U.S. Department of Justice
Office of the Inspector General
Evaluation and Inspections Division

Review of FBI Interactions with the Council on American-Islamic Relations

September 2013

I-2013-007R

REDACTED – FOR PUBLIC RELEASE

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

TABLE OF CONTENTS

BACKGROUND 1

Introduction 1

Purpose, Scope, and Methodology of the OIG Review 2

Background 2

The FBI's 2008 [redacted] for CAIR 4

Post-2008 Media Guidance from the FBI Office of Public Affairs Regarding Muslim Outreach 9

2011 EC "Reiterating" the [redacted] 11

RESULTS OF THE REVIEW 14

Incident 1: Chicago Field Office: American Islamic College Speaking Engagement (July 2010) 14

Synopsis 14

Facts Leading Up to the Event 14

OIG Analysis 16

Incident 2: New Haven Field Office: CAIR Trainers at a Diversity Training Workshop (October 2010) 16

Synopsis 16

Facts Leading Up to the Event 17

OIG Analysis 21

Incident 3: Chicago Field Office: DHS Quarterly Chicago Roundtable (December 2010) 23

Synopsis 23

Facts Leading Up to the Event 23

OIG Analysis 24

Incident 4: Philadelphia Field Office: CAIR Attendance at Philadelphia CREST Training (December 2010) 25

Synopsis 25

Facts Leading Up to the Event 25

OIG Analysis 27

Incident 5: Philadelphia Field Office: Pennsylvania Human Relations Task Force Meetings (August 2011 – June 2012) 29
Synopsis 29
Facts Leading Up to the Event 29
OIG Analysis 30
CONCLUSION AND RECOMMENDATIONS 31
APPENDIX I: FEDERAL BUREAU OF INVESTIGATION'S RESPONSE TO DRAFT REPORT 34
APPENDIX II: ACRONYMS 35
APPENDIX III: CLASSIFIED SOURCE DOCUMENTS 36

BACKGROUND

Introduction

Since the summer of 2008, the Federal Bureau of Investigation (FBI) has had in place policy for its field offices that was intended to significantly restrict non-investigative interactions with the Council on American-Islamic Relations (CAIR). CAIR is a non-profit group whose website states that it is operating in America "to enhance understanding of Islam, encourage dialogue, protect civil liberties, empower American Muslims, and build coalitions that promote justice and mutual understanding."[1]

The FBI originally established this policy in response to a criminal investigation and prosecution by the Department of Justice in which CAIR and other organizations were named as unindicted co-conspirators in a terrorism financing case. As a result of the investigation and prosecution, the FBI determined that it needed a unified and coordinated [redacted] sharply circumscribing FBI non-investigative outreach activities with CAIR, in part, to "ensure that the FBI is not supporting individuals who support extremist or terrorist ideologies." Yet, our review identified significant issues with the way the FBI implemented the [redacted] We found that, in three of five specific incidents we reviewed, this resulted in a failure to coordinate as required by the [redacted] and a number of subsequent interactions with CAIR that we found to be inconsistent with the [redacted]

From 2009 through 2011, the FBI's Office of Public Affairs also sent out several guidance memoranda on the topic of Muslim outreach and the FBI's relationship with CAIR. These guidance memoranda indicated that the FBI had determined that CAIR was not an appropriate partner for formal liaison activities. The guidance memoranda were issued to FBI field office media coordinators and included background information and suggested responses for anticipated questions from the media regarding the FBI's relationship with CAIR.

[1] See www.CAIR.com. According to its website, CAIR was established in 1994 and has a national headquarters in Washington, D.C., and 28 chapter offices. These 28 chapter offices fall within the operational area of responsibility of 27 FBI field offices.

Purpose, Scope, and Methodology of the OIG Review

After receiving a congressional request to review the FBI's non-investigative interactions with CAIR, the Office of the Inspector General (OIG) initiated this review in March 2012 to examine the clarity of the FBI's policy and guidance regarding interactions with CAIR and the FBI field offices' compliance with the policy and guidance. Our review focused on five specific interactions between the FBI and CAIR that we learned took place from 2010 through 2012 at three FBI field offices: New Haven, Connecticut; Chicago, Illinois; and Philadelphia, Pennsylvania.

We interviewed 15 FBI officials in the Washington, D.C., New Haven, and Chicago Field Offices as well as FBI Headquarters, including the former and current officials of the FBI's [redacted] and Office of Public Affairs (OPA).[2] For our review of the incidents arising out of the Philadelphia Field Office, we requested a written explanation as to one incident and reviewed e-mails between the field office, OPA, and [redacted] as to the other incident. For our review overall, we examined over 5,000 pages of classified and unclassified e-mails, policies, testimony, and other documents.

Background

In 2008, [redacted] developed and implemented what it termed a [redacted] on CAIR that was designed to significantly alter how FBI field offices interacted with CAIR representatives in connection with community outreach activities.[3] The [redacted] addressed only non-investigative community outreach interactions and was not intended to affect field offices' interactions with CAIR representatives with regard to civil rights complaints or criminal investigations.

On May 20, 2008, the FBI's [redacted]

[2] See Appendix III.

[3] [redacted]

[redacted] In July 2008, before [redacted] disseminated the [redacted] OPA, which is the FBI Headquarters' unit responsible for community outreach activities, sent out "preliminary guidance for engaging organizations such as [CAIR] and other organizations."[5] Specifically with regard to CAIR, this July 2008 OPA EC "recommended and encouraged" in general terms that field offices implement guidelines that included refraining from participating in any CAIR-sponsored events, avoiding being photographed with leaders of CAIR, and not engaging with CAIR in events such as fundraisers.

In August 2008, [redacted] began sending a series of ECs to FBI field offices that, over the next 4 months, would convey the FBI's [redacted] regarding CAIR. The ECs outlined permissible and impermissible community outreach activities the FBI could or could not conduct with CAIR. The ECs also stated that it was mandatory for field offices to coordinate with [redacted] regarding all of their interactions with CAIR representatives.

The FBI developed the [redacted] in part, in light of evidence presented in 2007 at the trial of the Holy Land Foundation for Relief and Development (HLF) in *United States* v. *Holy Land Foundation et al.* (Cr. No. 3:04-240-P, N.D. Tx.), linking two known national CAIR leaders to Hamas, a specially designated terrorist organization. CAIR was named an unindicted co-conspirator in the HLF case because of its significant relationship with HLF. [redacted]

[redacted]

[4] The FBI uses a standard memorandum format to communicate directives to the field that are uploaded into the FBI's Automated Case System. These memoranda are referred to as Electronic Communications or ECs.

[5] OPA supports FBI operations, provides direct service to the public and enhances and maintains public trust by sharing information about the FBI responsibilities, operations, accomplishments, policies and values. OPA achieves its mission through management of the FBI's Media Relations and Community Outreach Programs.

[redacted]

The key elements of the [redacted] articulated in the latter half of 2008 are discussed below, followed by a brief discussion of a 2011 EC that "reiterated" the [redacted] and required that [redacted] approve any deviations from it.

The FBI's 2008 [redacted] for CAIR

In August 2008, [redacted] announced the FBI's [redacted] regarding interactions with CAIR in the first of a series of ECs to all 56 FBI field offices and to OPA. During the next 4 months, [redacted] sent three additional ECs about the [redacted] and [redacted] sent two other ECs on particular aspects of implementing the [redacted]

[redacted] issued the first of the ECs on August 15, 2008. The synopsis of the EC indicated that it "[p]rovide[d] guidance to all field offices on interactions with CAIR and establishe[d] mandatory coordination with [redacted] for all interactions with CAIR representatives."

