



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

**Executive Summary**

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

**September 2013**

**I-2013-007R**

**REDACTED – FOR PUBLIC RELEASE**

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## EXECUTIVE SUMMARY\*

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In March 2012, after receiving a congressional request, the Office of the Inspector General (OIG) initiated a review to examine the clarity of the Federal Bureau of Investigation's (FBI) policy and guidance for its non-investigative interactions with the Council on American-Islamic Relations (CAIR) and FBI field office compliance with the policy and guidance. In evaluating field office compliance, we focused on five specific interactions between the FBI and CAIR that took place from 2010 through 2012 at three FBI field offices: New Haven, Connecticut; Chicago, Illinois; and Philadelphia, Pennsylvania. We found significant issues with the way the FBI implemented and managed its CAIR policy and guidance. The OIG is issuing a full report today on FBI interactions with CAIR to Congress and the Department of Justice that is classified at the Secret level. This unclassified summary of the report summarizes the findings, conclusions, and recommendations of the report.

### Background

In 2008, the FBI developed a policy on its interactions with CAIR based in part on evidence presented during the 2007 trial of the Holy Land Foundation for Relief and Development.<sup>1</sup> The evidence at trial linked CAIR leaders to Hamas, a specially designated terrorist organization, and CAIR was named as an unindicted co-conspirator in the case. The policy was intended to significantly restrict the FBI's non-investigative interactions with CAIR and to prevent CAIR from publicly exploiting such contacts with the FBI.

The FBI's [REDACTED] communicated the policy to FBI field offices through a series of electronic communications (EC) during a 4-month period from August through December 2008. During this time, [REDACTED] sent three ECs and the FBI's [REDACTED] sent two other ECs to FBI field offices providing background, guidance, and policy language on when, how, and why future specific non-investigative interactions with CAIR would be restricted.<sup>2</sup> The ECs mandated coordination with the [REDACTED] for all non-investigative interactions with CAIR and directed FBI field offices to specific points of contact at [REDACTED] for guidance

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\* The FBI identified within the full version of this report classified and other information that if released publicly could compromise national security interests and the FBI's operations. To create this unclassified public Executive Summary, the Office of the Inspector General redacted (blacked out) portions of the Executive Summary.

<sup>1</sup> *United States v. Holy Land Foundation et al.* (Cr. No. 3:04-240-P, N.D. Tex).

<sup>2</sup> The strategy 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.

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regarding the implementation of the policy. Additionally, in late November 2008, █████ held a mandatory meeting for all Special Agents-in-Charge (SAC) and Assistant Directors-in-Charge of FBI field offices to ensure compliance with the policy.

The ECs containing the policy acknowledged that it represented a significant deviation from past FBI policy and that it affected longstanding relationships in the field. When we asked the former FBI Assistant Director for █████, who was the Deputy Assistant Director for █████ at the time, why the FBI issued multiple ECs over a 4-month period regarding the policy, he said that some of the field offices were reluctant to go along with the policy initially.<sup>3</sup> 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 the █████], but that their direction in regards to CAIR will come from the LA Field Office front office." We learned from interviews with the █████ that several other SACs also were reluctant to follow the policy. The former Assistant Director of █████ also said that field office managers believed the strategy was being run by the █████ rather than █████ and "they did not like answering to the █████." The former Assistant Director of █████ further stated that the ECs were meant to demonstrate that this was a national issue, rather than an issue that affected only a █████.

Based on our review of five incidents in three field offices, we found that █████ did not manage or provide the oversight needed to ensure proper implementation and compliance with its policy. Instead, a different headquarters entity, the Office of Public Affairs (OPA), provided policy interpretation and advice to FBI field offices on potential interactions with local CAIR chapters, without consulting █████.<sup>4</sup> We found that OPA's guidance was not always in line with, or supported by, the binding language contained in the policy. We also found instances in which FBI field offices did not communicate with the points of contact identified in the policy. And we found that █████ and OPA still appear to have coordination issues before providing guidance to FBI field offices.

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<sup>3</sup> He served as Assistant Director of the FBI's █████ from January to December 2010.

<sup>4</sup> OPA issued "Public Affairs Guidance" in April 2009, July 2009, January 2010, March 2010, and March 2011 to FBI field offices to provide questions and answers (Q & A's) and talking points for media inquiries and interviews on Muslim outreach that each contained a portion on FBI-CAIR relations.

