

When the FBI Knocks: Racialized State Surveillance of Muslims

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Abstract

The sustained fixation on Muslims as the perennial suspects in domestic terrorism is a stereotype that continues to pervade counter-intelligence driven efforts. This research analyzes 113 cases of FBI contact with US Muslims living in Los Angeles, CA. Based upon these cases, this research suggests that every day, normal behavior becomes suspicious *only* when practiced by US Muslims, which would otherwise be acceptable, mundane, and unremarkable for ordinary white Christians, therefore constituting a form of “racialized state surveillance.” The most prevalent questions asked by FBI agents to Muslims in this study were regarding religious practices or affiliation with religious organizations demonstrating the FBI faultily presumes that Muslim ties to their community and faith is abnormal, and worthy of state surveillance. This research reveals that FBI contact with Muslims is often not reliant upon actual indications of criminal activity, but instead the contact is predicated upon the suspicion of *who* is engaged in these behaviors. Under racialized state surveillance, these actions become hyperscrutinized and deemed worthy of FBI assessment.

Keywords

Muslims, race, surveillance, Islamophobia, terrorism

Introduction

In 2011, a series of FBI training materials were leaked to the public, reinforcing the notion that “mainstream” Muslims in the United States are likely to be “terrorist sympathizers” (Ackerman, 2011). Originally presented to FBI counterterrorism agents at the FBI Academy—the FBI’s major training and research center—located in Quantico, Virginia, the training materials included, among other disturbing assertions about Islam and Muslims, a chart contending that the more “devout” a Muslim is, the more likely one is to be violent. Training materials also indicated that the Islamic practice of charitable giving was nothing more than a “funding mechanism for combat” (Ackerman, 2011). Immediately following the surfacing of the FBI’s teaching materials, civil liberties organizations widely condemned the FBI’s Islamophobic distortions of Islam and Muslims. The FBI

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quickly issued a press release, distancing the bureau from the teaching materials, and the counterterrorism expert who gave the presentation, stating:

The FBI is committed to protecting Americans' rights under the U.S. Constitution, including a person's right to live, work, and worship as they wish. Strong religious beliefs should never be confused with violent extremism. Views that are contrary should not and will not be taught to FBI employees...Policy changes have been underway to better ensure that all training is consistent with FBI standards. (Federal Bureau of Investigation, 2011)

Despite the FBI's claim that these training materials were an aberration to the principles of the FBI, for countless US Muslims, these materials confirmed what they had suspected: that the FBI's investigative practices and counterterrorism strategies were far from neutral.

The FBI's gaffe is unlikely to be perceived as a one-time occurrence due to mounting evidence of systematic surveillance of US Muslim communities (Ali, 2016; Goldman and Apuzzo, 2012; Kundnani, 2014). In a Pulitzer Prize Associate Press (2011) investigation, it was revealed that the NYPD's Intelligence Division's "Demographics Unit" mapped, photographed, or infiltrated over 250 mosques and 31 Muslim student organizations throughout New York. In 2012, the Chief of the NYPD Intelligence Division, Lt. Paul Galati admitted during sworn testimony that in his six years of tenure, the unit tasked with monitoring American Muslim life had not yielded a single criminal lead (Goldman and Apuzzo, 2012). In a similar surveillance counterterrorism strategy, the LAPD also aimed to develop a program that would map the Muslim neighborhoods of Los Angeles (Cincotta, 2010). Deputy Police Chief, Michael Downing head of the Counter-Terrorism Bureau in Los Angeles, told a congressional hearing that "While this project will lay out geographic locations of many different Muslim populations around Los Angeles, we also intend to take a deeper look at their history, demographics, language, culture, ethnic breakdown, socioeconomic status and social interactions" (Winton et al., 2007). However, due to mounting public pressure the LAPD decided to scrap the project (Hall, 2007). Despite what was hailed as a victory against unwarranted profiling of Muslims in Los Angeles, changes in recent FBI guidelines permitted expansive surveillance of this same population.