[redacted]

[6] In April 2009, the FBI Office of Congressional Affairs wrote in response to questions from members of Congress that "until we can resolve whether there continues to be a relationship between CAIR or its executives with HAMAS, the FBI does not view CAIR as an appropriate liaison partner."

[redacted]

The EC recognized that the [redacted] was "a significant deviation of FBI policy toward CAIR," but went on to explain that [redacted] It stated that the field offices should not invite CAIR to participate in FBI-sponsored events. The EC also stated that if field offices were approached by CAIR to participate in any of the specifically listed activities, the field offices should explain that CAIR's status required further evaluation at the national level and refer local chapters to the CAIR national headquarters for that purpose. The EC acknowledged that there were "many close relationships between various FBI field divisions and local CAIR chapters" and that not all local chapters were affiliated with terrorist organizations. But the EC concluded that "in order to stop CAIR senior leadership from exploiting any contact with the FBI, it is critical to control and limit any contact" with CAIR and "it is also critical for the relevant field divisions to contact [redacted] . . . with any approach by CAIR." It further indicated that field divisions with current relationships with CAIR should contact [redacted]

Not quite 2 months later, on October 7, 2008, [redacted] sent an EC to all field offices that focused on annual banquets local CAIR chapters typically held in the fall. [redacted] requested that field offices receiving invitations to the banquets decline in writing, using the specific language the [redacted] provided in the EC.

About 2½ weeks later, on October 24, 2008, [redacted] sent another EC to the field, this one focusing on what human resource specialists and community outreach specialists were to say to CAIR

leaders during encounters at recruiting or outreach activities. According to the EC, on October 21, 2008, [redacted] learned that FBI human resource recruiters had come into contact with CAIR representatives at employment recruiting venues. [redacted] The EC included two paragraphs summarizing the [redacted] It then stated that the Special Agent in Charge (SAC) of [redacted] and the Director of CAIR had met on October 22, 2008, and discussed the FBI's "parameters for any future interaction." Three of these parameters applied to FBI human resource and community outreach specialists:

> 1) CAIR will no longer be invited to participate in any FBI-sponsored events and the FBI will no longer participate in any CAIR-sponsored events.
>
> 2) CAIR is not excluded from open forums that are not organized/ sponsored by the FBI.
>
> 3) This position does not affect civil rights complaints. CAIR leaders, its members or any other individual can contact any FBI field office and file or discuss any civil rights matter at any time. These issues will be addressed by the civil rights divisions in the appropriate field offices.

A week later, on October 31, 2008, [redacted] sent an EC to the field offices and to OPA to "reiterate" the guidance in the prior three ECs on interacting with CAIR, including "mandatory coordination" with [redacted] for "all interactions with CAIR representatives." The EC began by referencing the prior three ECs and then provided four points of contact in [redacted] and two in [redacted] who could address any questions field offices had about the [redacted] set forth in the ECs. The EC went on to state that "uncoordinated interaction with CAIR . . . can have a negative impact [redacted] and that "interaction with the federal government in general and specifically with the FBI needs to be tightly controlled and scrutinized" to ensure that the FBI [redacted] in the United States. It then reiterated the categories of activities from which the field division should refrain as stated in the August 15, 2008, EC if approached by CAIR and the requirement of coordination with [redacted] regarding contacts with CAIR.

Not quite 2 weeks later, on November 12, 2008, [redacted] sent an EC to 31 of the 56 field offices and to OPA announcing a mandatory

3-hour [redacted] coordination meeting at FBI Headquarters on November 25.[7] The EC referenced the prior communications, which had "clearly directed all field offices to deny CAIR, via it's [sic] local leadership as well as it's [sic] national leadership, access to the FBI with respect to the FBI field office and the FBI national community outreach initiatives." According to the EC, the coordination meeting was scheduled because the field offices were facing "unique challenges involving their established and in some cases, long-term relationships with local CAIR chapters." The EC stated that the senior manager for each field office or a high-level designee must attend the meeting, either in person at the FBI's Washington Headquarters or by secure videoconference. [redacted] and stated that the meeting was being held to review compliance with the [redacted]

At the November 25 meeting, the Assistant Director (AD) for [redacted] told the senior field office managers to comply with the guidelines of the [redacted] for CAIR. According to one participant, the AD stressed that if CAIR was a field office's primary point of contact with the Muslim community, the field office must establish an alternative point of contact for any future community outreach activities.

During the meeting, [redacted] and the [redacted] The presentation also summarized the language in the ECs already sent to the field offices regarding the activities they should refrain from, such as attending CAIR-sponsored events and allowing CAIR to conduct cultural sensitivity training, to participate in the FBI Citizen's Academy, or attend FBI-sponsored events. The slides further described the [redacted]

[redacted]

[7] The 31 field offices that initially received the EC were those that had local CAIR chapters in their areas. However, in an additional EC dated November 20, [redacted] stated that "all ADICs and SACs" were required to participate in the November 25 meeting.

[redacted]

- [redacted]

On December 4, 2008, the [redacted] followed up on the meeting with an EC to the 31 field offices with local CAIR chapters in their districts and to OPA. The EC outlined seven steps [redacted] offered as guidance to "assist each field office in making official notification [of the FBI's policy] to the CAIR chapter" in the field office's area. The steps included scheduling a meeting with CAIR at the FBI field office (rather than in CAIR facilities) to discuss the policy, emphasizing that the policy was FBI Headquarters driven, describing in a limited way that CAIR's status as an unindicted co-conspirator required the FBI to "cease contact with CAIR as an organization," and encouraging the local CAIR chapter to contact CAIR national leadership to resolve the issues with the FBI in Washington. The EC then provided two points of contact at [redacted] to address questions about [redacted] The EC noted that the AD for [redacted] had advised the meeting attendees "to comply with the guidelines of the [redacted] within 45 days by notifying their local CAIR chapters about the national policy and reporting back to [redacted] that they had done so. Field offices without local CAIR contacts were required to confirm that notification was not necessary.

When we asked the former AD for [redacted] who was the Deputy Assistant Director (DAD) for [redacted] at the time why the FBI issued multiple ECs over a 4-month period regarding the [redacted] he said that some of the field offices were reluctant to go along with the [redacted] initially.[8] For example, on October 27, 2008, the Los Angeles SAC sent an e-mail to his staff stating that the field office's "position is that we will decide how our relationship is operated and maintained with CAIR barring some additional instruction from FBI Headquarters." The SAC further stated: "Please instruct your folks at this time that they are not to abide by the [October 24, 2008, EC from [redacted]], but that their direction in regards to CAIR will come from the LA Field Office front office." We learned from [redacted] interviews that several other SACs also were reluctant to follow the [redacted] The former AD also said that field office managers believed the [redacted] was being run

[8] He served as Assistant Director of the FBI's [redacted] from January to December 2010.

by [redacted] rather than [redacted] and "they did not like answering to [redacted] The former AD stated that the ECs were meant to demonstrate that it was a [redacted] issue, rather than an issue that affected only a [redacted]

According to the former AD, the ECs contained "kid glove" language to make it more palatable to the field offices, who did not want to be controlled by a perceived [redacted] policy and were interested in protecting their own community outreach activities with the Muslim community, which they also regarded as good sources of information. He said that the language in the ECs was kept fairly general because no guidance could be comprehensive enough to cover every situation the field offices might encounter. For that reason, the 2008 ECs provided the field offices with points of contact in [redacted] and [redacted] so that field personnel could obtain guidance regarding how to handle specific outreach activities that might involve CAIR.

Post-2008 Media Guidance from the FBI Office of Public Affairs Regarding Muslim Outreach

According to FBI documents, in March 2009, legal counsel for CAIR wrote to the Attorney General seeking information regarding the FBI's suspension of formal relations with CAIR. Additionally, a coalition of Muslim American groups issued a public statement claiming that the FBI's treatment of CAIR, among other issues, disrupted attempts to grow trust between the FBI and the Muslim community. On April 28, 2009, OPA's National Press Office issued the first of five FBI-wide "Public Affairs Guidance" documents disseminated to the field offices through their media coordinators to provide guidance on handling media and other inquiries on the topic of Muslim outreach.

