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Developing partnerships between law enforcement and American Muslim, Arab, and Sikh communities: the Washington, DC experience

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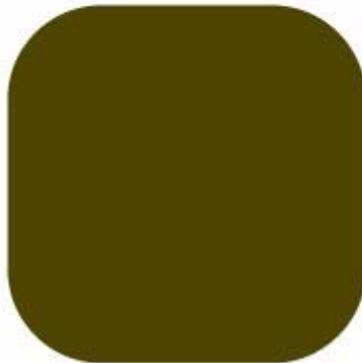
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The Partnering for Prevention & Community Safety Initiative

Developing Partnerships Between Law Enforcement and
American Muslim, Arab, and Sikh Communities:

The Washington, DC Experience



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We have made every effort to ensure the accuracy of this work. The findings and views expressed here are those of the PfP team and do not necessarily reflect the opinions of PfP partners, project participants, or funding entities. We accept sole responsibility for any errors.

DAR, RZ, SOC

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The Washington, DC Experience

From November 2004 to February 2005, the PfP research team conducted site visits to Washington DC to study law enforcement partnerships with local Muslim, Arab and Sikh American communities focused on counterterrorism and hate crime prevention strategies. What resulted is an in depth case study of the Arab, Muslim and Sikh Advisory Council (AMSAC) at the FBI Washington Field Office (WFO). This case study differs from other Pfp research in that it focuses on a particular initiative rather than a geographical region.¹ For the purposes of this study, the Washington, DC region refers to the District of Columbia and the counties in Northern Virginia under WFO's jurisdiction.²

THE WASHINGTON FIELD OFFICE

WFO is among the busiest of the 56 FBI field offices. WFO has 750 total agents and on any given day there are approximately 130-150 working counterterrorism and three working civil rights.³ Despite being responsible for a relatively small geographic area, WFO has an enormous mission which includes protecting the many foreign embassies, federal buildings and high profile events in the area such as the recent presidential inauguration.

WFO is different from other FBI field offices in its relationship with FBI Headquarters (FBIHQ). WFO's close proximity with Headquarters, dubbed the "five block factor," often presents WFO with resources not available to other field offices but at the same time creates additional demands for WFO agents and executives. The most obvious benefit of the "five block factor" is that WFO executives have easier access to FBI leadership. Another main benefit to WFO is that after working at FBIHQ, many talented and experienced agents are assigned to WFO. Many of these agents are experts in varied subject areas and thus, provide WFO with a wide range of skill sets. WFO is also many times the test site for new technologies and materials, thereby having access to resources not available to other field offices. However, the close proximity to FBIHQ also places additional demands on WFO. WFO agents and executives are often called on to handle special requests from Headquarters. Large teams of agents

and other resources are sometimes pulled from WFO for long periods of time in order to work high-profile cases, such as Enron. Thus, although it is true that WFO and FBIHQ have a unique relationship, this relationship is neither entirely beneficial nor entirely disadvantageous to WFO.

THE WASHINGTON, DC COMMUNITY

According to US Census data from 2000 and other estimates, there are approximately 200,000 Arab Americans in the DC metropolitan area. The Northern Virginia area is among the top 10 areas with the largest Muslim population in the country. The best estimate for the number of Sikhs Americans is 20,000.⁴ These communities are socio-economically, politically and ethnically very diverse. Some members of these communities are second or third-generation Americans while others are new immigrants.

There is a relatively large and growing group from these communities that is well-educated, highly sophisticated and progressively skillful at operating within DC political culture. Like in many other places around the country, the DC area has experienced a rise in the number of Muslim, Arab and Sikh professionals as is witnessed by the gradual increase in the number of active professional organizations catering to these communities such as the National Association of Muslim Lawyers (NAML), the National Association of Arab American Professionals (NAAP) and the Association of Pakistani Physicians of North America (APPNA). Unlike most other places in the country, however, the DC area has also seen a rise in the number of young Muslim, Arab and Sikh professionals working within the federal government. One reason for this disparity between the DC area communities and those in other parts of the country is of course the presence of the federal government and its position as the largest employer in the area. September 11th also contributed to the rise of Muslim, Arab and Sikh professionals as some agencies and organizations recognized their deficiency in a number of resources such as Arabic language skills needed for the War on Terror. The relatively small but growing group of Arab, Muslim and Sikh American professionals who have chosen to work

¹ In May 2004, Pfp published Developing Partnerships Between Law Enforcement and American Muslim, Arab and Sikh Communities: A Promising Practices Guide which includes case studies of Southeastern Michigan, Southern California and the Greater Boston area. The Guide is available at www.ace.neu.edu/pfp.

² Counties/Cities in Northern Virginia under WFO jurisdiction include: Alexandria, Arlington, Fairfax, Fauquier, Loudoun, Prince William, E-mail exchange with SSA Michael J. Anderson, 3/06/05.

³ Although "WFO only dedicates three agent equivalents to the investigation of civil rights violations, no viable allegations are left unaddressed even if it requires diversion of resources from lower priority programs." E-mail exchange with SSA Michael J. Anderson, 3/06/05.

⁴ As the US Census does not collect religious data, American Muslim and Sikh American numbers are based on information gathered by a number of community organizations. This data is often inferred from the number of mosques or gurdwaras in a given area or from estimates based on US Census data on country of origin.

inside the system are increasingly filling competitive federal positions such as congressional staffers and US Department of Justice attorneys. However, based on anecdotal data and the PFP team's experience, these communities even in the DC area continue to be under-represented in law enforcement and the intelligence community.

Muslim, Arab, and Sikh communities in the DC area have an added advantage in terms of resources. Practically every major community organization is either headquartered in DC or has a significant chapter located there. Some of these organizations have additional resources earmarked for their DC office because along with its usual activities, that office is often responsible for leading the organization's lobbying efforts. The presence of strong community organizations and somewhat greater resources, allows these communities an advantage perhaps not available to other communities across the country.

POST SEPTEMBER 11, 2001: A NEED FOR ACTION

In the weeks and months following the September 11th attacks, FBI and local Muslim, Arab and

Prior to the attacks, interaction between law enforcement and Muslim, Arab and Sikh American communities was limited given the low rates of violent crime within these particular communities.