This research contributes to this partially formed portrait of surveillance by examining FBI contact with 113 individual Muslims living throughout the greater Los Angeles area over a five-year span. The sample includes individuals who voluntarily reported any contact they have had with FBI agents mostly with the intent of gaining legal advice or support from a prominent civil rights organization. I coded 113 intake cases from 2006 to 2010 that were reported to the organization's legal department. The data collected from these cases focus on three primary areas: (1) demographic patterns of individuals who were contacted by the FBI; (2) stated FBI motivations for initial contact with individual Muslims; and (3) questioning patterns used by FBI agents. The vast majority of FBI contact with individual Muslims in this sample occurred at their homes. Thus, most FBI contact was specific in its targeting of individuals, meaning the FBI asked for the individuals by name and their home addresses were known prior to contact. A smaller subset of the sample was contacted based upon suspicious activity reports that were forwarded to the FBI, which can potentially be filed by any person or agency who has observed "suspicious" behavior. The stated reasons for FBI contact varied, ranging from an interest in information about other Muslim community members, individual's religious observance, travel outside of the country, political views, background information, suspicious activity reports, and contact based upon membership in university student groups such as the Muslim Student Association.

This paper begins with a comprehensive review of the FBI's investigatory guidelines, practices, and procedures that reveals the FBI has engaged in surveillance of Muslims living in greater Los

Angeles often without any indication of illegal activity. Next, by focusing on the population that was targeted –Muslim men who are citizens– and the questioning pattern used by FBI agents, this paper will demonstrate that the use of FBI informants, travel searches, and scrutiny of university student organizations all contribute to the multidimensional layers of surveillance that Muslims are subjected to within this sample. These research findings demonstrate that every day, normal behavior becomes suspicious when practiced by US Muslims, which would otherwise be acceptable, mundane, and unremarkable if practiced by white Christians, thus constituting a form of “racialized state surveillance.” I argue that FBI contact with Muslims is not reliant upon actual evidence of criminal activity, but instead the contact is predicated upon the suspicion of *who* is engaged in such behaviors. Common behaviors such as traveling, religious worship, taking pictures, and association with friends and community members seem rather benign *unless* Muslims are engaged in such practices, indicating that for Muslims in the US, such surveillance is a racialized practice of the state.

Constructing the Muslim Archetype of Domestic Terrorism

The sustained fixation on Muslims as the perennial suspects in domestic terrorism is a stereotype that continues to pervade intelligence driven efforts. However, empirical sociological research does not support this assumption (Schanzer et al., 2010). Based upon the trends presented in this study, there has been a definitive shift in counterterrorism priorities and policing strategies domestically. Prior to 2006, most counterterrorism efforts were primarily focused on safeguarding the US from *foreign* terrorists. Non-citizen Muslims endured significant repression immediately in the aftermath of 9/11 due to this initial crackdown (Murray, 2004). However, the bombing of the London Underground on July 7, 2005 by homegrown Muslim radicals had an international ripple effect on the United States fight against terrorism. During the period of 2006–2007, US public discourse on the growing threat of radical homegrown terrorism became an increasing media fixation. The shift to consider US Muslims as security threats set into motion an intensified scrutinization of the social activities, religious practices, and political beliefs of the Muslim population (Kumar, 2012; Kundnani, 2014). There has been significant financial and governmental investment in both the surveillance and monitoring of Muslim communities (Bakalian and Bozorgmehr, 2009; Cainkar, 2009; Jamal and Naber, 2008; Murray, 2004).

In May, 2006 the first significant homegrown radicalization FBI counterterrorism report, *The Radicalization Process: From Conversion to Jihad* purported to delineate the indicators in the pre-radicalization stage of Muslim homegrown radicalism. These “identification factors” included wearing traditional Muslim attire, growing facial hair, frequent attendance at a mosque or prayer group, and traveling to a Muslim country (Federal Bureau of Investigation, 2006). These presumed identification factors are nothing more than a set of generalized characteristics that could be applied to a vast majority of Muslims, and tell us nothing about the individual criminal activities of potential terrorists. Despite this ill-conceived report, counterterrorism intelligence officials continued political momentum in this direction, stressing the pressing need to address US Muslims as a suspected domestic threat.