In the background section of the guidance, OPA noted that while both FBI Headquarters and the field offices continued to have regular discussions with members of groups representing the Muslim American and Arab American communities, "the FBI has had to adjust the parameters of its relationship with CAIR." The guidance, which was issued to FBI field office media coordinators, contained suggested responses to anticipated questions from the media regarding the FBI's relationship with CAIR. The guidance also included summaries in the form of various questions and answers regarding the FBI's interactions with and outreach efforts to the Muslim community.

On July 10, 2009, OPA issued additional FBI-wide public affairs guidance on the topic of "Muslim Outreach/FBI-CAIR Relationship."

Similar to the April 2009 guidance, the document contained a series of 15 questions and answers with talking points related to handling inquiries regarding matters such as the USA PATRIOT Act, FBI authority to enter mosques, outreach efforts to Muslim community leaders, and the basis for the FBI's suspension of "all formal contacts" with CAIR following the *Holy Land* case. The guidance specifically stated that, until the FBI could determine whether there continued to be a connection between CAIR or its executives and Hamas, "the FBI does not view CAIR as an appropriate liaison partner" for non-investigative activities.

On January 22, 2010, OPA issued "updated guidance" on handling inquiries on the topic of Muslim outreach. In that document, field offices were provided a "Press Response" that included the following language:

> Our outreach efforts range from formal national-level relationships with established groups, to local multi-cultural advisory boards, Citizen Academies and youth activities. Most important are the individual relationships established by personnel in the field with leaders in their local communities.

The January 2010 guidance provided another series of talking points that included matters related to CAIR. The guidance repeated that the FBI did not consider CAIR "an appropriate partner for formal liaison activities" at that time.

On March 29, 2010, OPA again updated its guidance regarding handling inquiries related to Muslim outreach. The talking points reiterated that while the FBI did not consider CAIR to be an appropriate partner for formal liaison activities, "[a]s a practical matter, representatives of CAIR and the FBI have attended the same events in certain places at certain times."

Finally, on March 11, 2011, OPA issued additional guidance on handling inquiries related to Muslim outreach, largely reiterating the talking points regarding CAIR in the guidance it had issued a year earlier to the effect that CAIR was not an appropriate partner for formal activities, but that as a practical matter, CAIR representatives and FBI officials did attend events at the same time.

The OPA guidance provided points of contact at OPA for questions regarding inquiries related to Muslim outreach and interactions with CAIR. They did not refer to the [redacted] ECs or explicitly state that field offices were to coordinate with [redacted] with regard to non-investigative contact with CAIR.

To determine why OPA, rather than [redacted] was providing answers to questions about interactions with CAIR, we asked the former AD for [redacted] who stated that he did not view the FBI's [redacted] solely as an issue for [redacted] According to the former AD, some of the field offices saw the policy as an obstacle to the overall implementation of their outreach strategy for the Muslim community. He stated that many of the field offices' questions related to community outreach and were thus appropriate for OPA to answer. He added that he believed there is sometimes shopping for answers, so if ". . . [redacted] didn't give you the answer you wanted . . . pick up the phone and call a different authority at headquarters . . . that is not uncommon in the FBI."

He also said that [redacted] was unable to provide strong oversight of OPA's advice to the field offices because of [redacted] overwhelming day-to-day workload. He acknowledged that, while he thought [redacted] embraced, in theory, at least, the [redacted] that [redacted] was trying to deploy . . . [redacted] being [redacted] as busy as it is, I think was hampered by the fact that they weren't able to provide the strong program management and guidance and central control that they should have."

OPA told us that they believe they consulted with [redacted] in formulating the additional guidance, though they could not locate any e-mails or other documentation reflecting this.

The former Unit Chief for OPA's Community Relations Unit during the 2008 implementation of the [redacted] who remained in that position until June 2011, told us he did not consult with [redacted] when a field office called OPA seeking advice regarding interactions with CAIR. He said there was no reason for him to consult outside OPA about how to answer a question from the field because he was "intimately knowledgeable" about the policy, having been involved in the discussions regarding the impact of the policy on OPA's Community Relations Program.

2011 EC "Reiterating" the [redacted]

The 2008 [redacted] promulgated by [redacted] remained in effect and unchanged until June 23, 2011, when [redacted] sent an EC to all field offices and OPA, the synopsis of which indicated that its purpose was "to reiterate the FBI's guidance on engagement with [CAIR]

and to ensure appropriate coordination with [redacted] Office of Public Affairs (OPA)." The EC restated, in bold text, the prior guidance on not having formal liaison relationships and terminating community outreach activities with CAIR, adding that "[a]ny deviation from this guidance must be coordinated with, and authorized by, the Assistant Director of [redacted]" The former AD of [redacted] told us in substance that the mandatory consultation requirement with [redacted] The June 2011 EC also reiterated that CAIR was not prohibited from "maintaining a relationship with the FBI regarding civil rights or criminal violations; however, civil rights and criminal squads should be cognizant CAIR has exploited these relationships in the past." It further added:

> This guidance does not prohibit FBI attendance at public events at which CAIR officials are, or may be, present if CAIR is not a sponsor of the event. In such cases, FBI personnel should be sensitive to potential exploitation of the FBI by CAIR at these events.

The June 2011 EC removed [redacted] altogether from the points of contact for field office questions about interactions with CAIR. Instead, the EC now instructed the field offices to contact both [redacted] and OPA. The former AD at [redacted] told us that he thought requiring contact with OPA was appropriate because of the intersecting community relations issues involved with such interactions. The EC concluded by reiterating that "any deviation from this policy must be coordinated with, and authorized by, the Assistant Director" of [redacted]

When we interviewed the individual who has served as OPA's CAIR point of contact since July 2012, he told us that he believes he would be the field offices' first point of contact for community outreach questions regarding CAIR because most of the engagement with the Muslim community takes place through the outreach program that OPA oversees at FBI Headquarters. He said he could not specifically recall receiving any requests for guidance on CAIR interactions since the June 2011 EC was issued.

When we interviewed the individual who has served as [redacted] CAIR point of contact since March 2012, she said she did not know who the OPA point of contact was regarding field office interactions with CAIR. She told us about a field office request for guidance that had been referred to her by [redacted] that she did not discuss with OPA. In fact, she said that she has not discussed CAIR interactions in the field offices

with anyone from OPA since she has been in her current position.

We found that in three of the five specific incidents discussed below, there was a failure to comply with the requirement that non-investigative interactions with CAIR be coordinated with [redacted] pursuant to the 2008 [redacted] ECs. Additionally, while we did not analyze specific incidents where coordination was an issue since the June 2011 reissuance of the [redacted] our interviews with personnel from OPA and [redacted] indicate that they did not contemplate coordinating between each other with regard to any inquiries from the field as stated in the synopsis in the June 2011 EC.

RESULTS OF THE REVIEW

The OIG reviewed five interactions between the FBI and CAIR that took place involving three FBI field offices between 2010 and 2012 to assess the FBI's [redacted] and its implementation and the field offices' compliance with the [redacted] The facts leading up to each event and our analysis of them are described below.

Incident 1: Chicago Field Office: American Islamic College Speaking Engagement (July 2010)

Synopsis

On July 27, 2010, the Special Agent in Charge (SAC) of the FBI's Chicago Field Office was the featured speaker at an event at the American Islamic College in Chicago at which he was introduced by CAIR's Chicago Civil Rights Director.