Sikh leadership in the DC area, like so many law enforcement agencies and community groups around the country, were forced to re-evaluate their tenuous relationship

with each other. Prior to the attacks, interaction between law enforcement and Muslim, Arab and Sikh American communities was limited given the low rates of violent crime within these particular communities. Some community leaders also cite community members feeling marginalized, an issue that still plagues the growing relationship, as another cause for this limited pre-September 11th interaction. After September 11th however, there was a new interdependence between law enforcement and these communities. Muslims, Arabs and Sikhs needed law enforcement's protection against the surge of hate crimes and backlash violence that began immediately following the attacks and con-

tinue today. Likewise following the attacks, law enforcement needed the help of the Muslim, Arab and Sikh communities in order to achieve its dual mission of 1) preventing another terrorist attack and 2) protecting Muslim, Arab, and Sikh communities from being doubly victimized. For its counterterrorism mission, law enforcement needed community cultural, linguistic and contextual expertise; for its hate crimes mission law enforcement needed community members to trust them and to be willing to come forward with information.

While law enforcement's relationship with Muslim, Arab and Sikh communities had been limited prior to September 11th, seasoned FBI counterterrorism executives like WFO Special Agent in Charge (SAC) Michael E. Rolince⁵ have always known that "communities serve as the best guides for recognizing what is out of place and helping contextualize information law enforcement may have". Similarly, forward-looking community leaders like Abdallah Al-Zuabi⁶, Nawar Shora⁷, Preetmohan Singh⁸, and others have known that community members must work with law enforcement to prevent terrorists from exploiting the real or perceived characteristics they share with the Muslim, Arab and Sikh American communities.⁹ Therefore, some of these leaders like Mr. Shora quickly reached out to the FBI immediately following the September 11th attacks. As part of this outreach, Mr. Shora provided cultural awareness training to the FBI on numerous levels and worked with FBI Headquarters to review training materials.¹⁰ Unlike Mr. Shora, however, there were community leaders and organizations that did not develop an immediate relationship with the FBI directly after September 11th.

FIRST STEPS: INCREASED COMMUNICATION

Immediately following September 11th, WFO leadership began receiving and accepting invitations to attend large town hall meetings organized by community groups. The agenda for these meetings was largely driven by the community. Initially, law enforcement representatives spent the evening listening to community fears and concerns and attempting to address them as best they could. They realized that they needed to give the community time to express their concerns and

⁵ Michael E. Rolince has over 30 years of counterterrorism experience and is currently serving as the Special Agent in Charge (SAC) for Counterterrorism at WFO. SAC Rolince is an advisor to the PFP initiative.

⁶ Abdallah Al-Zuabi is National Field Director of the Arab American Institute (AAI), Washington, DC.

⁷ Nawar Shora is Director of Law Enforcement Outreach Program and an attorney at the American-Arab Anti-Discrimination Committee, Washington DC.

⁸ Preetmohan Singh is National Director of the Sikh American Legal Defense and Education Fund (SALDEF), Washington, DC.

⁹ The Sikh American community is a prime example of a group that shares neither religion, language nor culture with al-Qaeda members but is too often viewed with suspicion and in many cases victimized because of perceived links to terrorism.

¹⁰ Interview with Nawar Shora, ADC, 2/25/05.

that they needed to take responsibility when appropriate.¹¹ Counterterrorism Special Agent Rouda M. Feghali¹², who has been very involved with WFO's efforts to build partnerships with area Muslim, Arab and Sikh communities, believes that in order for such meetings to be successful, they must be structured and have skillful community moderators who are willing to enforce some basic ground rules. Additionally, law enforcement representatives must be respectful to the audience and answer questions honestly even if that means stating that they cannot answer a certain question because of operational sensitivities. According to SAC Rolince, this type of interaction is necessary to address any feelings of mistrust so that candid partnerships that produce quantifiable results can develop. WFO representatives from a both the Counterterrorism Division and the Criminal Division, Civil Rights Program attended approximately five of these types of town hall meetings in the weeks and months after September 11th.

Before pursuing a formal mechanism for communication, it is important for community members and law enforcement to interact in an informal, social setting. This helps develop relationships and build trust.

Following on the heels of the town hall meetings, in 2002, the Arab American Institute (AAI) in conjunction with other community groups organized a series of topic-specific forums. For example, an early forum was organized around the issue of obtaining search warrants. This forum addressed questions such as: what is the process by which search warrants are obtained?; how are cases reviewed internally?; what is the role of a judge?; what is the role of the US Attorney's Office?; what is the role of the FBI? This forum was attended by the US Attorneys from the Eastern District of Virginia and DC and was highly publicized with correspondents from *Al-Jazeera* and *The Washington Post* in attendance.¹³ At another forum, community organizations invited the FBI executives to speak. Thus, these forums accomplished two sets of goals – they served the community by providing relevant information and addressing concerns and they served law enforcement by providing a non-hostile venue for law enforcement representatives to communicate with the

community and to begin to establish working relationships.

During this initial period of community – law enforcement relationship building, WFO leadership took every opportunity provided by the community to communicate and build trust. According to SA Feghali, she ensured that if a community group requested a speaker from the FBI for an event, WFO would provide one. WFO representatives would stay long after these forums ended to speak with community leadership. According to SAC Rolince, “This helped put folks at ease. We [the FBI] were no longer people to be feared. We began a real dialogue”.¹⁴ SA Feghali believes that it was during these informal discussions that real relationships began forming and inroads were made. In addition, WFO representatives held separate meetings with mosque leaderships to provide yet another venue for open and honest dialogue. These meetings were organized by those few community leaders that had an existing relationship with WFO or had recently developed one through the forums and town hall meetings. Thus, these leaders helped WFO gain inroads to other community groups they thought should be represented.