In March of 2007 Charles E. Allen, DHS Assistant Secretary for Intelligence and Analysis presented written testimony to the U.S. Senate Committee on Homeland Security and Governmental Affairs on the *Threat of Islamic Radicalization to the Homeland* in which he stated:

In general, we have found that it is more difficult for radicalized individuals in the United States to turn their ideologically-driven violent inclinations into successful terrorist attacks. We believe that in Europe there exist closer links between criminal and extremist social networks and that Europe’s larger pool of

disaffected Muslims have more opportunity to connect with terrorist groups tied to al-Qa'ida globally ... Thus far, we have not seen these types of linkages between homegrown extremists and international terrorist groups in the United States, but we remain vigilant, and recognize that we are not immune to the threat.

Despite the lack of evidence to support the claim of a new homegrown Muslim threat, the counterterrorism wing was officially mobilized by the Department of Homeland Security and the FBI. In a similar trajectory, the NYPD released a report in July 2007, "Radicalization in the West: The Homegrown Threat" in which Brian Jenkins, Senior Advisor to the President of the Rand Corporation noted that, "The absence of significant terrorist attacks or even advanced terrorist plots in the United States since 9/11 is good news that cannot entirely be explained by increased intelligence and heightened security. It suggests America's Muslim population may be less susceptible than Europe's Muslim population, if not entirely immune to jihadist ideology; indeed, countervailing voices may exist within the American Muslim community" (New York Police Department, 2007: 12). Despite senior officials and experts claims that the Muslim community did not pose a significant threat, this study demonstrates that the FBI continued to funnel resources into surveilling Muslims.

In a report issued by the *Congressional Research Service*, the authors found that, "The volume of domestic terrorist activity was much greater in the 1970s than it is today. That decade saw 60 to 70 terrorist incidents, most of them bombings, on U.S. soil every year—a level of terrorist activity 15 to 20 times that seen in most of the years since 9/11, even counting foiled plots as incidents." Moreover, the vast majority of these domestic terrorists were non-Muslim and this continues to be the trend today. "There were 80 total plots by U.S.-originated non-Muslim perpetrators against the United States since 9/11" (Beutel, 2011). In contrast, "There have been 43 homegrown violent jihadist plots or attacks in the United States since September 11, 2001" (Bjelopera and Randol, 2010). Similar findings by Kurzman's (2011) study on *Muslim American Terrorism Since 9/11: An Accounting* points to this contradiction, suggesting that "Muslim-American terrorism makes news. Out of the thousands of acts of violence that occur in the United States each year, an efficient system of government prosecution and media coverage brings Muslim-American terrorism suspects to national attention, creating the impression—perhaps unintentionally—that Muslim-American terrorism is more prevalent than it really is." Given that the majority of domestic terrorist attacks in the decade preceding 9/11 have been perpetrated by non-Muslims (Beutel, 2011), why is it that ethnicity/race/religion has never been a counterterrorism strategy pursued in thwarting future attacks by this population? In this regard, counterterrorism agencies pursuing leads pertaining to threats of ideological extremism and violence has been a more widely used intelligence driven approach as opposed to mapping generalized Christian communities in hopes of identifying future terrorists.

Preemptive FBI Counterterrorism Strategies

The first FBI Domestic Security Guidelines were created by Attorney General Edward Levi in 1976, after it was revealed that the FBI had engaged in widespread targeting of civil rights and anti-war groups under its counterintelligence program ("COINTELPRO"), which aimed "to 'disrupt, misdirect, discredit, or otherwise neutralize' the civil rights, black liberation, Puerto Rican independence, anti-war and student movements of the 1960s" (Churchill and Vander Wall, 1990: x). The Levi Guidelines were introduced to give clear guidance to agents in the field about the scope and selection of targets in their investigations as well as important restrictions designed to preserve civil liberties.