Facts Leading Up to the Event

In May 2010, the Chicago SAC's secretary received a telephone call from a professor at the American Islamic College in Chicago asking if the SAC was willing to speak at an evening lecture series sponsored by the college. The SAC, through his secretary, accepted the speaking engagement invitation for July 27, 2010, and decided on a 30-minute presentation titled, "The FBI in a Changing World."

From May to June 2010, the American Islamic College professor and the SAC's secretary exchanged e-mails that discussed logistics of the event. These exchanges included: an abstract of the SAC's speech, his biography and picture, software for the presentation, and the format of the presentation. The professor also wrote to the SAC's secretary informing her that a moderator would introduce the speaker. The SAC said [redacted] on the American Islamic College and the individual who sent the invitation. However, we found no e-mail exchange showing that the FBI sought information about who the moderator would be, and the SAC's secretary did not recall seeking this information.

On the day of the event, a Chicago Field Office Community Outreach Specialist received an e-mail at 12:32 p.m., from a CAIR

listserv, with the subject, "[Name deleted] to Moderate FBI Lecture at AIC – Tonight," that contained the flyer listing the CAIR Chicago Civil Rights Director as the moderator for the lecture. The Community Outreach Specialist told the OIG that she had received the e-mail from CAIR, but that she did not forward the e-mail to the SAC or discuss it with him. When we asked if she had any discussions with the SAC about the event, she told us that the SAC was at "too high a level" and that she assumed the Media Coordinator/Public Affairs Agent would have been on the e-mail and would have been the appropriate person to speak to him.

In his interview with the OIG, the SAC said that on the evening of July 27, 2010, as he parked his car and began walking to the event, he received a telephone call from the Chicago Field Office's Media Coordinator/Public Affairs agent, who the SAC indicated was aware of the policy and wanted to alert him that the CAIR Civil Rights Director would be introducing him at the speaking engagement. The SAC said that it would have been embarrassing to back out and that, had he known earlier that day, he might have canceled or requested that someone else serve as the moderator. The SAC also told us he and the CAIR Civil Rights Director knew each other and he was pleased she would be making the introduction. He denied any advance knowledge that someone from CAIR would be introducing him at the event and added that it was not a CAIR-sponsored event.

According to the SAC, there were approximately a dozen people at the event, and the CAIR Civil Rights Director introduced him in a complimentary way. Shortly after the event, CAIR-Chicago posted a description of the event on its website with a photograph of the SAC talking to the class:

> On Tuesday, July 27th, CAIR-Chicago's Civil Rights Director [name deleted] moderated an event featuring a speech by [the] Special Agent in Charge of the FBI's Chicago Field Office, at the American Islamic College. The speech and subsequent discussion focused on the FBI's historical and current role in the United States and how the bureau works with the Muslim community. During her introduction, [name deleted] discussed how the FBI interacts with the Muslim community. . . . The Question and Answer period following [the SAC's] speech was lively . . . ."[9]

In his interview with the OIG, the SAC denied the characterization on CAIR's website that the CAIR Civil Rights Director "moderated" the

[9] http://cairchicago.org accessed October 11, 2012.

event. He told us that she only introduced him and made a few statements, and he noted that he had "no control over what CAIR posts on its website."

OIG Analysis

In this incident, there was no attempt to coordinate with [redacted] However, we recognize that the SAC was notified of CAIR's involvement in the program at the last minute and had to make a judgment call. While we do not question the decision that was reached under these unique circumstances, had the SAC learned sooner the identity of the person who would introduce him, we believe that coordination with [redacted] should have occurred.[10] The end result of this incident – CAIR posting on its website of a photograph showing the SAC speaking at the event and a description of CAIR's Civil Rights Director moderating his speech – was the sort of exploitation of contact with the FBI that the [redacted] was intended to avoid.

Incident 2: New Haven Field Office: CAIR Trainers at a Diversity Training Workshop (October 2010)

Synopsis

On October 29, 2010, the FBI New Haven Field Office co-coordinated a diversity training workshop with the Muslim Coalition of Connecticut (MCC) titled "Bridging the Gap between Law Enforcement and the Muslim Community," for federal, state, and local law enforcement officers, including approximately 12 FBI employees.[11] The training was held at a non-FBI training facility. Two of the six trainers at the event were local CAIR chapter leaders.

[10] In reaching this conclusion, we note that this same SAC told us with regard to Incident 3 below that he believed that the various ECs from FBI Headquarters regarding interactions with CAIR were merely "guidance" and not required policy. While the term "guidance" was used in the ECs, we do not believe that it should have been viewed as anything other than mandatory, particularly in light of the SAC's own attendance at [redacted] meeting in November 2008 on the subject. The SAC for the Chicago Field Office cited in this event retired from the FBI in September 2012.

[11] According to the group's website, the stated mission of the Muslim Coalition of Connecticut is to bring together Muslims in the state and to provide an understanding of Islam and Muslims through education and outreach.

Facts Leading Up to the Event

On February 6, 2010, a Liaison Agent in the FBI's New Haven Field Office met with the Connecticut Muslim Leadership Council.[12] The Leadership Council asked the agent if the FBI would be receptive to Muslim cultural training from speakers affiliated with the MCC. On February 22, 2010, the Liaison Agent met with members of the MCC to discuss Muslim cultural diversity training for the FBI New Haven Field Office agents and staff. The training session was tentatively planned for May 2010.

In April 2010, the Liaison Agent spoke again with MCC members and discussed the proposed training date, potential topics, and speakers. During this period, he learned that two of the six proposed speakers were the CAIR Connecticut chapter President and a CAIR Connecticut board member. The Liaison Agent said he informed the MCC liaison that the CAIR speakers could not participate in the training because of the policy set forth in the ECs from [redacted]

Shortly afterward, the Liaison Agent met with members of the Muslim Leadership Council in Connecticut. Members of the Council expressed concern about the FBI's position and noted that CAIR's board members were also leaders in the Muslim community and to preclude them from the training would not only insult them but would put the MCC in an awkward position. In an e-mail to the SAC dated May 7, 2010, the Liaison Agent said he told the Muslim Leadership Council that he had asked FBI Headquarters to clarify its directive not to have "formal relations with CAIR," and Headquarters' instruction was not to allow CAIR personnel on FBI property, or to participate as a member of the FBI's Multi-Cultural council, or to allow CAIR representatives to be instructors at the proposed training.

On May 14, 2010, the Liaison Agent sent an e-mail to FBI Headquarters' OPA, [redacted] In the e-mail, the Liaison Agent asked for their help to address three CAIR-related issues, including the MCC's continuing request that CAIR be a part of the proposed training course. The OPA Unit Chief responded to the e-mail by calling the Liaison Agent the same day. In an e-mail that afternoon to the SAC of

[12] According to the Liaison Agent, his primary role was to build bridges with the Muslim community and build a professional, healthy, overt relationship with Muslim leaders in the community. He said he conducted training for Muslim community groups.

the New Haven Field Office, the Assistant Special Agent in Charge (ASAC), and his immediate supervisor, the Liaison Agent summarized his conversation with the OPA Unit Chief, stating:

> A CAIR member-at-large could provide FBI training . . . however, based on the current reading of the [redacted] directive, a leader of CAIR should clearly not be in FBI-space . . . and a Board of Director of CAIR member in our space would likely be at the discretion of the SAC.

When we asked the OPA Unit Chief about his direction to New Haven, he told us that while he could not recall this specific conversation, "My guidance is the same guidance I've given . . . as long as it's not sponsored by this particular organization [CAIR], you're fine. As long as you're not inviting them into our house, you're fine. We don't attend their events, they don't attend ours."

