, Yvonne Haddad (New York: Oxford University Press, 1991), 121, 129.

⁵⁶ ISNA has other ties to Islamic extremism. For example, Sami Al-Arian was a founding member of ISNA. On April 14, 2006, Al-Arian pled guilty 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 Organization.” See “Biography of Sami Al-Arian,” American -Arab Anti-Discrimination Committee (ADC) program of Speakers, Moderators, and Award Recipients, 17th National Convention, Arlington, Virginia, June 8-11, 2000; Yasmin Moll, “A Shattered Dream,” *Egypt Today*, December 10, 2003; http://www.usdoj.gov/opa/pr/2006/April/06_crm_221.html.

⁵⁷ “An Explanatory Memorandum on the General Strategic Goal for the Group in North America,” Government Exhibit 003-0085, *U.S. v. Holy Land Foundation, et al.*

⁵⁸ USASpending.gov, details of the DOJ funding awarded to an ISNA affiliate in Kansas City, Missouri, http://www.usaspending.gov/fpds/fpds.php?reptype=r&detail=-1&sortby=f&datatype=T&reptype=r&database=fpds&parent_id=239418&fiscal_year=2005&record_num=f500; see also “Muslim Community of Greater Kansas City: A Brief Historical Overview,” accessed at the American Muslim Online at <http://www.americanmuslim.net/3community3a.html>, accessed July 31, 2001 and archived by Investigative Project on Terrorism. ⁵⁹ http://www.usaspending.gov/fpds/fpds.php?reptype=r&detail=-1&sortby=f&year_range=2005-2008&datatype=T&reptype=r&database=fpds&parent_id=241743&fiscal_year=2005&record_num=f500; see also Islamic Horizons, May-June 1995; “More than 200 Celebrate Humanity Day at Islamic Center of Pittsburgh,” *University Wire*, November 22, 2002.

⁶⁰ “U.S. sponsors Islamic convention,” *Washington Times*, August 27, 2007 and Hudson, Audrey, “Republicans Slam Islamic Society convention,” *Washington Times*, August 31, 2007.

⁶¹ “45th Annual ISNA Convention: a Time for Change” pamphlet, page 7.

Pacific American Council (FAPAC). Besides being far different from the average prison environment, the congressional seminar at this Honolulu resort was over 4,500 miles from Congress itself.



The BOP federal employees likely saw some of their federal colleagues who also made the same trip courtesy of taxpayers, including:

- 6 USDA employees at a cost of \$13,475;
- 3 FBI employees at a cost of \$8,921; and
- 2 DOJ employees, including one from the “library staff,” at a cost of \$2,367.¹¹²

DOJ SUPPORTED A 2007 CONVENTION HOSTED BY A GROUP LINKED TO TERRORISM

From August 31 to September 3, 2007, the Justice Department co-sponsored and sent official DOJ representatives to a convention held by the Islamic Society of North America (ISNA) — a named unindicted co-conspirator in a federal terrorist funding case.¹¹³



Hamas Fighter (Reuters)

This was not the first year that DOJ expended federal funds for this organization’s annual gathering. Justice spokesman Erik Ablin confirmed that “the division has had tables at the convention in previous years.”¹¹⁴

ISNA was one of more than 300 unindicted co-conspirators named in the case against the Holy Land Foundation, whose top officers are accused of raising money for the Palestinian terrorist organization Hamas.

“Justice lawyers have objected to the affiliation with ISNA, fearing it [would] undermine the case against the Holy Land Foundation for Relief and Development in Dallas,” according to a September 2007 news report.¹¹⁵

¹¹² DOJ November 15, 2006, follow-up to questions for the record by Senator Coburn, lines 895, 1225, 1241, 1484, and 1503, http://coburn.senate.gov/ffm/index.cfm?FuseAction=Files.View&FileStore_id=5562f9b6-d8eb-407b-be65-c935837be711;

“Library staff” was an additional notation in the non-electronic version submitted to Senate investigators line 1519, page 43.

¹¹³ 44th Annual ISNA Convention, Theme: Upholding Faith, Serving Humanity,

<http://www.isna.com/Conferences/pages/Annual-Convention.aspx>, accessed November 2007; “U.S. sponsors Islamic convention,” *Washington Times*, August 27, 2007,

<http://www.washingtontimes.com/apps/pbcs.dll/article?AID=/20070827/NATION/108270070/1002>. The first case ended in a mistrial, “Judge declares mistrial in Holy Land Foundation case: Jurors unable to reach unanimous decision on most counts,” *The Dallas Morning News*, October 22, 2007,

<http://www.dallasnews.com/sharedcontent/dws/dn/latestnews/stories/102207dnmetholyland.1878fd716.html>. DOJ is retrying the case and it was set to begin in Texas on September 15, 2008. ISNA is once again listed as a co-conspirator of the Holy Land Foundation.

