



Council on American-Islamic Relations

Washington State Chapter

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October 8, 2012

Ms. Laura M. Laughlin
Special Agent in Charge, Seattle Division
Federal Bureau of Investigations
1110 3rd Avenue
Seattle, Washington 98101-2904

Via U.S. Mail and Email

Re: Complaint of Community Outreach Policies and Practice

Dear Ms. Laughlin:

I hope this finds you in the best of health and spirits. I am writing you regarding a recent complaint we received involving two FBI agents questioning an American Muslim family under the banner of community outreach. Ms. XXXX and her daughter, Ms. XXXX, were offended and shocked by the questions and have since contacted your office six times requesting information about the community outreach program. To date, the XXXX family has not received a response to their inquiries. Ms. XXXX and Ms. XXXX have authorized the Washington Chapter of the Council on American-Islamic Relations ("CAIR-WA") to contact you on their behalf, in signed statements enclosed with this letter.

According to the XXXX family, two FBI agents visited their XXXX home on Thursday, September 28, 2012, at approximately 1600 hours. One agent was later identified as Special Agent Albert C. Kelly III and the other agent was a 40-50 year old with straight brown hair that fell to her shoulders. The agent knocked on the XXXX's door, flashed an FBI badge, and began asking questions of Ms. XXXX, who had answered the door. Among the questions the two agents asked of Ms. XXXX were:

- What is your name? (asked three times)
- Where are you from?
- Do you have any family there?
- When have you traveled there?
- Who did you visit and how long were you there?
- Do you call anyone in Afghanistan? Who do you talk to?
- What do you think of the Taliban?
- *Agent had her home phone number on paper and asked: Is this your number?*
- What if the Taliban has your phone number?

While Ms. XXXX responded to the questions, Agent Kelly took notes in a notebook. Ms. XXXX, Ms. Nafisa XXXX's daughter, arrived and asked what was happening. Ms. XXXX explained that the agents were with the FBI and were asking her questions. Ms. XXXX told her daughter she was very scared and was wondering why they were asking her so many questions especially about why she contacts her family in Afghanistan.

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At that point, Agent Kelly stated: “Well, it looks like you have been here a long time.” Ms. XXXX stated that she has been living in the United States for 30 years and asked if she was being investigated and why she was being questioned. Agent Kelly stated that she was not being investigated, but that the agents were “just doing community outreach.”

Ms. XXXX said: “Community outreach? What is that? I’ve never heard of that before. When was this started?” At this point, Ms. XXXX stated that Agent Kelly began to turn red and looked very nervous and remained like this until he left. The female agent explained that the FBI has been doing community outreach for a long time with the Somali, Indian, and Pakistani communities. Because the FBI has a negative connotation with many people, the female agent explained, they reach out to community members so they know who to contact in case they have information which may be helpful to the FBI. Ms. XXXX asked: “Information? What do you mean? What kind of information.” The agents did not respond. Ms. XXXX asked: “Are we being investigated? Did someone say something? Is there a complaint?” The agents did not respond clearly.

At this point, Ms. XXXX became emotional and explained that she came to the United States when the former Soviet Union invaded Afghanistan and most of her family was killed. Since she doesn’t have many family members left, Ms. XXXX explained that it is important to her to remain in good contact with them. Ms. XXXX again asked why the FBI agents were questioning Ms. XXXX about her conversations with her family in Afghanistan. Agent Kelly began apologizing and stated: “This is not what we were expecting.”

Ms. XXXX asked the agents again about the community outreach program. She asked why she had not heard anything about door visits in her 30 years of living here, and why the agents did not visit her until that particular day. The female agent explained that there are only seven or eight people who do home visits and “it takes time to make it around.” Ms. XXXX explained that she would have appreciated having more information in advance, such the FBI sending something in the mail or calling her to tell her they would be coming by. Ms. XXXX asked Agent Kelly for a copy of the paper on which he’d been writing. Agent Kelly denied and said he could not give her a copy of the paper. The female agent stated that it would be best for the agents to leave and again stated: “This is not what we were expecting.” Agent Kelly agreed and they left Ms. XXXX’s residence.

The following day, September 29, 2012, Ms. XXXX called the Seattle FBI office to find out if the visit was a scam. Ms. XXXX spoke to someone who confirmed that Agent Kelly was in fact an agent with the FBI and transferred Ms. XXXX to his voicemail. Ms. XXXX also spoke with the outreach program supervisor, Ms. Nakia Ray. Ms. Ray stated that she would contact Agent Kelly’s supervisor who would contact Ms. XXXX by 1530 hours. Ms. Ray called again at 1520 hours and stated that the agent’s supervisor was not at their desk, but that they would follow up if not the same day, then by Monday.