WFO'S ARAB, MUSLIM AND SIKH ADVISORY COUNCIL: THE EARLY STAGES

By the spring of 2003 a number of community – WFO relationships had developed out of the post-September 11th communication efforts. The community groups/leaders involved at this early stage of AM-SAC¹⁵ were the Arab American Institute (AAI) led by Dr. James Zogby, the American-Arab Anti-Discrimination Committee (ADC) then led by Dr. Ziad Asali, the Muslim Public Affairs Council (MPAC) represented by Dr. Hassan Ibrahim, the All Dulles Area Muslim Society (ADAMS) led by Imam Mohammed Majid, and Ms. Denyse Sabagh, an attorney who works closely with the local Arab American community. This small group of community and law enforcement representatives realized the need to establish a more formal structure for communication. While some in the community felt that formalizing and publicizing their relationships with law enforcement could pose personal and professional risks, others were very eager to publicize these relationships. WFO leadership faced the

¹¹ PfP WFO AMSAC Focus Group, Michael E. Rolince, SAC, WFO, 11/9/04.

¹² Rouda M. Feghali is the Acting Supervisor of the Joint Terrorism Task Force (JTTF) and often serves as the FBI point of contact for community members because of her extensive working relationship with community members and her involvement in the Advisory Council. As an Arab-American herself, SA Feghali is highly knowledgeable of community culture and language.

¹³ The PfP team has learned from community members in other areas that they sometimes do not like for their relationship with law enforcement to be publicized as it at times leads to “photo ops” rather than substantive commitments on the part of law enforcement. In the Washington, DC case however, community groups themselves invited the media.

¹⁴ PFP WFO AMSAC Focus Group, Michael E. Rolince, SAC, WFO, 11/9/04.

¹⁵ Although referred to here as AMSAC for the sake of consistency, at this stage the group was known as the Arab American Advisory Council. The group changed its name to AMSAC after SALDEF and CAIR joined in the summer of 2004 to more accurately reflect its membership.

prospect of partnering with “the wrong people” which would have political repercussions. Some community leaders risked losing credibility by being perceived by their constituents as acting as “informants” for the FBI. Other community leaders worried about not being able to demonstrate to their constituents the practical benefits of partnering with the FBI. These risks were counterbalanced in a number of ways. First, community and law enforcement leadership had developed a level of trust based on continued interaction since September 11th in the form of town hall meetings, open forums and other community events. Second, each group was acutely conscious of any risks the other had taken just

PfP research has found that outreach done by law enforcement agents/officers who are also members of the Muslim, Arab or Sikh communities proves to be highly effective.

to come to the table. Third, they set realistic goals and did not make promises that they were unable to keep but at the same time they worked to produce demonstrable benefits. Finally, they did not take the relationship for granted and continued to work at it whether or not there was a crisis at hand. Most importantly however, community and WFO leadership inherently believed that the potential benefits of creating a formal mechanism for their partnership far outweighed any downsides.¹⁶

Thus, in the spring of 2003, WFO began using its existing relationships with area Muslim, Arab and Sikh American community members to reach out to other community groups. SA Feghali was instrumental in this outreach not only because of her familiarity of the community but also because of her willingness to take on a project that required a huge time commitment despite being fully assigned to the JTTF. She soon became the point of contact for community members in general – those who were interested in AMSAC or those who just had questions about the FBI. She helped organize AMSAC meetings and stayed in touch with community members between meetings. She in effect became, and continues to be, “one-stop shopping” for many community leaders in the Washington, DC area.

In the early stages of the Advisory Council, outreach to the community was conducted in a number of different ways. As discussed, SA Feghali played a large role in the effort for WFO. In addition, the community groups themselves reached out to their organizations’ constituencies. Those community leaders who had begun actively participating in AMSAC spoke to their community bases to garner support for the initiative. They not only met with their own organization’s community bases but also with other community mem-

bers and organizations to discuss the benefits of community – law enforcement partnerships. They publicized AMSAC by making announcements at community events, printing flyers and speaking individually with community members. By conducting this initial phase of community outreach, Abdallah Al-Zuabi of AAI, for example, was able to identify key community members and gain broad-based support for the initiative. In this way community leaders worked with WFO representatives to ensure the successful beginnings of AMSAC.

ADVISORY COUNCIL’S CURRENT WORK: OBSERVATIONS FROM NOVEMBER 2004 MEETING

By November 2004 when the PfP team first observed an AMSAC meeting, the group was well-established and had developed a sophisticated mechanism for productive community – law enforcement partnerships. To date, AMSAC continues to include all of its original community leaders and has added the Sikh American Legal Defense and Education Fund (SALDEF)¹⁷ and local representatives of the Council on American Islamic Relations (CAIR). While FBI representatives from the WFO continue to be the primary law enforcement members on the Council, the group does invite representatives from FBI Headquarters as well as other federal agencies as needed. For example during PfP’s November visit, representatives from FBIHQ involved in recruiting initiatives and a representative from the Bureau of Customs and Immigration Enforcement (BICE) were in attendance.

The AMSAC meetings are usually led by WFO Assistant Director in Charge, Michael A. Mason. Other FBI representatives regularly in attendance included SAC Michael E. Rolince (Counterterrorism), SAC Ronald Nesbit (Counter Intelligence), SAC Thomas G. Kinnally (Criminal Division), ASAC Patrick Cook (International Terrorism), ASAC Kathleen E. Kennedy (Criminal Division), SSA Michael J. Anderson (Criminal Division), SA Rouda M. Feghali (Counterterrorism), SA Edward Winkley (Applicant Recruiter). Community representatives include Mr. Abdallah Al-Zuabi (AAI), Mr. Nawar Shora (ADC), Mr.

Small shows of respect such as not eating during a Ramadan meeting or making sure to be on time for meetings go a long way in building productive relationships.

Preetmohan Singh (SALDEF), Dr. Hassan Ibrahim (MPAC), Imam Mohammed Majid (ADAMS Center), Mr. Rizwan Mowlana (CAIR), and Mr. Mujahid Idlibi (CAIR). At most Advisory Council meetings, WFO staff provides drinks and snacks. The November meet-

¹⁶ PfP WFO AMSAC Focus Group, multiple participants, 11/9/04.

¹⁷ Until November 2004 SALDEF was known as the Sikh Mediawatch and Resource Task Force (SMART).

ing however, was held during Ramadan, the month of the Islamic calendar in which practicing Muslims fast from sunrise to sunset, so no food or drink was served. Law enforcement representatives and community members who were not fasting were very conscious of those who were and made a point not to bring any personal beverages or food into the meeting out of respect. Assistant Director Mason also ensured that the meeting concluded before sunset so that those AMSAC members who were fasting could leave in time to break fast.