¹¹⁴ “U.S. sponsors Islamic convention,” *Washington Times*, August 27, 2007,

<http://www.washingtontimes.com/apps/pbcs.dll/article?AID=/20070827/NATION/108270070/1002>.

¹¹⁵ “U.S. sponsors Islamic convention,” *Washington Times*, August 27, 2007.

“There is outrage among lawyers that the Department of Justice is funding a group named as a co-conspirator in a terrorist financing case,” said a Justice lawyer who spoke to *The Washington Times*.

According to an e-mail from Susana Lorenzo-Giguere, acting deputy chief of DOJ’s Voting Rights Division, DOJ sponsorship involved sending government lawyers to man a booth for the 2007 Labor Day weekend event in Illinois.

“This is an important outreach opportunity, and a chance to reach a community that is at once very much discriminated against, and very wary of the national government and its willingness to protect them,” Mrs. Lorenzo-Giguere said in an e-mail to other DOJ employees. “It would be a great step forward to break through those barriers. And Chicago is lovely this time of year,” Mrs. Lorenzo-Giguere wrote.¹¹⁶

The Justice Department declined to say how much the sponsorship would cost. A DOJ lawyer who took issue with the Department’s support of the convention said, “This will cost thousands of dollars” and that “This is just staggering, it’s outrageous.”¹¹⁷

Of concern to DOJ lawyers was the September 1, 2007 morning session entitled, “Ending U.S. Sponsored Torture: A Concern for All People of Faith.” According to the final ISNA convention program:

“The extensive news coverage by the U.S. and international media sources makes it all too clear that the **grim abuses in Abu Gharib, Guantanamo Bay**, and the sending of detainees to secret prisons around the world that are known to torture during interrogations, **are not isolated incidents, but rather constitute policy of the U.S. government.** ... **This session will describe the nature of U.S. sponsored torture**, the effects of torture on its victims, the efforts of the U.S. religious community, and what you can do to help end U.S. sponsored torture” (emphasis added).¹¹⁸

Under the federal criminal code, torture is illegal and punishable by fine or imprisonment (up to life in jail) or even by death, if the torture results in someone’s death.¹¹⁹

The Justice Department is responsible for enforcing the federal law against torture and for signing off on the legality and constitutionality of interrogation techniques, and yet the Department sponsored an event that was accusing the U.S. of having an official government policy of abuse and “sponsored torture.”

According to news reports, a second lawyer responded to Mrs. Lorenzo-Giguere’s e-mail questioning the participation and said it “seems like an odd time for one part of DOJ to lend credence and visible support to ISNA at the same time DOJ prosecutors will be called on to

¹¹⁶ “U.S. sponsors Islamic convention,” *Washington Times*, August 27, 2007.

¹¹⁷ “U.S. sponsors Islamic convention,” *Washington Times*, August 27, 2007.

¹¹⁸ Final ISNA convention program, <http://www.isna.com/assets/documents/upholdingfaithservinghumanityprogramv6.0.pdf>, accessed December 2007.

¹¹⁹ 18 U.S.C. §2340.

defend their decision to name ISNA as a conspirator. ... Presumably the prosecutors have determined that they might need that testimony admitted; I hope we don't undermine their position."¹²⁰

While the original case against the Holy Land Foundation ended in a mistrial in October 2007, DOJ is retrying the case and opening arguments began in Texas on September 22, 2008.¹²¹ ISNA is once again listed as a co-conspirator of the Holy Land Foundation.¹²²

The Senate Responded but the House & Senate Appropriators Removed Prohibitions on DOJ Support for Terrorist-Related Conferences:

As noted above, the Senate passed language in the Fall of 2007 to limit DOJ conference funding for certain types of organizations:¹²³

SEC. 220. LIMITATIONS ON FUNDING FOR CERTAIN CONFERENCES.

.... No funds appropriated under this Act may be used to support a conference sponsored by any organization named as an unindicted co-conspirator by the Government in any criminal prosecution.

