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COMMITTEE ON THE JUDICIARY

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January 13, 2010

The Honorable Eric H. Holder, Jr.
Attorney General of the United States
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Holder:

I write seeking your personal assurance that the Department's investigation into the shooting death of Imam Luqman Ameen Abdullah in Dearborn, Michigan on October 28, 2009, will be appropriately rigorous, thorough, and – most critically – transparent. In addition, I call for the Department's Civil Rights Division to conduct a separate, independent review of whether the Federal Bureau of Investigation's use of confidential informants in our nation's houses of worship may constitute a deprivation of protected constitutional rights under 42 U.S.C. § 14141.

As you know, the shooting of Imam Abdullah has stirred great controversy. Many – such as Detroit Mayor David Bing¹, the Michigan Council on American-Islamic Relations and other organizations², and the Detroit Free Press³ – have called for an independent, outside review, arguing that the Department and the Bureau cannot fairly investigate their own conduct in this serious matter.

These concerns are only inflamed when the Special Agent in Charge of the Detroit FBI office asserts – before investigation has been completed – that "I'm comfortable with what our agents did. . . . They did what they had to do to protect themselves."⁴ Such premature judgments

¹Brignall, *Mayor Bing Joins Those Calling for Independent Investigation into Luqman Ameen Abdullah Shooting*, Detroit Crime Examiner, November 29, 2009.

²Al Hajal, *Outrage Erupts after Killing of Imam*, The Arab American News, November 6, 2009.

³Editorial, *Imam Killing Needs Independent Investigation*, Detroit Free Press, December 3, 2009.

⁴Saluny, *Prayers and Criticism in Wake of Detroit Imam's Killing by F.B.I.*, The New York Times, October 30, 2009.

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cause many observers to fear that Department's internal investigations will simply reach pre-ordained conclusions to protect the government's own.

The need to provide a thorough, rigorous, and transparent accounting of the shooting here is plain. However, given the role played by government informants who visited – and surreptitiously recorded statements at – Imam Abdullah's mosque, the Department must do more. For this reason, I call on the Department's Civil Rights Division to conduct a complete review of the use of informants at American places of worship by the Federal Bureau of Investigation, and in particular to determine whether the Department's conduct in this regard may constitute an unlawful pattern or practice in violation of constitutionally protected rights. *See* 42 U.S.C. § 14141.

As you know, the Department's use of informants in religious settings has long been highly controversial. From the wiretapping of the Reverend Martin Luther King, Jr., to the infiltration of anti-war and civil rights organizations over the decades, this country has seen national security fears invoked to justify overreaching surveillance and investigation of religious leaders too many times in the past. And it is against this troubled backdrop that the Detroit Free Press raised the issue in connection with the shooting of Imam Abdullah: “[Q]uestions linger, not only about how Abdullah died, but also whether federal agents inappropriately target Muslims and mosques.”⁵

At a time when our national security depends so heavily on positive relations with Muslim communities in the United States and around the world, the controversy surrounding this aspect of the matter is especially destructive. As the head of Duke University's Triangle Center on Terrorism and Homeland Security put it recently: “This is a national security issue. It's absolutely vital that the F.B.I. and the Muslim-American community clear the air and figure out how to work together.”⁶ But events such as the Abdullah matter – not to mention broader controversies regarding racial and religious profiling in the national security context – have enormously strained these relations:

“Since the terror attacks of 2001, the F.B.I. and Muslim and Arab-American leaders across the country have worked to build a relationship of trust, sharing information both to fight terrorism and to protect the interests of mosques and communities. But those relations have reached a low point in recent months, many Muslim leaders say. Several high-profile cases in which informers have

⁵Editorial, *Imam Killing Needs Independent Investigation*, Detroit Free Press, December 3, 2009.

⁶Vitello and Semple, *Muslims Say FBI Tactics Sow Anger and Fear*, The New York Times, December 18, 2009.

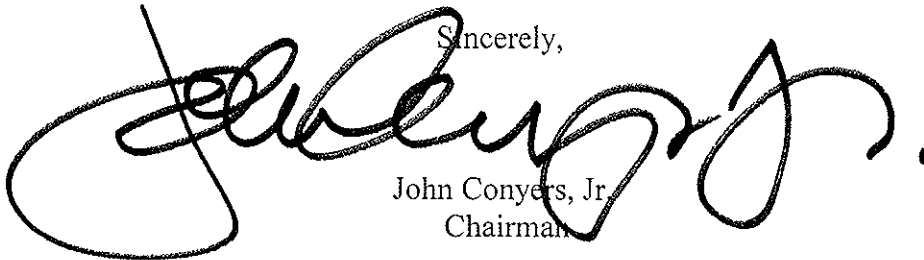
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infiltrated mosques and helped promote plots, they say, have sown a corrosive fear among their people that F.B.I. informers are everywhere, listening.”⁷

This issue does not affect Muslims alone. Our nation was founded in part on the principle of religious freedom, and people of all faiths should be free to worship without undue fear that the person in the next pew is a government agent. As the Director of Michigan’s own Interfaith Council for Peace and Justice put it, “If G-men can infiltrate a mosque, why not a church, synagogue or temple?”⁸ And these are not idle fears. One writer recently urged the FBI to expand its surveillance of churches and religious groups: “Let’s hope the FBI is investigating evangelical groups and their leaders, infiltrating pro-life outfits like Operation Rescue.”⁹ Another journalist assumes this is already occurring: “Let’s say conservatives find that the Obama FBI is taping them at their churches and infiltrating pro-life” groups.¹⁰ Fears such as these may be most profoundly felt in our Muslim communities right now, but they are present among people of all faiths. To address them, there must be a full review of the Government’s use of undercover agents in American houses of worship.

Please direct your response to the Committee on the Judiciary, 2138 Rayburn House Office Building, Washington, DC 20515 (tel: 202-225-3951; fax 202-225-7680). Thank you for your attention to this matter.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read "John Conyers, Jr.", is written over the typed name and title.

John Conyers, Jr.
Chairman

cc: The Honorable Lamar S. Smith
Tom Perez, Assistant Attorney General for the Civil Rights Division
Ron Weich, Assistant Attorney General for the Office of Legislative Affairs

⁷Vitello and Semple, *Muslims Say FBI Tactics Sow Anger and Fear*, The New York Times, December 18, 2009.

⁸Sacirbey, *Muslims Lack Allies in Concerns About FBI Undercover Program*, Religion News Service, October 16, 2009.

⁹Schaeffer, *Understanding Domestic Terror USA*, Huffington Post, June 10, 2009.

¹⁰Greenhut, *Homeland Security Report Shows Need to Save Civil Liberties For All*, Orange County Register, June 6, 2009.