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## Five Field Office Incidents

Chicago Field Office – On July 27, 2010, the SAC of the Chicago Field Office gave a presentation at the request of the American Islamic College. The SAC was not aware until 30 minutes prior to the event that a local CAIR official was scheduled to make the introductory remarks. 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. While this appearance with a CAIR official did not adhere to the policy language or its intent, the OIG recognizes that the SAC was notified at the last minute and made a judgment call. Had the SAC learned earlier the identity of the person who was scheduled to introduce him, we believe that the policy would have required coordination with the [REDACTED] before proceeding with the event.

New Haven Field Office – On October 29, 2010, the FBI New Haven Field Office co-coordinated a diversity training workshop with a local Muslim organization. Two of the six trainers selected for this “cultural sensitivity” training were local CAIR officials. The New Haven Field Office sought guidance from OPA, [REDACTED] about how it could participate in the event and still comply with policy. The [REDACTED] informed the New Haven Field Office that the training would be against policy. However, OPA provided different guidance to the New Haven Field Office that training could occur as long as it was conducted offsite, and New Haven did not abide by the opinion of the [REDACTED] and instead followed the OPA guidance. The result was an FBI interaction with CAIR that was inconsistent with the FBI’s policy.

Chicago Field Office – On December 2, 2010, the Chicago Field Office hosted a quarterly Department of Homeland Security (DHS) Community Engagement Roundtable at its field office that many Chicago area government and community officials attended. DHS invited a local CAIR official to attend the meeting at the Chicago FBI Field Office, although the CAIR official ultimately did not attend. The Chicago Field Office SAC told the OIG that if DHS invited a CAIR official to the Roundtable, he 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.<sup>5</sup> 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 therefore was not required to contact or coordinate with Headquarters. We do not believe that the ECs could have been viewed as anything other than

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<sup>5</sup> 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.

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mandatory, particularly in light of the SAC's attendance at [REDACTED] policy 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 would have been inconsistent with the FBI's policy.

Philadelphia Field Office – On December 11, 2010, the Philadelphia Field Office held a Community Relations Executive Seminar Training (CREST) event. CREST is an FBI community outreach program created by OPA as a subprogram of the FBI's Citizen's Academy. The policy specifically instructed FBI field offices that CAIR could not participate in the FBI Citizen's Academy. Nevertheless, based on guidance it received from OPA, the Philadelphia Field Office allowed a local CAIR official to attend as an invited guest. A few days later, CAIR-Philadelphia posted an article on its website describing its participation in the training program, with a link to the FBI's website. The FBI Philadelphia Field Office did not coordinate with the [REDACTED] as required in the policy, and OPA did not consult with [REDACTED]. As a result, OPA provided guidance that resulted in an interaction with CAIR that was inconsistent with the FBI's policy.

Philadelphia Field Office – Between August 2011 and June 2012, Philadelphia Field Office Special Agents attended the Pennsylvania Human Relations Commission Interagency Task Force on Community Activities and Relations meetings on a monthly basis. CAIR personnel have also attended these meetings. During our review, we learned that the Philadelphia Field Office attended these task force meetings for approximately 7 years for liaison purposes related to its civil rights program. The meetings were sponsored by a state government agency and not by the FBI or CAIR; they were held in non-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. Therefore, we found that the policy did not preclude FBI attendance at these meetings.

## **Conclusion**

In 2008, the FBI developed a policy intended to restrict FBI field offices' non-investigative interactions with CAIR. However, in three of the five incidents we reviewed, we concluded that the policy was not followed. Despite recognizing the importance of the policy by issuing multiple ECs and holding a mandatory meeting with field office leadership to ensure compliance, we found that the FBI did not conduct effective oversight to ensure compliance with the policy. Additionally, FBI field offices at times contacted OPA instead of the required points of contact under the policy, and OPA did not consistently coordinate with [REDACTED] when that happened. We found that OPA, which has a different mission and focus than other divisions,

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provided guidance regarding interactions with CAIR that we found was inconsistent with the policy. This resulted in public interactions with CAIR that we found to be inconsistent with the goal of the FBI's policy.

### **Recommendations**

To help the FBI improve its implementation of the policy, the OIG has made two recommendations in this report. They are:

1. Ensure effective implementation of FBI policy relating to interactions with CAIR, including the coordination mandated by the policy and enforcement and oversight of compliance with the policy.
2. Provide comprehensive education on the objectives and requirements of the current CAIR policy to Headquarters and field office personnel who are likely to be involved with the application of the policy.