On Monday, September 30, 2012, Ms. XXXX had still not received a call from anyone at the FBI office. At 1245 hours, Ms. XXXX called Ms. Ray and left her a message stating that she has not received a call. Ms. XXXX called again at 1426 hours and left another message for Ms. Ray asking her to call back. Ms. XXXX then called the operator and asked to speak with Agent Kelly’s supervisor. The operator would not give Ms. XXXX the name of Mr. Kelly’s supervisor, and would not state if the supervisor, Agent Kelly, or Ms. Ray were in the office. The operator also refused to transfer Ms. XXXX to anyone else, stating that Ms. Ray was the only person who could help Ms. XXXX. At 1650 hours, Ms. XXXX left another message for Ms. Ray. To date, Ms. XXXX has not received a call from Agent Kelly, his supervisor, or Ms. Ray in responses to her many inquiries.

Ms. XXXX and Ms. XXXX were deeply offended by the agents' questions and are very skeptical of the agents' stated reasons for questioning them at their home. Further complicating their suspicion is the knowledge that the FBI has used the cover of "community outreach" to illegally collect and store intelligence information about Americans' religious beliefs and practices, a practice made public by the ACLU's 2011 report.¹ We believe that the FBI has treated Ms. XXXX and Ms. XXXX with the same distrust that permeates that national attitude towards and conversation about American Muslims.

Thus, we respectfully request the following of the FBI:

1. Responses to the questions Ms. XXXX raised in her interview with FBI agents at her home:
 - a. Why was Ms. XXXX questioned at her home?
 - b. What is the community outreach program?
 - c. When was the community outreach program started?
 - d. What is the purpose and mission of the community outreach program?
 - e. Why was Agent Kelly taking notes during his conversation with Ms. XXXX?
 - f. If the purpose of community outreach is to meet community members and encourage them to contact the FBI with any information in the future, why could Agent Kelly not provide Ms. XXXX with a copy of his notes from their conversation?
2. Provide an explanation of the policies and procedures guiding agents in the community outreach program including how to select contact targets within a community, conduct when engaging with community members, and the purpose/mission of community contact;
3. Provide an explanation of the guidelines for FBI interviews of community members during community outreach efforts;
4. Clarify the connection between the FBI community outreach programs and surveillance or intelligence gathering;
5. Clarify the role of the community outreach program within the FBI's mission "to protect and defend the United States against terrorist and foreign intelligence threats, to uphold and enforce the criminal laws of the United States, and to provide leadership and criminal justice services to federal, state, municipal, and international agencies and partners."
6. A written apology to the XXXX family for subjecting them to offensive questioning at their home and neglecting to return their five phone calls requesting further information.
7. Ensure that absolutely no retaliation occurs against Ms. XXXX, Ms. XXXX, or other family members or witnesses;

We share your goal to protect the United States and all residents therein and look forward to a future of more amicable collaboration with the FBI. However, it is our duty as the largest Muslim civil rights organization in

¹ The report can be accessed at http://www.aclu.org/files/assets/aclu_eye_on_the_fbi_alert_-_community_outreach_as_intelligence_gathering_0.pdf

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the United States to identify law enforcement's profiling of the American Muslim community and advocate for greater transparency among law enforcement agencies for the sake of accountability.

Please contact me with any questions at civilrights@wa.cair.com or by phone at 206.367.4081. We look forward to your prompt reply.

Respectfully,

Jennifer Gist
Civil Rights Coordinator

Enclosures: Signed Information Release Statements

cc: Director Robert S. Mueller, III, FBI Headquarters
Ms. Jenny Durkan, United States Attorney for the Western District of Washington
Mr. Bruce Miyake, Assistant United States Attorney for the Western District of Washington
Honorable Maria Cantwell, United States Senate
Honorable Patty Murray, United States Senate
U.S. Senate Committee on Homeland Security & Governmental Affairs
Honorable Rick Larsen, House of Representatives, 2nd Congressional District
Honorable Jaime Herrera Beutler, House of Representatives, 3rd Congressional District
Honorable Doc Hastings, House of Representatives, 4th Congressional District
Honorable Cathy McMorris Rodgers, House of Representatives, 5th Congressional District
Honorable Norman D. Dicks, House of Representatives, 6th Congressional District
Honorable Jim McDermott, House of Representatives, 7th Congressional District
Honorable David G. Reichert, House of Representatives, 8th Congressional District
Honorable Adam Smith, House of Representatives, 9th Congressional District
Honorable Chris Gregoire, Governor, State of Washington
Chief John Diaz, Seattle Police Department
Chief XXXX, XXXX Police Department
Detective XXXX, XXXX Police Department
Mr. S. Arsalan Bukhari, Executive Director, CAIR-WA
Ms. XXXX
Ms. XXXX