This remained the status quo until May 30, 2002, when former Attorney General John Ashcroft modified the guidelines unilaterally in order to lift restrictions that he claimed “bar FBI field agents from taking the initiative to detect and prevent future terrorist acts” (Ashcroft, 2002). Ashcroft suggested that the previous guidelines were outdated in light of the new and more compelling threat posed by international terror networks (Ashcroft, 2002). Moreover, he also asserted that the fight against terrorism was “the central mission and highest priority of the FBI...Our philosophy today is not to wait and sift through the rubble following a terrorist attack. Rather, the FBI must intervene early and investigate aggressively where information exists suggesting the possibility of terrorism, so as to prevent acts of terrorism” (Ashcroft, 2002). The new guidelines advance this strategy of prevention by strengthening investigative authority at the early stage of preliminary inquiries. As a result of the shift in approaches to counterterrorism, former FBI Director Robert Mueller authorized an initiative in 2003 aimed at counting mosques around the country. The 56 FBI field offices nationwide were instructed to develop demographic profiles of their localities. This information would then be used to assist in setting quotas for wiretaps and counterterrorism investigations (Isikoff, 2003).

In December of 2008, the guidelines were revised once again by Attorney General Michael Mukasey. The guidelines allow the FBI wider latitude in conducting investigations whether or not they receive information of suspicious activity from an external source. In the 2008 Guidelines, under approved methods of investigation for proactive assessments, the FBI can “interview or request information from members of the public and private entities” and additionally authorizes the FBI to “engage in observation or surveillance not requiring a court order” (Office of the Attorney General, 2008: 21). Interviews with the public are not considered to be a measure of intrusiveness, therefore they do not require supervisory approval. Investigators can disguise their identities when conducting pretext interviews with neighbors, colleagues, and friends of a subject in order to assess a generalized threat (*New York Times*, 2008). Furthermore, they can also engage in lengthy physical surveillance and covertly infiltrate law abiding groups. The FBI can pursue any of these avenues “without any single fact that a person has ties to a terrorist organization” (Johnson, 2008).

In a briefing with community organizations, an area of concern within the draft FBI DIOGS in 2008 was a section entitled, “Community Race and Ethnicity as a Factor” including a provision relating to “Geomapping Ethnic and Racial Demographics” (Muslim Advocates, 2009). The guidelines proposed that agents collect information and create maps of “ethnic-oriented” businesses, behaviors, lifestyle characteristics and cultural habits in areas with concentrations of ethnic populations” (Hernandez, 2010).

In June, 2011, the FBI DIOGS were revised to grant more authority and power to the agency. The new changes allow for broader surveillance of private and protected activities without much oversight. An important revision in the guidelines allows FBI agents or informants to attend up to five meetings of any group, including groups organized for political purposes before they would have to abide by any rules that would restrict such speech-suppressing activities (Lynch, 2011). A limit on the number of times a surveillance squad can watch someone was also lifted (Friedan, 2011). An additional change is that “agents will now be allowed to search for information about a person in a commercial or law enforcement database without any firm evidence for suspecting criminal or terrorist activity and without making any record of their search” (Lynch, 2011). This is problematic because “not requiring agents to put information uncovered from these searches into FBI files unless they later opened an assessment will undoubtedly make it much harder to detect and prevent agents from using these databases for non-intelligence related purposes and may in fact overstep the AG Guidelines by creating a new pre-assessment stage” (Lynch, 2011). This pre-assessment stage allows for more latitude in conducting surveillance without having to account for the impacts of this on targeted communities.