In a follow-up e-mail on May 26, 2010, the Liaison Agent informed his management that he had spoken again with OPA and with agents from [redacted] While the e-mail references a discussion regarding another of the three issues identified in his May 14 e-mail, it is not clear from the Liaison Agent's May 26 e-mail whether he also spoke with the [redacted] agents about the training program. We spoke with one of the [redacted] agents identified in the e-mail, who indicated that he specifically recalled speaking with the Liaison Agent from New Haven about the planned training in this instance, and the [redacted] agent said he told the Liaison Agent that the training was against the [redacted][13] When we asked the [redacted] agent if he was aware that the OPA Unit Chief had told the Liaison Agent that training by CAIR was permissible if it was offsite, the [redacted] agent responded: "What does location have anything to do with what it says in the policy?" The [redacted] agent did not recall a conversation with the Liaison Agent about offsite training. The [redacted] agent added that, as a general matter, OPA was always trying to find some way to get around the policy, which he said OPA did not like from the beginning. The [redacted] agent told us that he did not recall speaking with the Liaison Agent. The Liaison Agent told us that he did not recall whether he had spoken with the [redacted] agent or the [redacted] agent about the program.

[13] The [redacted] agent indicated that, as a general matter, he did not recall speaking with agents from the field who supported the policy, but he did recall speaking with agents who were not happy about it.

In an e-mail dated June 10, 2010, the Liaison Agent informed the SAC that the Muslim Leadership Council still wanted to conduct the training for the FBI. The Liaison Agent wrote that he supported the CAIR board member serving as a trainer, stating, "I personally believe that [name deleted] is honorable and will not use any of his time in our office to promote a CAIR agenda." In the e-mail to the SAC, the Liaison Agent reiterated OPA's view that the SAC had discretion to decide whether a CAIR board member could participate in an event in FBI space. The Liaison Agent also notified the SAC that he was prepared to manage the training and take responsibility for its success or failure.

According to the SAC, the New Haven Field Office had recently received training on "Islamaphobia," so she suggested in late June or early July 2010, that the audience be expanded to include other federal, state, and local law enforcement officers and that the event be moved to an offsite location. She also told the OIG that she did not view the training as an FBI-sponsored event and that, had it been one, the field office's executive management would have been in attendance and provided remarks.

In an e-mail dated July 15, 2010, to his supervisor and others in the New Haven Field Office, the Liaison Agent stated:

> I'm putting together a training seminar for federal, state, and local LEOs [law enforcement officers] that will take place in September or October and will focus on the Islamic faith. I expect to coordinate with the POST Academy to co-host this seminar at their Meriden facility . . . . What would help me most at this point is a list of questions/topics you would like addressed . . . . I intend to design it as a . . . course with focused topics of concern to LEOs . . . . I will be sharing your comments with other seminar organizers and speakers to design a tailored agenda to suit our needs . . . .

Between July and September 2010, the Liaison Agent consulted with the MCC several times to discuss and develop the training topics and syllabus, and solicited input for topics from the New Haven Field Office. On September 8, 2010, the Liaison Agent sent an e-mail to the SAC, ASAC, and several others in the New Haven Field Office informing them that the training event would be held on October 29, 2010. The e-mail included the seminar title, tentative topics and schedules, and the names of the six speakers, including the title of the CAIR Executive

Director.[14] The Liaison Agent sent several more e-mails to his supervisors in September and October describing the training event and listing two of the speakers as CAIR officials.

In e-mails to the Liaison Agent, some staff in the New Haven Field Office expressed concern about having two CAIR officials providing training. For example, when the Liaison Agent's supervisor asked if the SAC was "OK with that?" The Liaison Agent responded, "Yes, it is offsite, non-FBI space and anyone can join in." He noted that the SAC had asked him to "promote the seminar as an all LEO event . . . ."

In an e-mail dated September 30, 2010, the Chief Division Counsel (CDC) noted that two of the speakers had ties to CAIR, including its Executive Director, and that the FBI Headquarters guidance was that it did not consider CAIR an appropriate partner for formal liaison activities and events. The CDC asked the Liaison Agent for confirmation that the FBI was neither sponsoring the event nor partnering with CAIR for the event. To address these concerns, the Liaison Agent moved the listing of the two MCC organizers of the event to the top of the training announcement flyer to more prominently display them. He sent the CDC an e-mail asking if the changes to the flyer were acceptable, and the CDC responded affirmatively.

In addition, in an e-mail dated October 6, 2010, the ASAC revised the Liaison Agent's introductory paragraph that accompanied the training flyer to remove any reference to the New Haven Field Office's involvement in organizing and developing the event.

On October 29, 2010, the training was held at the POST Academy in Meriden, Connecticut. The title of the training was "Bridging the Gap between Law Enforcement and the Connecticut Muslim Community," and the training included topics such as Islamaphobia; Scriptural Issues and Hadith Authenticity; Misconceptions and Stereotypes; and the Experience and Struggles of African American Muslims. At the conclusion of the training, the New Haven Training Officer sent an e-mail to the FBI Director's Office and OPA notifying them of New Haven's attendance at the training seminar "hosted by the FBI and Muslim Coalition of Connecticut" and "facilitated" by the Liaison Agent.

[14] The title of the second CAIR leader was not included on the September 8 e-mail, though it was included on subsequent e-mails and on the training flyer.

On November 1, 2010, the Liaison Agent memorialized the training in an in-house memorandum approved by his supervisor. The Liaison Agent detailed his efforts in coordinating the training, writing that he "developed, organized, and attended the seminar." He wrote that he worked with the MCC and developed a syllabus that included six speakers, five selected by the MCC, including the Executive Director of CAIR's Connecticut chapter, and one instructor he selected. The Liaison Agent wrote, "Approximately 47 LEOs and LEO agency employees attended the seminar, including 12 from the FBI . . . ."

OIG Analysis

While in this instance the New Haven Field Office contacted [redacted] among others regarding the training, we found they did not abide by the opinion of [redacted] and, instead, followed the advice received from OPA. The guidance from OPA resulted in an FBI interaction with CAIR that we found to be inconsistent with the [redacted] set forth in the 2008 ECs.

The impetus for the training in this particular instance came from the MCC, which approached the FBI in February 2010 to ask whether it would be receptive to Muslim cultural training. When the Liaison Agent learned in March 2010 that the MCC proposed two speakers affiliated with CAIR for the event, he told the MCC contact in April 2010, consistent with the [redacted] that CAIR speakers could not participate in the training. The Liaison Agent sent an e-mail on May 14, 2010, to OPA, [redacted] to request guidance on the training issue as well as two other CAIR-related issues. The [redacted] agent told us that he specifically advised the Liaison Agent that the training would be violative of the FBI's policy on interactions with CAIR. However, the Liaison Agent said he received guidance from OPA stating in substance that CAIR could participate in the training if it was held off site. The Liaison Agent summarized the OPA Unit Chief's view in an e-mail to his supervisors that a CAIR leader could provide the training, but not in FBI space, and a CAIR board member could be present in FBI space at the discretion of the SAC. We found no support for this view.

The SAC suggested that the training be expanded to include participation by other federal, state, and local law enforcement officers and moved to a non-FBI facility. However, we do not believe that OPA's advice that this would be permissible was consistent with the plain language or clear intent of the FBI's [redacted] which was to prohibit CAIR from participating in such cultural sensitivity training with

the FBI. The topics covered by the training were intended to sensitize law enforcement to Muslim culture, a type of cultural sensitivity training within the non-investigative outreach activities from which CAIR was barred by the [redacted] CAIR was selected as one of the representatives of the Muslim community to provide training at this event. The CAIR speakers were identified on the training flyer as the Executive Director and Board Member of the Council on American-Islamic Relations, Connecticut Chapter, confirming that their participation was in an official, not individual, capacity.

