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## FBI Terror Probes Focus on U.S. Muslims

Expanded Investigations, New Tactics Stir Allegations of Persecution

By John Mintz and Michael Grunwald

Washington Post Staff Writers

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In the tidy working-class suburb of Bridgeview, Ill., Mohammad Salah instructed children in the Koran. He prepared the dead for burial at his local mosque. And he observed the solemn Muslim obligation of zakat, giving generously to charity with the conviction that all things belong to God.

But the FBI says Salah's idea of zakat included nearly \$1 million in donations to the Palestinian extremist group Hamas, some of it for Uzis, rifles and other weapons. In their first use of a new law targeting the assets of terrorism supporters, prosecutors have seized Salah's bank accounts and are trying to take his house -- all without a criminal trial.

The Justice Department's case against Salah is one of the few public signs of a dramatically expanded set of investigations of Muslim Americans suspected of aiding overseas terrorists. Emboldened by tough new anti-terrorism laws and huge increases in anti-terrorism funding, the FBI is scrutinizing at least 20 U.S. groups with suspected links to terrorists, including some tied to Osama bin Laden, the alleged ringleader in the bombings of two U.S. embassies in Africa.

In the case of bin Laden, authorities have focused on Wadhi el Hage, a Texas man charged in connection with the embassy bombings, as the main cog in a network that allegedly also included a former sergeant in the U.S. Army, Ali A. Mohamed, who was arrested last month in New York. Officials also are scrutinizing the activities of a now-defunct Muslim group in Brooklyn, the Alkifah Refugee Center, some of whose members were convicted of bombing the World Trade Center in 1993.

Grand juries in New York, Chicago and Tampa are investigating other Islamic groups, and the FBI has sharply stepped up its applications for secret wiretaps designed to combat terrorism on U.S. soil. Officials say the heightened vigilance is needed to monitor an expanding number of threats -- from a Detroit man who allegedly tried to smuggle high-tech surveillance gear to Middle East terrorists

to an American network of Iranian students who allegedly spy for Tehran.

But civil libertarians and Muslim activists say the agency is using its increasing resources to persecute Muslims who support unpopular causes. The expansion of the FBI's authority has raised constitutional questions among legal scholars, some of whom argue that the measures rob suspects of due process and other rights.

"The FBI is basically saying: 'Trust us. We're hunting down bad guys,'" said David Cole, a Georgetown University law professor who represents groups challenging provisions in a 1996 law barring "material support" to alleged terrorists. "But they're going way overboard."

The investigations are drawing on broad powers granted by Congress to fight terrorism after the World Trade Center and Oklahoma City bombings. The new laws give the FBI greater leeway to pursue possible associates of terrorists even when they are not suspected of specific offenses. The statutes also make it a crime to send money to foreign groups the State Department classifies as terrorist, and bolster the government's ability to use classified information to detain suspected terrorism supporters in immigration cases.

Meanwhile, Congress has boosted the FBI's counterterrorism budget from \$118 million to \$286 million since 1995, and the number of FBI employees assigned to anti-terrorism matters has more than doubled, to 2,650. Under FBI Director Louis J. Freeh, counterterrorism, once considered a career dead-end, has become a marquee assignment.

Some U.S. groups are under investigation for financing their overseas allies who provide humanitarian services in addition to their violent activities. Salah, for example, who once served time in an Israeli prison for terrorism, contends that his donations supported hospitals, schools and day-care centers for poverty-stricken Palestinians, and that the FBI is essentially criminalizing private charity. Cole said the provisions would have barred Americans from helping the anti-apartheid African National Congress in the 1980s.

Equally controversial is prosecutors' increasing use of secret evidence in the deportation of suspected terrorism supporters. Twenty-four suspects are being detained on terrorism-related charges in immigration court, which, unlike other courts, can hold suspects indefinitely and try them using evidence that neither the defendants nor their attorneys can examine.

Lawyers for those under investigation also point to the FBI's rush for "national security" wiretaps, which agents obtain by citing classified evidence and which require a lower standard of evidence than regular criminal wiretaps. The taps are granted by a special Justice

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Assi, charged with export law violations and giving material support to terrorists, insisted he was an apolitical family man with no ties to Hezbollah. A judge released him on bail with an electronic bracelet. A few days later he fled, reportedly to Lebanon. "It's peculiar," said Assi's attorney, David Steingold. "I really thought the FBI was off-base. Now I don't know what to think."