Racialization of Muslims and State Surveillance

The intensification of Muslim communities as targets of state surveillance has grown rather acute in recent times, but is not without its own historical antecedents. Cainkar (2009) argues that pre-existing negative social constructions of Arabs and Muslims as possessing an inherent proclivity towards violence prior to 9/11 paved the way for their institutional mistreatment after the attacks. Their institutional subjugation relied upon essentialized notions of their subordinated racial status as inherently pathological, and fundamentally different from white Christians. The subjection of Muslims to further state scrutiny is based upon their racialization as “inferior to whites, potentially violent and threatening, and therefore deserving of policies that target them as a distinct group of people and criminalize them without evidence of criminal activity” (Jamal, 2008: 116). Thus, racialization informs media and political conversations and provides a framework for comprehending or explaining everyday engagements with topics that have become exclusively racialized (Omi and Winant, 1994). Racial projects historically situate the political context that ‘others’ Arab Americans and Muslims as outsiders to the United States. The racialized process of “othering” is premised upon essentialized notions of their presumed culture and religion, as opposed to a singular focus on phenotype. Racialization is thus constituted through a multi-faceted racial project that distorts Muslims as the potential enemy. Naber (2008) argues that the “arbitrary, open-ended scope of the domestic ‘war on terror’ emerged through the association between a wide range of signifiers such as particular names (e.g. Mohammed), dark skin, particular forms of dress (e.g. headscarf or beard) and particular nations of origin (e.g. Iraq or Pakistan) as signifiers of an imagined ‘Arab/Middle Eastern/Muslim’ enemy” (278). This is also demonstrated in Selod’s (2015) research, which argues that “racialization occurs through a combination of cultural and biological ascriptions onto the Muslim body, resulting in the differential racialization of Muslim men and women” (p. 80).

Racialization in this aspect is also a gendered process. “The targeting of Muslim and Arab males highlights the gendered dimension of the War on Terror, whose public discourse relies on often hyper-Orientalist tropes of violent, fanatical Arab and Muslim men” (Maira, 2007). Muslim men are subjected to stereotypes that fixate on their masculinity and religion as a precursor to commit violence and engage in terrorism. This has led to the sanctioning of civil and human rights violations, largely through detainment, deportation, and surveillance. Although terrorism appears on the surface to be race neutral, it actually has specific gendered and racialized referents, in this case, the construction of the violent Muslim male terrorist (Bhattacharyya, 2008). Terrorism draws upon racialized and gendered historical constructions of Muslims as irrational, violent, and barbaric (Joseph and D’Harlingue, 2008). This construction is rooted in imperialist discourses that juxtaposes Muslims as oppositional to Western, Christian civilization (Said, 1978). The term terrorist therefore serves as a proxy for “Arab” and/or “Muslim.” The reduction of the terrorist to a racialized archetype precludes whites from inhabiting such a category, meaning that when individual white men commit acts of terrorism, such as abortion clinic bombings, they are rarely referred to as terrorists, nor are whites collectively associated with a racial group for the extreme acts of individual members of their group. Furthermore, acts of right wing Christian terrorism, such as the historical lynching of African Americans by the Klu Klux Klan, are rarely viewed as acts of war, or as a substantial threat to the collective well-being of American citizenry (Markovitz, 2004).

Following 9/11, the FBI requested over 8000 interviews with men of Arab or Muslim descent and mandated fingerprinting of visitors from specific Middle Eastern countries (Human Rights Watch, 2002). In contrast, Muslim women have been consistently stereotyped as powerless victims of patriarchal Muslim men, needing to be ‘saved’ by the West via military invasion (Abu-Lughod, 2013; Razack, 2008). In Naber’s (2008) research on Arab Americans, she argues, “a general consensus

among community leaders was that federal government policies [after 9/11] disproportionately targeted men while hate crimes and incidents of harassment in the public sphere disproportionately targeted women” (p. 293). This differential racialization as it intersects with gender has had profoundly different outcomes for both Muslim men and women; in the case of women they are primarily viewed as a cultural threat and men as a security threat.