At this meeting, a number of substantive issues were discussed and action plans were made to address issues of concern for both the community and law enforcement members on the Council. It may be helpful for other community and law enforcement groups that are attempting to pursue the “partnership model” to get a more detailed account of these discussions and action plans. Therefore, what follows is a summary of some of the issues discussed at the November 2004 Advisory Council meeting as observed by the PfP team. This summary and following analysis are focused on the mechanism and structure of AMSAC and are not intended as a discussion of the substantive issues on the table. The summary includes only selected projects/issues discussed at the November 2004 meeting and is not a full account of AMSAC’s work.

THE “OCTOBER PLAN”

Prior to the 2004 Presidential election, the FBI conducted a round of interviews based on increased election-related threat reporting. The media labeled these interviews the “October Plan”.¹⁸ ASAC Patrick Cook, who led this interview effort nationally, provided some information about the purpose and outcome of these interviews to AMSAC members. He stated that contrary to what was reported in the media, these interviews were not randomly conducted but were driven by limited intelligence data. According to ASAC Cook, the FBI interviewed individuals from countries with links to terrorism who could possibly have pertinent information. According to SAC Rolince, the majority of those interviewed were not members of the Muslim, Arab or Sikh communities but were small business owners such as scuba diving instructors or farmers with crop dusters who may have relevant information. This group included those who had legally entered the US because terrorist groups are known to pre-position individuals with clean travel histories for attack as they tend to draw less suspicion from law enforcement.¹⁹

ASAC Cook reported that similar to the pre-Iraq war interviews, agents found certain communities to be very cooperative. For its part, the Bureau tried to

ensure that these interviews did not alienate community members. Agents were instructed to avoid conducting interviews at the workplace since this has in the past resulted in some interviewees being fired from their jobs because of the suspicion and stigma associated

In the weeks and months following September 11th, some Arab and Muslim Americans lost their jobs after being visited by the FBI at their workplace.

with being questioned by the FBI. ASAC Cook said that there were however, a few complaints of inappropriate questioning by agents outside the Washington, DC region. Assistant Director Mason

explained that questions such as “What do you think of President Bush?” or “How many times a day do you pray?” are examples of inappropriate questions. Complaints of such questioning, brought forward by community leaders, resulted in quick action from Headquarters which sent notices to the Special Agent in Charge (SAC) of each of the 56 field offices.

Nawar Shora, ADC reported that his organization had received no complaints from community members regarding the interviews. Other community representatives at the meeting also acknowledged that either they had received no complaints or that they had received a few complaints that were resolved quickly by the FBI. Abdallah Al-Zuabi, AAI questioned why the Bureau did not conduct outreach to the community earlier and respond publicly to criticisms of the “October Plan.” To this, Assistant Director Mason responded that the media began reporting on the interview plan before the FBI could

PfP research has found that unless proactively addressed by the community and law enforcement, the media can sometimes hinder the development of community – law enforcement partnerships.

begin its outreach to the community. The media’s misrepresentation of the interview plan was based on leaks and misinformation. Community representatives then suggested that a FBI public relations person be present at the next AMSAC meeting to discuss how the FBI and the community can jointly counter negative publicity in the future.

From the FBI’s perspective, the October interviews were a success. SAC Rolince felt that this success was partly due to the community outreach conducted by the FBI prior to and during the interview process. This outreach helped quell community fears thereby allowing the FBI greater cooperation and better information. One positive result of these interviews

¹⁸ Jim Stewart, “FBI’s Anti-Terror ‘October Plan,’ *CBS News*, 9/17/04.

¹⁹ None of the 19 September 11th hijackers entered the U.S. illegally and only 3 were out of status at the time of attacks. “US Officials Outline Plot for Sept. 11,” *The Washington Post*, 11/22/01.

was that a number of individuals who may have been linked to possible attack planning were noted leaving the country thereby disrupting any such planning. ASAC Cook ended the discussion of the October interviews by commenting that the FBI would continue to use voluntary interviews as a means of gathering information related to threat reporting.

INFORMATION SHARING, THE CIA AND THE JTTF

Nawar Shora cited a *USA Today* article from that day which claimed that due to new information sharing initiatives, the CIA would now be a part of the Joint Terrorism Task Forces (JTTF). JTTFs are inter-agency teams of federal, state and local law enforcement that work together on terrorism investigation and prevention. JTTFs were first established in 1980 but their number has almost quadrupled since September 11th. Currently there are 100 JTTFs across the country staffed with more than 2,300 law enforcement personnel.²⁰ According to the *USA Today* article the CIA had recently assigned “dozens of case officers and analysts to work with FBI agents throughout the USA in the most extensive deployment of intelligence officers on domestic soil in the spy agency’s history.”²¹ Mr. Shora questioned Council members on the validity of the article. In response, Assistant Director Mason confirmed that the CIA would now be represented on JTTFs. However, he noted the CIA does not engage in domestic intelligence gathering. SAC Rolince reminded the group that interagency information sharing is not a new phenomenon. What is new post September 11th however, is the increased public focus on interagency cooperation.

The need for education on the roles and jurisdictions of different law enforcement agencies/organizations is one expressed by many community groups.

Mr. Shora noted that some in the community would look negatively upon the inclusion of the CIA on JTTFs. He explained that since the CIA is primarily responsible for gathering intelligence overseas and is not a domestic law enforcement agency, community members would question its role on the JTTF. According to Preetmohan Singh, SALDEF, community members sometimes view the government as one entity and therefore, there is a real need for education on the roles and jurisdictions of different agencies/organizations. AMSAC members decided that they would develop a presentation on the reasoning behind

the addition of the CIA on JTTFs which would be presented at the next town hall meeting organized by AMSAC.

