

Newsweek National News

Column: Terror Watch

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Reinstated

In a bittersweet victory for one of the FBI's few Muslim agents, the bureau has taken the rare decision to overturn his controversial dismissal



Charles Crumriney / Contact for Newsweek

Egyptian-born agent Gamal Abdel-Hafiz

WEB EXCLUSIVE

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Feb. 25 - Overturning the action of its senior disciplinary officer, the FBI has reinstated a high-profile Muslim agent who had been fired last year amid a swirl of controversy over allegations of conflicting loyalties in the war on terrorism, NEWSWEEK has learned.

Gamal Abdel-Hafiz, an Egyptian-born agent who had played a crucial role in some of the bureau's biggest terrorism cases, was recently notified that a three-member FBI Disciplinary Review Board had overturned his dismissal and "decided to reinstate you to the rolls of the FBI." The board acted after concluding that allegations

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610

the rolls of the FBI. The board acted after concluding that allegations that he had been involved in a 15-year-old case of insurance fraud—and then lied about it to FBI investigators—could not be corroborated.

The firing of Abdel-Hafiz last May set off reverberations throughout the ranks of the FBI, raising concerns that it would seriously impede the bureau's ability to recruit new Muslim and Arab-American agents badly needed to work counterterrorism cases. Abdel-Hafiz, who was one of only about a half dozen Muslims in a force of 11,500 agents, charged that he was "hit in the back" by fellow agents who were distrustful of him because of his Muslim faith and Arab background.

Contacted by NEWSWEEK, Abdel-Hafiz said from his home in Dallas that he was "thrilled" to get his job back and grateful to "have this injustice lifted." But the victory was also bittersweet. As a result of the considerable publicity his case has generated, Abdel-Hafiz said he doubted that he could ever be as effective an agent as he was in the past.

"I'm a certified undercover agent who is worthless now," said Abdel-Hafiz, noting that it was unlikely he would be able to attempt to penetrate Muslim terrorist organizations in the future.

The rare decision by the Disciplinary Review Board—a panel of three senior FBI executives—reverses the action last year of Robert Jordan, who was then the assistant director of the bureau's Office of Professional Responsibility, the unit charged with policing internal misconduct. Bureau officials said they could not elaborate on the reasons that led the board to make their decision. Jordan, who is now the special agent in charge of the FBI's Portland, Ore., office, also declined comment.



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But congressional aides noted that it comes at a time when the bureau is under fire for its failure to recruit more Muslim and Arabic-speaking agents. The move also comes barely two months

after Abdel-Hafiz filed a lawsuit against a current and former FBI agent, as well as ABC News for making statements in a December 2002 broadcast that left viewers with the impression he was a "sympathizer to terrorism and other religious fanatics."

Until only a few years ago, Abdel-Hafiz had been one of the bureau's

prized counterterrorism assets, winning promotions and commendations for his work on such cases as the bombings of the Khobar Towers military barracks in Saudi Arabia in 1996 and the Navy destroyer USS Cole off the coast of Yemen in October 2000.

Promoted to the post of deputy legal attaché in Riyadh, Saudi Arabia, in February 2001, Abdel-Hafiz was a pivotal figure in the investigation into the September 11 terror attacks. He also extracted a crucial confession that led to the arrest of the so-called Lackawanna 6—six Buffalo, N.Y.-area men who had attended an Al Qaeda camp in Afghanistan, a case that has been publicly touted by top Justice Department officials as one of the Bush administration's biggest successes in the war on terrorism. "You couldn't ask for a better job by an FBI agent," Paul Moskal, the FBI spokesman in Buffalo, told NEWSWEEK last fall about Abdel-Hafiz's work on the Lackawanna 6 case.

But Abdel-Hafiz's career turned sour in the fall of 2002, when a fellow FBI agent in Chicago, Robert Wright, accused him of refusing to cooperate in an earlier 1999 case targeting fundraising by the militant Palestinian group Hamas. Wright claimed that Abdel-Hafiz, who was then assigned to the bureau's Dallas field office, had refused his request that he wear a hidden wire in a meeting with a suspect in the case on the grounds that "a Muslim does not record another Muslim." Abdel-Hafiz has insisted that his comment was misunderstood and that his reluctance to wear the wire stemmed from his concerns that it could undermine his effectiveness in the Muslim community and jeopardize his family if word got out that he had done so. In any case, Abdel-Hafiz pointed out that his supervisor at the time, Danny Defenbaugh, then the special agent in charge of the Dallas office, made the final decision that Abdel-Hafiz should not wear a wire in the Hamas investigation.

Wright's allegations, first made at a Washington press conference and later repeated in his December 2002 interview with the ABC News show "Primetime Live," led to increased scrutiny of Abdel-Hafiz's work in Riyadh. By then, Abdel-Hafiz's chief supervisor, Wilfred Rattigan, had converted to Islam. When both Abdel-Hafiz and Rattigan flew off to Mecca for the hajj, a top FBI official in Washington complained and an auditing team was dispatched to review the office's work. During the course of the audit, Abdel-Hafiz told NEWSWEEK, the chief inspector from headquarters concluded that there was too much "clutter" in the office and ordered the "shredding" of over 2,000 documents related to the September 11 terror investigations. Although most of the documents were duplicated in the FBI's computers, a small number were not, according to Abdel-Hafiz. These consisted of between 50 and 100 letters written by Saudi security officials responding to FBI requests for information about terror

suspects. When the FBI was forced to ask the Saudis for new copies of the letters, the Saudis—who were being severely criticized in Congress for failure to cooperate on terrorism cases—complained to senior U.S. officials.

As tensions over the Riyadh office grew, and questions over his loyalties were being repeated in the news media, Abdel-Hafiz soon found himself under internal investigation. The charges against him were made by his ex-wife, who claimed that he had staged a burglary of his home in 1989 and then filed a false police report in order to fraudulently collect the insurance proceeds. Abdel-Hafiz also had allegedly failed to disclose the matter as part of his FBI background check. Abdel-Hafiz acknowledges that he failed a FBI polygraph when he denied the charges. But he told *NEWSWEEK* that the polygrapher had tried to rattle him before the test, hurling accusations that he was guilty of the charges and would do better to confess. "Once they accuse you, right before the test, it raises your blood pressure [and] makes it like you're being deceptive," he said.

The FBI traditionally gives great weight to polygraphs, but officials also acknowledge that they are only a "tool" and are not admissible in court because of their unreliability. In any case, the FBI Disciplinary Review Board, after reviewing the OPR file on Abdel-Hafiz's case, concluded that the charges against him did not hold up. The board, in its Jan. 30 letter to Abdel-Hafiz, noted that his ex-wife's claims were "uncorroborated" and "the failed polygraph examination, considering your past history with that test, were not enough to substantiate her allegations against you." A FBI spokesman said the bureau could not comment on any personnel matters for reasons of privacy.

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