Yet, in the final appropriations bill for fiscal year 2008 that was signed into law, the House and Senate Appropriations Conference Committee members dropped the Senate-passed language that prohibited conference funding for certain types of organizations, such as those linked to terrorism.¹²⁴

Despite Absence of Legal Prohibition, DOJ Opts Not to Sponsor or Attend Conference in 2008

In response to congressional inquiry, DOJ reported that the agency was not sponsoring the Islamic Society of North America's 2008 convention, which began on August 26, 2008, nor was it sending any DOJ employees.¹²⁵ This is a positive development for those concerned about the nation's top law enforcement agency's previous financial support for unindicted co-conspirators.

PALM SPRINGS WALDORF-ASTORIA GETAWAY FOR DOJ GRANTEES

On July 25-28, 2006, the Department of Justice sponsored a four-day Gang Resistance Education and Training (G.R.E.A.T.) Program Conference in Palm Springs, California at a Waldorf-Astoria Collection resort. Six DOJ employees attended and the Department spent over \$278,000 on the event, though total cost to the taxpayers likely was significantly higher due to that fact that

¹²⁰ "U.S. sponsors Islamic convention," *Washington Times*, August 27, 2007, <http://www.washingtontimes.com/apps/pbcs.dll/article?AID=/20070827/NATION/108270070/1002>.

¹²¹ "Judge calls mistrial in Islamic charity case," *Reuters*, October 22, 2007; "Delay to Holy Land Foundation retrial denied," *The Associated Press*, August 7, 2008, http://www.examiner.com/a-1526553-Delay_to_Holy_Land_Foundation_retrial_denied.html; "Opening Arguments Presented in Holy Land Foundation Retrial," KERA, Public Television and Radio for North Texas, September 22, 2008, http://publicbroadcasting.net/keranews/newsmain?action=article&ARTICLE_ID=1371914§ionID=1.

¹²² "Groups Want Names Cleared in Holy Land Case," *New York Sun*, June 19, 2008, <http://www.nysun.com/national/groups-want-names-cleared-in-holy-land-case/80277/>.

¹²³ Amendment 3230, which passed the Senate without objection on October 4, 2007.

¹²⁴ H.R.2764, *Consolidated Appropriations Act, 2008*, signed into law on December 26, 2007 as Public Law No. 110-161.

¹²⁵ E-mail response from DOJ Legislative Affairs Office to the Office of Senator Tom Coburn, dated August 25, 2008.

CONCLUSION

The American public recognizes the Department of Justice as the law enforcement arm of the executive branch, tasked with upholding the rule of law, protecting Americans from foreign and domestic threats, and bringing justice and order to our society.

Unfortunately, the agency cannot bring order to its own fiscal situation, as it is replete with waste, duplication and mismanagement of taxpayer funds and federal resources. Every year hundreds of DOJ employees do not even bother to show up to work. The agency has spent over \$311 million on conferences in just seven years, sending 26,164 employees to more than 2,000 conferences in 2006 alone. Many of DOJ's grant programs are ineffective and duplicative, poorly managed, and fund low-priority activities and items such as rafting trips, bowling excursions, and skateboarding parks. Meanwhile, the ATF has demonstrated an inability to keep track of its own guns, and often is not in compliance with the very record-keeping laws it requires of U.S. citizens. In addition, the agency continues to associate with and even fund organizations linked to terrorism — such as with an organization currently being investigated by Justice for its affiliation with terrorist organizations. Even more, the FBI is tasked with protecting the nation from terrorist attacks, yet responds to hundreds of requests every year to help Hollywood movie makers and writers create believable crime scenes in violent movies, television shows, and books. These inefficiencies not only cost taxpayers millions of dollars, but siphon funding away from the Department's efforts to protect the country from terrorist threats at home and abroad.

Congress has contributed to the lack of management and prolific waste at DOJ by creating and funding duplicative programs, earmarking billions of dollars for questionable local projects, and ignoring its responsibility to conduct meaningful and effective oversight of the agency.

The country currently faces over a \$10 trillion debt that continues to grow. Permitting such extensive abuse of taxpayer funding at the Department of Justice is irresponsible and only magnifies the current financial disaster we are passing on to the next generation. Given DOJ's crucial mission, the consequences of Justice's negligence reaches even beyond fiscal concerns and the budgetary impact of such waste. Each of the millions of dollars thrown away every year represent one less dollar being used to fight crime, combat terrorism, prosecute fraud, and ensure the safety of each and every American.

“Justice Denied” is not an effort to discredit the work that the Department of Justice and those who work there have carried out and will continue to perform in the future. The report will hopefully be seen for what it is: an effort to shine some light on programmatic and funding decisions that may be holding the agency back from fulfilling its central mission of protected our country.