Other FBI investigations have not resulted in charges, but even so authorities are penalizing some suspects. Salah's case is the most prominent of this kind, and a symbol for Muslim activists angered by such tactics. Some Muslim activists accuse prosecutors of using the new laws to destroy Salah's livelihood without charging him with a crime.

Salah, a U.S. citizen, has denied any links to violence. But American officials describe him as a "high-level operative" for Hamas who financed armed attacks on Israelis. He served five years in an Israeli prison for alleged terrorist activities before returning last November to Chicago, where he had first moved from the Middle East in 1970 and where, according to Israeli officials, he taught Palestinian students how to make car bombs.

The FBI says Salah also made several trips to the West Bank and Gaza to help a top Hamas leader named Mousa Mohammed Abu Marzook, a longtime Fairfax County resident who was deported to Jordan in 1996. In hundreds of pages of public documents, the FBI has outlined a complex series of covert real estate deals it says were designed to launder \$820,000 from a Saudi company to Hamas. Eventually, most of the money ended up in Salah's bank account after transfers from accounts controlled by Marzook in McLean.

While Salah has not been charged with a crime here, FBI agents tail him everywhere and question people he meets. In June, prosecutors filed an unprecedented "forfeiture complaint" seizing his bank accounts and taking steps to remove him, his wife, Azita, and their four young children from their house. They seized another \$1 million from the Quranic Literacy Institute, an Islamic group that had a hand in the real estate deals.

Now the institute is all but shut down, and the Salah family is living on donated food. Salah is no longer allowed to have financial dealings — including with his lawyer and his doctor — unless they obtain special Treasury Department licenses. "This situation is undemocratic and bizarre," said his attorney, Matthew Piers. "If they've got something on my client, charge him criminally."

Salah admits only that some of his funds may have flowed to the "political" wing of Hamas, a main provider of social services in the West Bank and Gaza. But U.S. officials say Hamas's "political" leaders also oversee the clandestine "military" wing that has killed scores of Israelis in bombings and executed hundreds of Palestinian

*We did not use the new Anti-Terrorism Laws of 1996 - We used good old fashion criminal & civil laws.*

*See Tab 2 37 pages*

*VASSIN KADY 1998*



"collaborators." U.S. officials also say donations to Hamas charities free funds for the military cells, which promise lifetime assistance to the families of suicide bombers. The charities also indoctrinate and recruit Palestinians to Hamas's radical cause, the officials say.

"Hamas uses the contributions to build support for itself both in social services and 'military' operations," said Richard Ward, a University of Illinois terrorism expert. "I'm surprised at how successful it's been moving into the U.S."

Previous FBI probes of domestic groups suspected of improper activities have been disastrous, some officials acknowledge. In the 1960s there was COINTELPRO, an FBI effort to target civil rights groups with dirty-tricks campaigns. In the 1980s, there was CISPES, a broad investigation of liberals suspected of ties to Latin American communists that resulted in no criminal charges.

"If you know the history, you've got to be nervous," said a top Justice official. "We'll be fine on the high-profile cases, when everyone's paying attention. But the idea of some FBI agent going off on his own -- that's when you break out in the cold sweat."

Attorneys for several Muslim Americans say their clients are victims of overzealous investigators.

Ismail Selim Elbarasse, 51, an accountant from Falls Church, is in prison in New York for refusing to appear before a grand jury investigating money-laundering. Agents are reviewing the funds handled by Elbarasse, including bank accounts he shared with Marzook. Before he was jailed, Elbarasse worked as comptroller of the Islamic Saudi Academy, a Saudi-financed school under construction in Loudoun County.

Elbarasse's lawyer, Stanley Cohen, said his client is "a freedom fighter without a gun," and accused the FBI of running a "witch hunt" to discourage Muslims from sending money to areas under Palestinian control.

Abdelhaleem Ashqar, a fund-raiser for Palestinian causes who lives in Fairfax County, was also held in prison for several months for boycotting the same New York grand jury. He was freed after he went on a hunger strike and his Falls Church mosque and other local Muslims organized a letter-writing campaign for his release.

Civil libertarians say FBI probes of some Muslim groups show the bureau equates anti-American rhetoric with terrorism. But officials insist they have evidence that the groups encourage subversion or terrorist groups abroad.

Anjoman Islamie, a student group, "is comprised almost exclusively

of fanatical, anti-American, Iranian Shiite Muslims," Dale Watson, the FBI's counterterrorism chief, said in Senate testimony earlier this year. Watson said Tehran "relies heavily" on the students for low-level intelligence, and could use them to mount operations against U.S. interests.