According to the FBI Liaison Agent's written description of his role in several e-mails and memoranda, he participated actively in organizing the training seminar by developing the training topics and syllabus, selecting one of the six speakers, locating the training venue, identifying and inviting the law enforcement agencies, and creating and causing the dissemination of the training flyers. The New Haven training officer stated in a contemporaneous EC that the FBI had "hosted" the event with the MCC and that it was "facilitated" by the Liaison Agent. Under these circumstances, we found that the concerns about non-investigative interactions with CAIR underlying the [redacted] were directly implicated by the public interaction with CAIR in this training event.

OPA's Public Affairs Guidance on Muslim Outreach, including contact with CAIR, was the most recent FBI Headquarters voice at the time the event was planned in 2010, almost 2 years after the [redacted] was implemented through the [redacted] ECs in 2008. The OPA Public Affairs Guidance listed OPA personnel as points of contacts for any questions from the field offices. The Liaison Agent and, ultimately, the New Haven Field Office followed the guidance received from OPA, even though the Liaison Agent had received contrary guidance from [redacted] and for coordination with the field under the [redacted] CTD did not ensure that the field office restricted its activities accordingly. The OIG believes that, in this instance, the muddled lines of authority allowed the shared desire of OPA and the field office to foster interactions with the Muslim community to effectively undermine the intent of the 2008 [redacted] to sever such non-investigative community relations activities with CAIR.

Incident 3: Chicago Field Office: DHS Quarterly Chicago Roundtable (December 2010)

Synopsis

During our review of FBI Chicago Field Office documents in connection with Incident 1 discussed above, we learned that the Department of Homeland Security (DHS) Office for Civil Rights and Civil Liberties sponsored a Quarterly Community Engagement Chicago Roundtable (Roundtable) that many Chicago area government and community organizations attended. According to FBI and DHS documents, the purpose of the Roundtable was to bring together American-Arab Muslim, South Asian, Middle Eastern, and Sikh community leaders with government representatives to discuss issues related to homeland security, civil rights, and other areas as well as roles and responsibilities of law enforcement, immigration, and other government officials. The Chicago Field Office SAC informed us that he occasionally hosted this Roundtable at the Chicago Field Office building. On December 2, 2010, the FBI Chicago Field Office hosted the DHS Quarterly Roundtable in FBI space at its field office building, and the Chicago chapter Civil Rights Director of CAIR was listed among the DHS invited guests. However, an FBI Chicago Community Outreach Specialist told us that the CAIR official, although invited, did not attend the Roundtable.

Facts Leading Up to the Event

We asked the SAC if CAIR was permitted in FBI office space when he hosted the Roundtable. He stated that if DHS considered CAIR officials to be part of the community and invited them to the Roundtable, the FBI would not deny them entry at the door. The SAC also stated that if CAIR officials came to the Chicago Field Office, he was not required to report it to FBI Headquarters, just as he was not required to report a meeting with CAIR on a civil rights matter.[15] He stated such notification would be impractical given the realities the Field Office encountered. He said that he viewed the various ECs from FBI Headquarters regarding interactions with CAIR as "guidance" and not policy, and that he

[15] The field office did send an EC reporting the roundtable event to the Director's Office at FBI headquarters after the event occurred, but it did not mention that a CAIR representative had been invited to attend.

therefore was not required to contact or coordinate with Headquarters.

OIG Analysis

As with Incident 1 discussed above, there was no effort made by the Chicago Field Office to comply with the coordination requirement with [redacted] regarding a proposed interaction with CAIR. Had the CAIR official attended the Roundtable event hosted at the FBI Chicago Field Office, the OIG believes this would have been inconsistent with the intent of the [redacted] to prohibit CAIR officials from having access to the FBI and its field offices that they could tout in public.

In his interview, the SAC likened this Roundtable meeting to a town hall event. The October 24, 2010, EC from [redacted] states, "CAIR is not excluded from open forums that are not organized/sponsored by the FBI." However, the DHS Roundtable was open to invited guests, as distinct from an open town hall forum open to the public. Also, because the event was co-hosted by and held at the FBI's Chicago Field Office, it reasonably gave the appearance that it was co-sponsored by the FBI. The Chicago SAC did not consult or coordinate this meeting with [redacted] or receive authorization from [redacted] to allow a CAIR official to attend a meeting at the FBI's Chicago Field Office. The SAC told us he would not have consulted with FBI Headquarters regarding this event under any circumstances because he viewed the policy as "guidance" and did not believe that it required such consultation. As stated with regard to Incident 1 above, while the term "guidance" was used in the EC, we do not believe that the EC could have been viewed as anything other than mandatory, particularly in light of the SAC's attendance at [redacted] meeting in November 2008 on this same subject. While the CAIR representative ultimately did not attend the Roundtable, the failure to follow the ECs in this instance could have led to an interaction that we believe would have been inconsistent with the [redacted]

Incident 4: Philadelphia Field Office: CAIR Attendance at Philadelphia CREST Training (December 2010)

Synopsis

On December 11, 2010, the FBI Philadelphia Field Office held a Community Relations Executive Seminar Training (CREST), a subprogram of the FBI Citizen's Academy, at a Philadelphia area Islamic center. The FBI allowed a Philadelphia-CAIR official to attend this training event as an invited guest.

Facts Leading Up to the Event

In 2006 the FBI Headquarters' OPA created CREST as a subprogram within its Citizen's Academy Program to increase the number of citizens exposed to the day-to-day operations of specific parts of the FBI. According to FBI documents and its website, CREST is a shorter, more focused version of the Citizen's Academy, conducted in partnership with a community group at an offsite location, and sessions are customized to meet the needs of each community group host. CREST classes are taught by FBI leaders, senior FBI Special Agents, Squad Supervisors, or subject matter experts. According to a Philadelphia Field Office e-mail describing the program, the FBI does not conduct background checks or otherwise vet the individuals participating in the CREST program.

On October 12, 2010, the Philadelphia Field Office Public Affairs and Media Relations Coordinator (hereafter referred to as Philadelphia Public Affairs Coordinator) sent an e-mail to the AD of OPA stating, "Philadelphia will be conducting a CREST with eight to twelve leaders from the Muslim community in our territory. Is there a problem if one of the attendees is from CAIR?"

Later in the day, the Philadelphia Public Affairs Coordinator also sent an e-mail to a Philadelphia Supervisory Special Agent and copied OPA officials about the upcoming CREST program. The e-mail stated that a proposed participant was the Secretary of the Board of Directors of the Pennsylvania chapter of CAIR. The Philadelphia Public Affairs Coordinator asked the Supervisory Special Agent to conduct background research on the CAIR Board Secretary "to see if there is, in fact, some reason or justification for our prohibiting Mr. [name deleted] from

participating in the upcoming CREST program." The Philadelphia Public Affairs Coordinator's e-mail reminded all of the e-mail recipients that "several years ago, the FBI suspended our formal relationship with, and ceased official contacts with CAIR." The e-mail also stated, "At this time the FBI does not consider CAIR an appropriate partner for formal liaison activities and events."

In the e-mail, the Public Affairs Coordinator also summarized a discussion he had that morning with the AD and a Unit Chief of OPA. As a result of that discussion, he said in the e-mail, "we are leaning towards" allowing the CAIR official's participation in the CREST, "absent any compelling reasons not to." In the e-mail, the Philadelphia Public Affairs Coordinator outlined the argument in favor of allowing the CAIR official's participation in the CREST. He stated that at the time Muslim groups around the country were claiming they were being unfairly targeted by the FBI. He wrote that if the field office was going to exclude the CAIR official from the CREST, he wanted to ensure there was "sufficient justification" for doing so, rather than "simply because of his role in CAIR." He also mentioned that CAIR was not participating as a sponsor or organizer of the event. He noted that the CAIR official would be allowed to attend CREST "because of his role in the Muslim community and not because of his volunteer role on the CAIR Board of Directors." The Public Affairs Coordinator's e-mail concluded that the CAIR official's "participation in the CREST would not, on its face, violate the Bureau policy with respect to the termination of our relationship with CAIR."