As a whole, Muslim communities are thus seen in either aspect as an ongoing domestic threat needing to be contained by a vigilant public and state apparatus that is on constant alert of the possible lurking threat of terrorism. The state then relies upon surveillance as a key strategy to ascertain this impending threat. Browne’s (2015) concept of “racializing surveillance” describes a technology of social control where surveillance, practices, policies, and performances concern the production of norms pertaining to race and exercise a “power to define what is in or out of place” and whereas “enactments of surveillance, reify boundaries, borders, and bodies along racial lines, and where the outcome is often discriminatory treatment of those who are negatively racialized by such surveillance” (p. 16). Browne’s contribution is important given the lack of theorization of race in surveillance studies and her focus on pre-9/11 surveillance during slavery and the transatlantic slave trade expands our understanding of the nuances of social control. While Brown’s definition of racialized surveillance encompasses the impact of such social control, what is absent is *who* is using surveillance as a form of social control, or more aptly who has a vested interest in this unequal racial outcome of surveillance.

In this paper, I extend Browne’s framework to specifically hone in on the state’s explicit role in racializing Muslims as objects of surveillance. I use the term “racialized state surveillance” in order to emphasize the state’s (in this case the FBI) policies and practices that manufacture ordinary Muslims as suspicious. The findings of this research inform two important aspects of racialized state surveillance; one, the state grants itself authority to surveil Muslims through the revisions of the FBI Domestic Investigation and Operations Guidelines, which allowed race/ethnicity to be used as a factor in opening investigations. The articulation of the category “assessment” is also a departure from investigation, which contributes to the illusion of the benign nature of the contact between FBI agents and Muslims. Therefore, we must address this phenomenon in surveillance as a racialized strategy of the state. Secondly, the focus on Muslims rather ordinary behaviors become racialized when coupled with an identifiably Muslim profile. Thus, the meaning of “normal” and “common behaviors” such as travel, frequenting with other Muslims, picture taking, dress, religious observance, joining a student club on campus, only come to have “suspicious meaning” within a racial frame of Muslimness.

The FBI manufactures the “suspicious Muslim” through knowledge production that emphasizes the link between terrorism and religiosity (Kumar, 2012; Kundnani, 2014). This, then further legitimizes its racialized state surveillance through the invention of the “assessment” category within its operating policies. By focusing on the FBI as one particular site or expression of state power, we can further understand how racialized state surveillance as a concept can lend more theoretical insight into this ongoing racial state project. It is not a matter of whether individual FBI agents display discriminatory attitudes; instead, it is the very fabric of the institution itself that produces a racialized context in which Muslims are being investigated. Thus, the FBI’s stated protocols, authority, and regulatory practices are reliant upon a broader racialization of surveillance, meaning that surveillance is not based in an objective measure of, but expresses itself in the disproportionate scrutiny of Muslims.

Racialized state surveillance plays an essential role in the repression of Muslims. As Fiske (1998) notes, “Surveillance enables different races to be policed differently, and it has an insidious set of ‘chilling’ effects upon the freedom of opinion, movement, and association that cumulatively produce racially differentiated senses of ‘the citizen’” (p. 69). Thus, there are what Maira (2016)

describes as “surveillance effects” on Middle Eastern, South Asian, and Muslim communities. This is well documented in Ali’s (2016) work on the impacts of New York’s Police Department’s surveillance program carried out by the Demographics Unit, which found that there was a decline in community trust and solidarity as well as an increase in the adoption of self-disciplining behaviors due to law enforcement’s use of informants within the Muslim community. The FBI has also deceptively preyed upon Muslims to serve as informants while relying on threats of deportation to induce them to spy on fellow Muslims (Aaronson, 2013; Kamali, 2017; Maira, 2007). In alignment with past practices of the FBI’s COINTELPRO, agent provocateurs have been used to incite terrorist related discourse among community organizations and mosques, which have proven to be disastrous for Muslims (Aaronson, 2013).

Despite the important research that has been conducted in the area of surveillance and Muslims, it has remained limited in its empirical scope. This is largely due to the difficulty in obtaining sensitive and classified data related to the operations of the FBI (Forrest Keen, 2004). The available research that has been accessible has mostly been presented in the form of ethnographic research or qualitative interviews with Muslims leaders and community members (Ali, 2016; Maira, 2016; Rana, 2016). The only other form in which there has been access to empirical evidence has been disseminated by journalists and civil rights organizations who have filed legal FOIAs that have uncovered information related to state surveillance programs. In light of this, the findings in this paper fills an important gap in the literature. It is the first study to focus on the surveillance of Muslims in greater Los Angeles, which is home to the second largest population of Muslims living in the United States, after New York (MacFarquhar, 2007). And, more importantly, the 113 cases of FBI contact provide the largest qualitative picture we have yet to date on the nature of such investigations.