The Islamic Association of Palestine, a Dallas-based group that distributes Hamas literature, has seen many members questioned by the FBI. "IAP is a Hamas front," said former FBI counterterrorism chief Oliver "Buck" Revell. "It's controlled by Hamas, it brings Hamas leaders to the U.S., it does propaganda for Hamas."

IAP President Amer al-Shawa said his group shares many ideals with Hamas, and acknowledged that speakers at IAP events at times take extreme anti-Jewish and anti-American stands. But he said they're not invited back and he denied the group is a Hamas front.

The Holy Land Foundation, based in Richardson, Tex., is the nation's largest Islamic charity, sending \$2 million a year to Palestinian causes. Israeli officials say it is a Hamas front because it provides money to the families of Hamas activists killed or in prison. John Bryant, its attorney, denies ties to Hamas, saying the group dispatches money according to need, not Hamas affiliation.

Advocates for the nation's 6 million Muslims say the investigations feed off an anti-Islamic bias they see throughout America -- in political cartoons of Arabs, in employers who suspend Islamic women for wearing head scarves, and in airlines that focus mostly on Arab Americans in their search for potential bombers.

"We're the weak link in the civil liberties chain," said James Zogby, president of the Arab American Institute. "Things happen to us that couldn't happen to other groups."

He points to cases such as that of eight supporters of the Popular Front for the Liberation of Palestine who for a decade have faced deportation. Judges have criticized the FBI's actions, and FBI documents reveal an effort to ascribe illicit motives to political activities protected by the First Amendment.

After one PFLP fund-raiser in 1986, an agent reported that his colleagues -- who did not speak Arabic -- had discerned from posters of Palestinians with AK-47 rifles and the "general mood" that the group "was not attempting to raise money for a humanitarian cause. The music . . . sounded militaristic."

The heaviest criticism is reserved for the FBI's use of secret evidence in deportation cases. Immigrants held on secret evidence can usually get out of jail by leaving the country, but some seek political asylum here, contending they could face death if they went home.

One example is the case of six Iraqis held in Los Angeles, which a Justice official described as "a total botch." It began with FBI agents interviewing Iraqi dissidents at a refugee camp in Guam, where they fielded vague accusations that six of them were agents for Saddam Hussein. Officials admit that much of the evidence is sketchy and that some of it was improperly withheld from the suspects. In court some FBI agents made derogatory comments about Arabs. "There is no guilt in the Arab world," one testified. "Only shame."

Senior Justice Department officials have acknowledged potential problems in the aggressive pursuit of domestic groups. Deputy Attorney General Eric H. Holder Jr. has said secret evidence must be used "sparingly," and has pledged to review every such case personally. In a recent gathering with activists, Justice civil rights chief Bill Lann Lee said the department is "hemmed in" by Congress's tough anti-terrorism laws.

FBI officials, resentful of the implied criticism, say they are already taking a cautious approach. "With COINTELPRO and CISPES, we've had our wings singed big-time," one official said. "We've got an almost Pavlovian fear of these domestic cases. You better believe we're extra careful." However, the same official also warned that some seemingly innocuous Muslims lead "Jekyll and Hyde" existences.

Perhaps the most prominent secret evidence case involves Mazen al-Najjar, a University of South Florida professor jailed in Tampa since May 1997. Federal agents describe him and his brother-in-law, fellow USF professor Sami al-Arian, as "mid-level operatives" for the Palestinian Islamic Jihad group. The two men worked at a Muslim think tank whose former administrator, Ramadan Abdullah Shallah, is now the leader of Islamic Jihad. Court papers say another former officer, Basheer Nafi, was a top Jihad operative.

The professors say they are victims of guilt by association. They have not been charged with any crimes, and they deny supporting violence. The evidence against them remains classified, and al-Najjar has become a hero to Palestinian activists.

Still, an immigration judge who examined the secret evidence approved the detention of al-Najjar, and an appeals board agreed that his release "would pose a threat to both the national security of this country . . . and the safety of other persons." An FBI agent testified that he found a letter from al-Arian soliciting funds for Islamic Jihad, "appeal[ing] for support for the Jihad so that people will not lose faith in Islam."

Their incarceration might seem outrageous now, FBI officials say, but it would not if all the facts were public.

*Muslim FBI Agent  
refused to  
record a meeting  
with Al-Arian  
in 1998.*