On October 18, 2010, the Philadelphia Public Affairs Coordinator received an e-mail from an OPA Supervisory Special Agent stating that he had discussed the matter with the AD for OPA and the incoming SAC being assigned to the Philadelphia Field Office. According to the OPA Supervisory Special Agent, they had agreed that the CAIR official "can attend the CREST as he will be one of a number of community representatives present; and a significant focus of the CREST will be Civil Rights." The CAIR official attended the CREST, which took place as scheduled in Philadelphia on December 11, 2010.

On December 15, 2010, CAIR Philadelphia posted an article on its website titled, "CAIR-PA Participates in FBI Community Relations Training Program." The article described the purpose and contents of the training and stated that CAIR-Pennsylvania staff and board members attended along with other Muslim leaders. CAIR provided a link to the CREST training program on the FBI's website, FBI.gov.

On December 17, 2010, an outside news source sent an e-mail to a [redacted] Supervisory Special Agent [redacted] related to CAIR officials. The e-mail contained a description of the recent Philadelphia CREST event. That same day, the [redacted] Supervisory Special Agent forwarded the e-mail to OPA asking, "Is this in conformity with the [redacted] The Assistant Director for OPA responded that it did "conform," adding that "the event wasn't an FBI training program."

OIG Analysis

This incident again exemplifies a failure to coordinate with [redacted] with regard to a planned non-investigative interaction with CAIR as required by the 2008 [redacted] ECs. The OIG believes that permitting a CAIR Board Secretary to attend the Philadelphia CREST program is inconsistent with the [redacted] set forth in those ECs. Two of the four specific interactions with CAIR that FBI field offices were instructed to refrain from in the [redacted] were: [redacted] and [redacted] representing the Muslim community at any FBI-sponsored events.

While CREST is not the Citizen's Academy, the FBI's own website indicates that CREST was created by the FBI as a subprogram of the Citizen's Academy. The FBI serves in partnership with community groups to provide this program and the classes are taught by FBI leaders, supervisors, and senior Special Agents. The OPA's Reference Guide describes CREST as a "shorter, more focused version of the Citizen's Academy." Graduates of the training have the opportunity to join the Citizen's Academy.[16]

It appears that OPA provided guidance that effectively reversed the presumption against CAIR participation in non-investigatory

[16] The e-mails that we reviewed reflect that the Philadelphia Field Office understood that the participation of a CAIR representative was controversial in this context. According to an e-mail describing the event, the FBI did not ordinarily vet or [redacted] on CREST participants, unlike the participants in the longer Citizen's Academy program. However, in this case, the Philadelphia Field Office did [redacted] of the CAIR participant to see if there was any reason to exclude him from the program. Yet whether or not a particular CAIR representative [redacted] is irrelevant to the [redacted] to deny the organization access to the FBI in such non-investigative community outreach activities.

FBI activities in this instance. OPA indicated that it wanted to ensure that there was sufficient justification for excluding the CAIR participant apart from his role in CAIR. Again, it is not surprising that OPA, which has overall responsibility for such outreach programs, or the field offices, which carry them out, would have preferred a different approach than was called for under the [redacted] ECs arising out of a specific [redacted] Nevertheless, we believe that the presumption in the [redacted] ECs is plainly against CAIR participation in such non-investigative outreach programs absent coordination with [redacted] and a determination to the contrary by FBI Headquarters personnel involved in the [redacted]

In the e-mail summarizing the discussion with OPA, the field office represented that the CAIR official would be attending the CREST because of his role as a Muslim community leader rather than because of his role on the CAIR board of directors. Yet, the initial request for advice asked if there was "a problem if one of the attendees is from CAIR," not a more general religious community representative and, in any event, the ultimate result was that a CAIR Board Member participated in the program and this was publicly cited by CAIR on its website, which is what the [redacted] was trying to avoid.

The field office also defended this individual's participation by noting that a significant focus of the event was going to be civil rights, and this was one of the factors ultimately cited by OPA in approving the CAIR representative's involvement. In its response to the draft of this report, the FBI emphasized that the CREST event was intended to discuss civil rights through a grant that was funded to promote racial healing programs. However, to read the exception for specific civil rights complaints or matters contained in the [redacted] that broadly would eviscerate the policy, and the OIG is unaware of any investigatory content in the CREST program that would have exempted it from the general prohibition on non-investigatory outreach contained in the [redacted]

Incident 5: Philadelphia Field Office: Pennsylvania Human Relations Task Force Meetings (August 2011 – June 2012)

Synopsis

Between August 2011 and June 2012, three Special Agents from the FBI Philadelphia Field Office attended five meetings of the Pennsylvania Human Relations Interagency Task Force on Community Activities and Relations in Harrisburg (hereafter referred to as the Pennsylvania Human Relations task force. CAIR personnel also attended these meetings.[17]

Facts Leading Up to the Event

An Acting Assistant Special Agent in Charge of the Philadelphia Field Office informed the OIG that its personnel have attended the Pennsylvania Human Relations task force meetings in Harrisburg on a monthly basis for the last 7 years for liaison purposes related to its civil rights program. The Acting Assistant Special Agent in Charge stated that attending these meetings is important given the FBI's role and responsibility as the only federal criminal investigation and law enforcement agency with jurisdiction in this area. He stated that the Philadelphia Field Office does not organize or plan the task force meetings, nor does it control who the Pennsylvania Human Relations Commission invites to its meetings. Numerous other state and private organizations attend as do other law enforcement agencies, along with representatives of the Department of Justice Civil Rights Division and the Anti-Defamation League. He also stated that FBI policy does not preclude FBI attendance at third party meetings that are also attended by representatives of CAIR.

[17] The Pennsylvania Human Relations Commission enforces the state's anti-discrimination laws. The taskforce is made up of the Pennsylvania Human Relations Commission, the Pennsylvania Attorney General's Office, the Pennsylvania State Police, working in conjunction with other state and federal agencies, community organizations, advocacy groups, local government and law enforcement agencies. The primary function of the group is to quickly and appropriately address civil tensions when conflicts occur, and to promote positive community relations among various groups in order to prevent tension. http://www.phrc.state.pa.us/portal/server.pt/community/bias_hate_crimes/19235 accessed 8/13/2013.

OIG Analysis

We found that FBI attendance at the Pennsylvania Human Relations task force meetings, which were sponsored by the Pennsylvania Human Relations Commission, were not inconsistent with the FBI's [redacted] on CAIR. The June 2011 [redacted] policy in effect at the time of these meetings in 2011 and 2012 did not prohibit "FBI attendance at public events at which CAIR officials are or may be present if CAIR is not a sponsor of the event."

Since the Pennsylvania Human Relations task force and its meetings were sponsored by a state government agency, and not by the FBI or CAIR, the meetings were not held in FBI office space, the FBI did not have a role in organizing the program, and the event was not otherwise structured in a way that would give the public appearance of a liaison relationship between CAIR and the FBI, we found that the risks identified in the [redacted] ECs were not present in this instance.

CONCLUSION AND RECOMMENDATIONS

In 2008, the FBI developed a [redacted] intended to restrict FBI field offices' non-investigative interactions with CAIR. The [redacted] was based on concerns specifically articulated by the FBI about [redacted] and the possible exploitation of such contacts in ways that it believed would be adverse to the FBI's [redacted] As a result, the [redacted] was intended to sharply curtail non-investigative contact with CAIR, and required coordination with [redacted] regarding any such interactions. In three of the five incidents we reviewed, we concluded that the CAIR [redacted] was not followed, resulting in interactions with CAIR that were inconsistent with the policy.