KNOW YOUR FBI PAMPHLET

Another topic of discussion at the November WFO Advisory Council meeting was a pamphlet answering frequently asked question about the FBI which was drafted jointly by community and law enforcement Advisory Council members. This pamphlet entitled “Your FBI: A Message to Arabs, Muslims and Sikhs in the Washington, D.C. Region” was intended to inform community members about the FBI and address common misperceptions. It tackles questions such as: “Does the FBI ‘profile’ Muslims, Sikhs and Arab Americans?”; “Does the FBI hire Muslims, Sikhs and Arab Americans?”; “If I have immigration status problems, will I be deported if I come forward with information?”; and “If I give money to (a) charity that is investigated for ties to terrorism, will I be investigated?”. The pamphlet then lists the FBI’s top 10 priorities and core values. It also includes a section on hate crimes and one on “Terrorism: How can I Help?” At the time of the November meeting, this pamphlet was in its draft stages and was in the process of being reviewed by Council members and their organizations.²²

While there are many “Know Your Rights” pamphlets produced by different law enforcement and community groups, to PFP’s knowledge this is the only FAQ document developed jointly by community members and law enforcement.

Advisory Council members wanted to ensure that the pamphlet clearly stated that it was produced through a collaborative community – law enforcement effort. Community representatives felt that this would enhance the document’s legitimacy within their communities. The collaborative nature of this AMSAC project was evident in the collective discussion of the draft and the incorporation of suggestions in the final product.

Imam Majid, ADAMS Center stated that this pamphlet should serve as the basis for other educational / training initiatives for the community. He suggested that there be multiple delivery mechanisms for the information in the pamphlet such as a PowerPoint presentation which law enforcement representatives could present to community members at educational events and training sessions. He stressed the need for

²⁰ There is at least one and in many cases multiple JTTFs operating from each of the FBI’s 56 main field offices as well as from ten smaller offices (Resident Agencies) across the country. Source: <http://www.fbi.gov/terrorinfo/counterrorism/partnership.htm>

²¹ Kevin Johnson, “CIA Role Inside the USA Greater; New Ties Give FBI ‘Pipeline’ to Terror Data,” *USA Today*, 11/9/04.

²² This pamphlet is currently awaiting approval from FBI Headquarters. Once approval is granted, Advisory Council members plan to distribute it not only in the Washington, DC area but share it with other FBI field offices for use in their local communities as well. It will also be available on the PFP website at www.ace.neu.edu/pfp. Interview with Rouda M. Feghali, SA, WFO, 1/24/05.

civic education within his community. Assistant Director Mason responded that the need for training was a mutual one. He cited examples of inappropriate questioning by FBI agents as opportunities for training. He believed that many times such cases do not stem from malice but rather from a lack of familiarity with / knowledge of the Muslim, Arab and Sikh American communities.

BEHAVIORAL PROFILING...RACIAL PROFILING

Preetmohan Singh, SALDEF informed the Council of a recent case of possible racial profiling involving a Sikh American student at Ohio State University. Mr. Singh shared with the group an article from an OSU student publication, *The Lantern*, which described the case in detail.²³ According to the article, OSU freshman Gursimran Singh was arrested for carrying a kirpaan and then questioned by FBI agents about possible links to terrorism.²⁴ His arrest came after another student saw Singh on a bus and thought that his “behavior and the way he looked were suspicious.” During the bus ride, Singh had been using a mechanical counter, similar in purpose to rosary beads, to keep track of his prayers. The student who became suspicious of Singh

It is important for law enforcement officers/agents to be aware of national and international current events and issues facing the community as these issues will likely impact community –law enforcement relationships locally.

took a picture of him from his cellular phone and gave it to University Police. The police began circulating this picture

in search for Singh who was soon found and arrested for carrying a “concealed weapon.” University Police apparently notified federal agents who questioned Singh. They were later notified by the prosecutor’s office that state laws exempts kirpaans from being classified as concealed weapons. Although Singh was released without charge, a spokesman for Ohio State University Police said that they “applaud the good initiatives on the public’s part to protect their environment” and said that University Police were in the process of setting up an e-mail account dedicated to receiving cell phone photos.

Preetmohan Singh voiced the concern that this case had caused among the Sikh American community . Specifically Mr. Singh cited the premature involvement

of federal law enforcement in questioning the student and the apparent use of racial profiling. It seemed that the way the student looked, wearing a full beard and turban and carrying a kirpaan, rather than his behavior was the primary factor in triggering suspicion. In this case a basic knowledge of Sikhism and its practices would have enabled both the suspicious student and the law enforcement officers/agents involved to make more informed decisions based on behavior rather than appearance.

In response, SAC Rolince noted that even behavioral profiling has its limits given that there is no definitive pre-attack behavior profile for terrorists. There are certain behavioral indicators which signal possible attack planning such as paying cash, in-full for flight lessons or wanting to learn how to fly a passenger airliner without first learning how to fly smaller aircraft and knowing how to take off and land. These indicators, however, are not guaranteed because 1) they would only apply to air-borne, September 11th style attacks and 2) even in the case of September 11th, not all of the September 11th hijackers displayed behavioral indicators. In fact, many of the September 11th terrorists did not exhibit suspicious behavior and went unnoticed even by an FBI informant who was renting them space in San Diego.²⁵

Assistant Director Mason explained that the FBI had learned that it cannot create a single behavioral profile which would indicate terrorist attack planning. Instead, there need to be different behavioral profiles for different contexts and situations. In other words, behavior must be evaluated in a given context – what may be out of place or suspicious in one context may be completely normal in another. Assistant Director Mason then shared with the group a list of behavioral profiles / indicators compiled by the FBI for small business owners and the public in general to get a sense of what behaviors in a particular context would be considered suspicious.

NO FLY LISTS

Next Mujahid Idlibi, CAIR updated the Advisory Council on some research he had conducted based on requests from prior meetings. Earlier, AMSAC members had requested more information about the “no fly list.” In particular community members wanted to know which agency / organization is responsible for the list, what the process is for being removed from the list

²³ David Cross, “Concealed kirpaan Causes CABS Controversy,” *The Lantern*, 10/19/04.

²⁴ The kirpan is a small ceremonial dagger carried by many Sikhs in manner that is usually not visible. As it is not a weapon, the constitutional right to wear a kirpan has been recognized by the courts. Source: “Recommendations for Law Enforcement When Interacting With Sikh Americans,” SALDEF material.