Methods

This study evaluates 113 cases of FBI contact with Muslim community members, which was based upon a sample that was derived from legal intake cases that were self-reported to a well-known civil rights organization. All legal intake cases that were selected for the sample had to meet several parameters for inclusion in the study. The sampled cases involved Muslims living in the greater Los Angeles area and were reported to the civil rights organization from the time span of January 2006 through December 2010. The legal intake cases had to report some form of FBI contact that was either conducted by reasonably believed, or confirmed, FBI agents or Joint Terrorism Task Force agents. In order to uphold ethical guidelines of confidentiality, the names of persons involved in the legal intake cases were redacted before the principal researcher evaluated such cases for inclusion in the study. Therefore, this research relied upon an unobtrusive method of gathering the information.

The principal research methods utilized in this study were qualitative content analysis and descriptive statistical analysis. After the cases were sampled for the study, inductive content analysis was used to code and interpret the data. Inductive content analysis as a scientific method relies upon inductive reasoning, meaning that the categories of analysis are discerned after submersion in the data. Inductive reasoning is most useful when studies are exploratory and new, meaning that when there is a lack of substantial empirical studies in an area of research, concepts cannot be operationalized on the basis of prior research findings. The content that was sampled included all information that was reported on the intake case forms, which were descriptive accounts of what had occurred during the FBI visit or attempted contact according to the individual’s own account. The intake case files varied in the amount of narrative content that was reported in regards to the encounter individuals had with the FBI. For some cases, the information was limited because FBI

contact ceased after the initial report of agents requesting to speak with the people in the sample. For other cases, substantive context was given, including specific questions and follow up visits as well. It was important to code the data with the context of additional background research. The codes thus emerged from the data, and were both mutually exclusive and exhaustive in their categories when analyzing the questioning patterns of the FBI agents. The research presented here also draws on primary governmental documents, newspaper articles, congressional testimony, and non-profit policy reports in order to shed light on the patterns presented within this study. These particular sources were most useful in triangulating the findings and providing context on the FBI's investigatory actions.

Research Findings: Muslim Men, Citizens, and Permanent Residents under Scrutiny

Of the 113 cases, Muslim men were far more likely to be selected for investigation compared to Muslim women among the reported cases. The disproportionate focus on men (83%) was noteworthy in contrast to women (11%), and unknown 5%, demonstrating that indeed Muslim men are subjected to broad stereotypes that assume that their gender and religion are legitimate, identifiable precursor factors in potentially committing violent acts and engaging in terrorist activities. This makes them a selected target by the FBI and therefore, "deserving" of further scrutiny and surveillance.

Another important finding within the data collected were the high percentage of citizens that were targeted by FBI investigations and questioning. While previous measures instituted by federal agencies have tended to hone in on immigrant Muslims as potential security threats, the data demonstrate a persistent pattern of US citizens under surveillance as well. "The factual record demonstrates that the main terrorist threat to people living in the United States comes from foreign terrorists linked to Al Qaeda or similar groups. Yet a revived focus on domestic "extremism" appears to have supplanted systematic, sustained investigation of foreign threats as the highest counter-terrorism priority" (Cincotta, 2010: 15).

The study examined 96 reported cases who disclosed citizenship status; 15% cases were unknown. Of the known reported category of citizenship, 63% were US citizens, 17% were permanent residents or held a greencard, and 5% possessed visas. Compiling the categories of Muslims who were either citizens or permanent residents totaled an overwhelming 80% of the sample's cases. This demonstrates that within the sample collected the FBI's investigations of have been clearly aimed at Muslims who have significant connections to the US, including primary residence, as well as strong family and community ties. Moreover, those who are permanent residents are most likely in the process of applying to become naturalized as citizens.