The policy broadly prohibited non-investigative community outreach interactions with CAIR, such as attending CAIR-sponsored events and allowing CAIR to attend FBI-sponsored events, while permitting interactions regarding civil rights complaints and criminal investigations. The ECs containing the [redacted] acknowledged that the [redacted] represented a significant deviation from past FBI policy and that it affected longstanding relationships in the field. As a result of these factors, [redacted] issued several iterations of the [redacted] during the last half of 2008, laying out the reasons for the new policy, with instructions for coordination with [redacted] regarding contact with CAIR, and points of contact for any questions.

Yet, despite (1) recognizing the importance of the [redacted] by issuing these memoranda, (2) being aware of the apparent reluctance of some field offices to follow the new policy, and (3) holding a mandatory meeting with field office leadership from around the country to address that reluctance and ensure national compliance, [redacted] still did not conduct effective oversight to ensure compliance with the [redacted] AD at the time of the incidents described in this report essentially acknowledged this, telling us that [redacted] was unable to provide strong oversight concerning the advice provided to the field offices because of an overwhelming day-to-day workload. The failure by [redacted] to follow through to ensure the requisite coordination with [redacted] left the implementation of the policy uncertain, resulting in contacts that we

reviewed with CAIR that we found to be inconsistent with the [redacted]

The coordination with [redacted] for non-investigative CAIR interactions that the 2008 ECs required did not always occur, even though there is no question that the agents at [redacted] would have had a strong interest in participating in such discussions. In practice, we found that the field offices at times contacted OPA rather than the [redacted] points of contact listed in the ECs, and OPA did not consistently coordinate with [redacted] when that happened. In fact, the Unit Chief at OPA told us generally that such coordination with [redacted] was unnecessary because of his "intimate knowledge" of the FBI's policy.

The implementation problems were exacerbated by the guidance OPA issued in 2009 and 2010 regarding handling media inquiries relating to interactions with CAIR. While the five Public Affairs Guidance memoranda OPA issued on Muslim Outreach and CAIR interactions during this period were not necessarily inconsistent with the ECs, they listed OPA personnel as points of contact for field office questions on such community outreach matters. We believe that this led to confusion regarding lines of authority and, coupled with the lack of consultation with [redacted] ultimately resulted in FBI interactions with CAIR based on consultations with OPA that we believe were inconsistent with the goal of the FBI's [redacted]

Our review of the incidents described above shows that because of its general role in community outreach matters and its issuance of the more recent media guidance discussing FBI-CAIR interactions, it was OPA that was sought out and provided guidance to the field offices, without consultation with [redacted] As a result, contacts with CAIR were approved that we believe likely would not have been approved at the time by [redacted] We believe these contacts were inconsistent with the terms of the [redacted] set forth and was supposed to enforce. It appears that the common mission of OPA and the field divisions to foster interactions with the Muslim community ran counter to and, in some cases, effectively undermined the intent of the FBI's [redacted] to sever such non-investigative community relations activities with CAIR.

We acknowledge that no policy can account for every possible circumstance and that some of the language employed in the various communications from FBI Headquarters may have left some

room for interpretation. However, we believe that the lack of effective oversight of the [redacted] implementation, followed by [redacted] ceding of the field to OPA, led to the inconsistent adherence with policy evidenced by several of the incidents we examined.

The FBI's original CAIR policy was introduced 5 years ago. Even though the [redacted] was reiterated in 2011 with more explicit requirements for approval directly from [redacted] for any deviations, [redacted] previously did not demonstrate the commitment to ensure the [redacted] effective implementation. We are concerned that, due to frequent personnel rotations, retirements, and promotions, it is possible that FBI staff may not be familiar with the background, history, or objectives of the policy, or may continue to labor under misapprehensions regarding its import or application. In addition, the FBI needs to ensure that all appropriate personnel at Headquarters, particularly OPA and [redacted] and in the field offices are fully briefed on the requirement to coordinate with one another. The FBI's re-promulgation of the [redacted] in June 2011, reflects its belief that specific considerations still require that non-investigative interactions with CAIR be restricted on an ongoing basis. As a result, the FBI needs to ensure that all relevant personnel are fully informed as to the objectives and requirements of its current CAIR policy and to ensure its effective implementation.

OIG recommends that the FBI:

1. Ensure effective implementation of FBI policy relating to interactions with CAIR, including the coordination mandated by the policy and the enforcement and oversight of compliance with the policy.

2. Provide comprehensive education on the objectives and requirements of the current CAIR [redacted] to Headquarters and field office personnel who are likely to be involved with the application of the policy.

APPENDIX I: FEDERAL BUREAU OF INVESTIGATION'S RESPONSE TO DRAFT REPORT

U.S. Department of Justice

Federal Bureau of Investigation

Washington, D. C. 20535-0001

September 17, 2013

The Honorable Michael E. Horowitz
Inspector General
Office of the Inspector General
U. S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530

Dear Mr. Horowitz:

The Federal Bureau of Investigation (FBI) appreciates the opportunity to review and respond to your office's report entitled, *Review of FBI Interactions with the Council on American-Islamic Relations* (CAIR).

We concur with your acknowledgement that "no policy can account for every possible circumstance and that some of the language employed in the various communications from FBI Headquarters may have left some room for interpretation." We note that the five incidents you reviewed are but a small fraction of the FBI's outreach efforts with the Muslim community over the past five years.

Outreach to the Muslim community remains critical to the FBI's mission. Accordingly, we will ensure our guidance on CAIR liaison is quickly updated and clarified. In that regard, the FBI agrees with your recommendations and has already taken steps to implement remedial actions.

Should you have any questions, feel free to contact me.

Sincerely,

Nancy McNamara
Assistant Director
Inspection Division

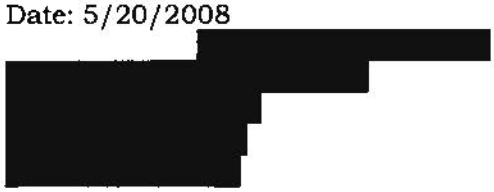
APPENDIX II: ACRONYMS

AD	Assistant Director
ADIC	Assistant Director in Charge
ASAC	Assistant Special Agent in Charge
CAIR	Council on American-Islamic Relations
CDC	Chief Division Counsel
CREST	Community Relations Executive Seminar Training
[redacted]	
DHS	Department of Homeland Security
EC	Electronic Communication
FBI	Federal Bureau of Investigation
HLF	Holy Land Foundation for Relief and Development
LEO	Law Enforcement Organization
MCC	Muslim Coalition of Connecticut
OIG	Office of the Inspector General
OPA	Office of Public Affairs
SAC	Special Agent in Charge
[redacted]	

APPENDIX III: CLASSIFIED SOURCE DOCUMENTS

FBI Electronic Communications (EC)

Date: 5/20/2008



Date: 8/15/2008



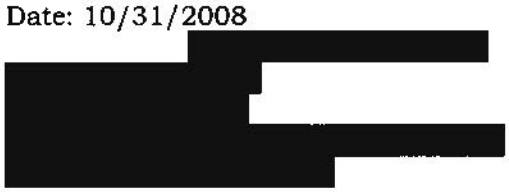
Date: 10/72008



Date: 10/24/2008



Date: 10/31/2008



Date: 11/12/2008



Date: 12/04/2008 [redacted]

[redacted]

Date: 6/23/2011

[redacted]

Interviews

Date: 8/30/12
Title: Interview #1

[redacted]

Date: 9/5/12
Title: Interview #2

[redacted]

Date: 7/24/13
Title: Interview #3

[redacted]

Date: 8/28/12.
Title: Interview #4

[redacted]