²⁵ Interview with Michael E. Rolince, SAC, WFO, 2/05

if placed there mistakenly, whether there is an ombudsman's office for the process, how community members can contact this office and how long the process takes.²⁶

Mr. Idlibi had volunteered to research the process and having done so reported his findings to the group. He found that removing one's name from the no fly list is a long and complicated process mainly because of the multiple agencies involved in the process. According to Mr. Idlibi, there are a number of different agencies that can generate names for a no fly list. According to Mr. Idlibi, only the agency that places an individual on a no fly list has the authority to remove that individual from the list. Thus, an individual who feels that she has been mistakenly placed on a list must first find out which agency has placed her on that list and then request that agency directly to remove her name. Mr. Idlibi provided a sample of the forms required to begin this process.

ACTION ITEMS, PREPARING FOR NEXT MEETING

Towards the end of the Advisory Council meeting, members discussed a number of outstanding issues. Imam Majid, ADAMS Center asked the BICE representative present whether BICE would be willing to set up a similar advisory board with the community to discuss issues specific to immigration. He responded that BICE would be willing to do this or become a regular member at the WFO meetings. The BICE representative and Imam Majid would continue discussion to assess the two options. Other AMSAC members also suggested inviting a representative from the Transportation Security Administration for the next Advisory Board meeting.

Advisory Council members agreed to continue work on a joint law enforcement – community opinion editorial for the Washington Post in order to counter the increase of negative press reporting about the Muslim and Arab American communities. AMSAC members including WFO executives have written a number of positive Op-Eds about the collaborative work they do on the Council but as of February 2005, none of these articles had been printed.

POST MEETING DISCUSSION WITH PFP

After the November AMSAC meeting, a few of the members participated in a PFP focus group to discuss some of the benefits and challenges of their partnership model.²⁷ For this group, the benefits of partnering have outweighed the costs involved and therefore, the group has and continues to work hard to

overcome the many challenges to partnering.

BENEFITS

The Advisory Council has resulted in a number of tangible benefits for both WFO and Muslim, Arab, and Sikh American representatives and their constituents. From WFO's perspective, the AMSAC has been an enormous resource to agents and executives. SAC Rolince and SA Feghali, having developed relationships with community leadership, are able to more successfully execute large-scale interview initiatives, have greater access to community expertise, and are able to more quickly gather better quality information. For example, prior to the US invasion of Iraq, WFO was tasked with conducting 462 interviews of Iraqi Americans.²⁸ Using the community leaders on the Advisory Council as intermediaries, FBI executives were able to convey to the local Iraqi American community that they were not the targets of any investigations but were being contacted because the FBI needed their help. Community leaders such as Imam Muhammad Majid vouched for the FBI. Prior to and during the interview process, Imam Majid and a WFO representative spoke at least once a week to help better understand each others realities. SAC Rolince said that Imam Majid "would help (them) understand how the community was thinking" thereby guiding them through the interview process. Imam Majid helped WFO executives and agents understand the concerns of his community and highlighted the potential negative impact of certain FBI procedures, such as conducting interviews at a person's workplace. As a result of this communication, the interview initiative was highly successful, producing good, quality information with almost no complaints from the community.²⁹

According to SA Feghali, the increased access to the community provided by the Advisory Council has led to many investigative successes as well. Because of her relationships within the community, SA Feghali is able to access people and information very quickly which benefits her entire office as well as the community. For example, if SA Feghali needs information from an individual who is not the target of an investigation, she can use intermediaries with whom she has existing relationships to contact the individual and explain her needs. In this way she is able to get cooperation and information without embarrassing the individual by surprising him at home or at his workplace or by going through the often time consuming process of getting a grand jury subpoena. This quick

²⁶ Similarities of some Arab / Muslim names, spelling inconsistencies and administrative errors have led to some being mistakenly placed on no fly lists thereby hindering their ability to travel for any reason including business.

²⁷ PFP continued discussions begun at this focus group through follow-up visits, e-mail and phone interviews.

²⁸ PFP WFO AMSAC Focus Group, Michael E. Rolince, SAC, WFO, 11/9/04.

²⁹ Ibid.

access to the community has made SA Feghali an unofficial point person for other agents wanting to communicate with local Arab, Muslim or Sikh community members.³⁰ Likewise, SA Feghali is many times the first point of contact for community members who have questions or concerns related to the Bureau. The Advisory Council has discussed formalizing these relationships and envisions a “mosque to FBI” system similar to the one established with the many foreign Embassies in the area. This system would pair each mosque in the area with an FBI point of contact allowing the quick exchange of information related to counterterrorism leads or hate crimes.

Pre-existing relationships with community members also enable SA Feghali to obtain important information about an individual or target of an investigation prior to the first contact. This initial information is not only helpful to the investigation but it also many times proves beneficial to community members. Learning about an individual before actual contact allows SA Feghali to root out false tips and hoaxes without embarrassing or alienating an individual. For example, SA Feghali received a tip that Mr. X was involved in suspicious activity. Before contacting Mr. X, SA Feghali spoke to leaders of a mosque Mr. X was known to frequent. Through the mosque leaders SA Feghali learned that Mr. X had recently become engaged to a woman who was previously engaged to another man, Mr. Y. Mr. Y turned out to be the source of the false tip against Mr. X. Thus, by using pre-existing relationships to conduct initial information gathering, SA Feghali was able to make more informed decisions about her case and prevent undue embarrassment to a law abiding community member.³¹ She was also able to save time and resources by using community contacts to root out a false tip.

It is important to note that while there were few community complaints of the implementation of the “October Plan” some in the community including some AMSAC members like Abdallah Al-Zuabi feel that it and other similar initiatives disproportionately affect members of their communities and are not based in sound policy decisions.

The relationships developed through AMSAC have also been beneficial to community members in other ways. These benefits were apparent at the November AMSAC meeting when the community re-

ported that there had been very few complaints resulting from the “October Plan.” Council members believe that this lack of complaints for this and other similar interview initiatives results from the outreach and extensive communication between community members and FBI agents prior to the initiative. A major success of this communication has been that WFO agents no longer conduct routine interviews at a person’s place of employment.³² Another benefit of the Advisory Council to community members is that it serves as a forum to inform and educate law enforcement about issues of concern for the community. Mr. Singh provided an example of this at the November meeting when he informed the group about the case of the Sikh American Ohio State student. While this case was most likely publicized in the Sikh American community, law enforcement and even other community members would not necessarily have known about it. Thus, Mr. Singh provided AMSAC members with a valuable insight into his community. Many times such insight and awareness of current issues helps law enforcement address community fears upfront thereby, slowing rumors which fuel mistrust.

In order to enable the continued success of AMSAC, it is very important for community leaders to be able to provide their constituents with direct, tangible benefits of the initiative. One such benefit to the community has been the ability of community leaders on AMSAC to quickly provide an FBI point of contact to community members who have been the victims of hate crimes or hate incidents.³³ Thus, AMSAC serves as a mechanism to hasten the help and services required by some community members.

More effective hate crime prosecution is another benefit the community sees as a result of relationship building. For example, on September 12, 2001 Dr. James Zogby the well-known president of the Arab American Institute (AAI) and political advocate for Arab Americans was the target of a hate crime. Zachary Rolnik of Hanover, Massachusetts called Dr. Zogby’s office and left a voice mail threatening to kill Dr. Zogby and his children.³⁴ According to SA Feghali, this case was brought to the FBI’s attention and handled very quickly because of the existing relationship the FBI had with AAI and Dr. Zogby. The investigation quickly led to a prosecution of Rolnik who pleaded guilty to interfering with the civil rights of Dr. Zogby. The FBI, the US Attorney’s Office in Boston, and the Justice Department’s Civil Rights Division worked collaboratively to investigate and prosecute this hate

³⁰ Interview with Rouda M. Feghali, SA, WFO, 1/24/05.

³¹ Ibid.

³² Interview with Abdallah Al-Zuabi, National Field Director, AAI, 3/10/05.

³³ Ibid.

³⁴ Press Release, US Department of Justice, “Zachary J. Rolnik Pleads Guilty to Federal Hate Crime Violations Against D. James J. Zogby,” 6/6/02, available at: http://www.usdoj.gov/opa/pr/2002/June/02_crt_342.htm

crime. Another similar hate crime against Dr. Zogby that has recently been successfully prosecuted occurred in May 2003. Daniel Middleman from Iowa sent an e-mail death threat to Dr. Zogby after seeing him speak on CNN about Arab-American relations. In October 2004 Middleman was indicted in the District of Columbia on one count of hate crime and one count of transmitting a threatening interstate communication. In January 2005, Middleman pled guilty to the interstate threat charge and is to be sentenced in April 2005.³⁵ In addition to helping with the quick resolution of these hate crime cases, existing community – law enforcement relationships helped provide a forum for the FBI to share positive outcomes of cases such as Dr. Zogby’s with the community.

CHALLENGES

To achieve these benefits of partnering, Advisory Council members must be willing to address the many challenges they face. As discussed previously, both law enforcement and community members sometimes take risks just by coming to the table. Some AMSAC members acknowledge this potential risk but see it as outweighed by the benefits partnering presents to their agencies, organizations and communities. Additionally, AMSAC members face a number of infrastructural and institutional challenges. Top among these are the FBI’s organizational realities. The FBI, unlike many local law enforcement organizations, is not an agency that has historically conducted community outreach or participated in partnership building initiatives with these communities. Historically the FBI’s community outreach programming has been focused on the junior agents program, Adopt-A-School, and Citizen’s Academies none of which have met the specific needs of the American Muslim, Arab, and Sikh communities. It is therefore difficult for WFO executives to “find a box that fits this (Advisory Council) at the Bureau.”³⁶ Further, as WFO has no Congressional or budgetary mandate to participate in the Advisory Council, it also receives no additional resources to support the initiative.

The dearth of FBI resources specifically designated for the Advisory Council greatly limits its administrative capacity. WFO is able to overcome these limitations and challenges largely because of the dedication of WFO agents and executives involved in the Council. WFO participation on the Council is on a voluntary basis. SA Feghali, for example, conducts outreach, sets up meetings, attends community events and pursues joint AMSAC projects in addition to being fully assigned to the JTTF and carrying a full case load.³⁷

Given that there is also no budget for the Advisory Council, many times minor meeting costs, such as refreshments, are absorbed personally by WFO personnel. Although community organizations in Washington, DC may have greater resources than those of their counterparts elsewhere in the country, these resources are limited and insufficient in supporting an ongoing initiative like AMSAC. Currently, community organizations involved in AMSAC dedicate huge amounts of their limited time and resources to hosting AMSAC events, pursuing joint projects and helping better connect their communities to law enforcement.

In order to address the issue of limited resources, some have suggested housing the Advisory Council at other branches within the FBI such as the Office of Public Affairs or Community Relations that would presumably, have more of the requisite resources for this type of initiative. WFO Council members, however, believe that in order to be operationally relevant, the initiative must be led by counterterrorism and hate crimes agents/executives who are involved daily in the Bureau’s operational initiatives .

Another challenge to the WFO - community partnership is one that is present in many of the law enforcement – community relationship building initiatives studied by PfP. This challenge is that of mutual trust. From law enforcement’s perspective, partnering with community leaders who are later suspected of involvement in criminal or terrorist activity can have huge political and operational consequences. An example of this occurred in September 2003 when Abdul Rahman al-Amoudi, founder of the American Muslim Council was arrested, indicted and later plead guilty to having illegal financial dealings with Libya and being involved in an assassination plot against the Saudi crown prince. Before his indictment, FBI leadership had a very public relationship with al-Amoudi. The FBI was criticized by many in Washington for maintaining such a public relationship with al-Amoudi and thereby legitimizing him as a community leader. WFO executives on the Advisory Council minimize this risk of partnering with the “wrong people” by working with many different community leaders. There is no single community leader or organization that WFO executives publicly tout as an example of their work with the community. They are therefore not entirely reliant on one relation-

In order to be operationally relevant, partnership initiatives must be led by counterterrorism and hate crimes agents/executives who are involved daily in the Bureau’s operational initiatives.

³⁵ E-mail exchange with SSA Michael J. Anderson, 3/06/05.

³⁶ PfP WFO AMSAC Focus Group, Michael E. Rolince, SAC, WFO, 11/9/04.

³⁷ PfP WFO AMSAC Focus Group, Rouda M. Feghali, SA, WFO, 11/9/04.

ship.

Community leaders also face this challenge of trust. If they are unable to provide solid examples of the benefits of their partnership with law enforcement to their community constituents, they risk losing community support for the initiative. Therefore, community leaders on AMSAC want to ensure that the benefits of the relationship are being felt by their communities at-large. Both law enforcement and community leaders must, therefore, prioritize their partnerships and work to earn each others trust by demonstrating joint accomplishments.³⁸

LESSONS LEARNED FROM WFO ADVISORY COUNCIL

No single model for community-law enforcement partnership can or should be exactly replicated in another site. The size, make-up and diversity of Muslim, Arab and Sikh community groups vary a great deal from city to city. Likewise, the availability of resources, internal culture, and leadership among law enforcement agencies/organizations are very different in different locales. Thus, the type of partnership model that is appropriate for any given region will be very different. For example, in the Washington, DC region, the Advisory Council is operated out of WFO. While other agencies are asked to attend as needed, the FBI is the primary law enforcement agency on the Council. This is different from other sites studied by the PfP team where the partnership initiative includes the US Attorney's Office and other federal, state and local law enforcement agencies. The Washington, DC region is also unique in that many community members there have a strong understanding of the culture and make-up of their government including law enforcement agencies. Working within the system is therefore not an unusual concept and many times it serves to enhance a leader's credibility within the community.

Despite these notable differences that are specific to the Washington, DC area, there is still much that other sites can learn from that region's experience in developing and maintaining partnerships. The DC experience shows that partnership building is a slow and difficult process but when successful, has enormous benefits for both law enforcement and community groups. Given the energy and resources required for an initiative such as the Advisory Council, law enforcement and community members must prioritize this work in order to achieve success. In DC, law enforcement executives and community leaders demonstrate that partnership-building is a priority by being willing to take personal and professional risks, by being able to step outside their comfort zones and operate in an unfamiliar culture, and by dedicating the time, resources

and energy required to build and maintain a successful partnership.

The Washington, DC experience also demonstrates the need to formalize and institutionalize the partnership. Although some WFO executives and agents had developed productive relationships with community leaders before September 11th or directly afterwards by attending various community events and town halls, they felt a need to formalize their ongoing exchange of ideas and information. It was not until the launch of AMSAC and the initiation of its regular monthly meetings, that law enforcement and the community pursued joint projects and engaged in a truly collaborative process. The establishment of the Advisory Council helped existing community-law enforcement relationships flourish into true partnerships.

Another lesson learned from the Washington, DC experience is that there is a very real need to have committed liaisons from law enforcement and from the community groups who

High-level WFO leadership including the Assistant Director and a number of SACs regularly participate in AMSAC meetings thus, demonstrating their commitment to the group.

lead the initiative. AMSAC members care deeply about its success and believe in its mission. They therefore take on administrative burdens and help set the boundaries and direc-

tion of the Council. As previously noted, early on AMSAC community leaders reached out to their community constituents and helped assess community needs. They served as intermediaries between WFO and the community and as such helped educate community members about the roles and jurisdiction of the FBI and the limitations of the Advisory Council. In their role as intermediaries, these community leaders were sometimes required to quell the fears and mistrust of those community members who thought that partnerships were not a productive means to achieve community goals. For example, at early AAI town hall meetings Mr. Al-Zuabi would help focus the conversation on relevant topics to ensure a fruitful discussion.

While the Washington, DC region has been largely successful in its partnership initiative, the work in this region raises questions as to whether the AMSAC model alone is capable of supporting the type of growth and expansion needed to continue to meet the growing needs of both law enforcement and the community. Specifically, because currently there is no system to share information and products developed from partnerships nationwide, AMSAC members many times are not aware of ongoing partnering efforts in other parts of the country. Despite the fact that AM-

³⁸ For a detailed discussion of the general challenges to the partnership model, see Ramirez, O'Connell, Zafar, "Developing Partnerships Between Law Enforcement and American Muslim, Arab and Sikh Communities: A Promising Practices Guide," 5/04, pg. 10-16.

SAC is largely comprised of leaders from national-level community organizations and FBI executives and agents, communication between this group and similar groups around the country is limited. This greatly inhibits AMSAC's ability to leverage existing resources. A national center which could gather, assess, and house existing materials and information developed by community-law enforcement groups across the country could help address this issue. A national center of this kind would provide a foundation for other groups wanting to pursue the partnership model but who are limited by resources or administrative capacity. Instead of imposing a cookie-cutter model for partnerships on varied community-law enforcement groups, this mechanism for information sharing would provide some resources for each group to use in tailoring its own unique partnership model.

Another question raised by the AMSAC model is whether it can be sustained in other locales given its dependence on voluntary administrative capacity. At the initial stages of partnerships this type of voluntary participation has certain benefits. It forces participants to truly prioritize the initiative and creates personal and professional incentives for its success. After a certain point in the process, however, this dearth of resources greatly limits the types and scales of projects a group such as AMSAC can pursue. At this stage, outside support would help further the development of the partnership initiative.

CONCLUSION

The effort to create and sustain AMSAC requires great effort on the part of its members. This effort has produced significant results for both WFO and local Muslim, Arab and Sikh communities. While many jurisdictions are attempting this type of system and all partnerships efforts will undoubtedly yield results, AMSAC has gotten significantly further than most and is therefore an excellent model for other community and law enforcement groups. AMSAC's limitations, where they exist, arise not from a lack of commitment from its members but from the dearth of community and law enforcement resources available to support this type of partnership initiative. This is certainly the case in other communities across the country struggling to develop partnerships as well.

Creating a support mechanism for these partnerships, which lie at the heart of our country's efforts to prevent terrorist attacks and hate crimes, should be a central issue for policy makers, community leaders, and law enforcement executives alike. Without systemic support for the development of law enforcement-community partnerships to address terrorism and hate crimes prevention, as a country we will allow a critical vulnerability to go unaddressed.