In 2009, a US citizen who was naturalized almost 20 years ago after emigrating from Iraq was questioned by the FBI agents at his home. The FBI agents did not state any specific reason for the intrusion into his home. During the questioning, the agent asked him where his "loyalty" was. He responded that he had been "living in the US for 19 years, therefore, this was his home." This line of questioning further aligns with the stereotype that US Muslims are inherently "disloyal" to the US, and therefore rendered suspect. While many of the earlier government policies and programs had honed in on foreign nationals who were on visas in the US, these recent cases demonstrate a profound shift in the targeting of Muslim US citizens and permanent residents. This pattern illustrates the wide latitude that has permitted FBI agents to intrude into the lives of law abiding citizens to proactively guard against terrorism. However, the widespread investigation of Muslims without any evidence of unlawful behavior has important ramifications including squandering government resources and alienating an entire community based upon their religious identity and practices.

FBI Informants and Agent Provocateurs

A highly intrusive method of investigation used by the FBI has been to employ the use of informants and agent provocateurs within the Muslim community. The Congressional Research Service found that, “confidential informants or undercover agents were used in 20 of the post-9/11 home-grown jihadist cases. In eight of those cases, the informants had criminal histories” (Bjelopera and Randol, 2010: 59).

In 2008, reported cases in this sample focused on an FBI provocateur who was posing as an extremist Muslim at several Orange County mosques. Craig Monteilh was recruited by the FBI as a paid informant to spy and record conversations with Muslims in Irvine, Mission Viejo, and Tustin (Watanabe and Esquivel, 2009). Monteilh, who has a criminal background, made statements to fellow mosque attendees that he had access to weapons and asked others if they wanted to join him in “waging jihad.”

This agent provocateur’s rhetoric was so extreme that several of the mosque attendees contacted both the FBI and Irvine Police Department to report Monteilh. Furthermore, many Muslims were so frightened by the behavior and anti-American views of Monteilh that they stopped attending the mosque altogether. The mosque, in this case, applied for and received a restraining order against the informant, Monteilh. In another case, after reporting Monteilh to the FBI, a mosque attendee came under investigation by the FBI demonstrating that Muslims acting in good faith in reporting suspicious persons were collectively criminalized. After being visited by the FBI agents, the individual reported that he felt fearful, as if every move of his was being watched. He couldn’t “shake the feeling” that he was under surveillance according to the intake case report. Actions of the FBI in this situation clearly indicate how the use of paid informants has negative repercussions on the Muslim community.

Among the cases where Muslims were in the position of applying for greencards, the FBI used this legal vulnerability as an opportunity to threaten these individuals with deportation if they did not agree to become informants. In 2007, a naturalized US citizen was contacted by the FBI and asked to become an informant. After the individual refused, three months later he received a letter in the mail stating that his citizenship was being revoked. Coercion of Muslims to become informants relies on the FBI exploiting the most legally vulnerable persons in the population (Aaronson, 2013; Kundnani, 2014). In another case, an individual who had a warrant for an unpaid ticket that he received for driving with a suspended license was detained and issued an ultimatum: if he opted to become an informant he would be cited and released. The police officers who were reasonably believed to be working as JTTF agents told him that there had been reports of “extremist activity” at his mosque. He responded that he knew nothing concerning these reports at the mosque. They arrested him and he spent a week in various jails before being released.

“Flying While Muslim”: Travel Related Issues

Individuals subject to FBI contact and questioning also encountered additional levels of scrutiny by other government agencies. In examining the FBI cases, there were a substantial amount of individuals who also reported having problems while travelling. The sample reveals that approximately 31% (35 cases) of the sample had encountered additional problems when flying. Most significantly, problems with traveling have increased over the last five years with the most reported cases occurring in 2010. This demonstrates a significant overlap between being questioned by the FBI and also experiencing travel problems. Muslims in this study were subjected to a range of civil liberty violations including secondary searches, interrogations, placement on no-fly lists, detainment, and seizure of personal items without any evidence of wrongdoing.

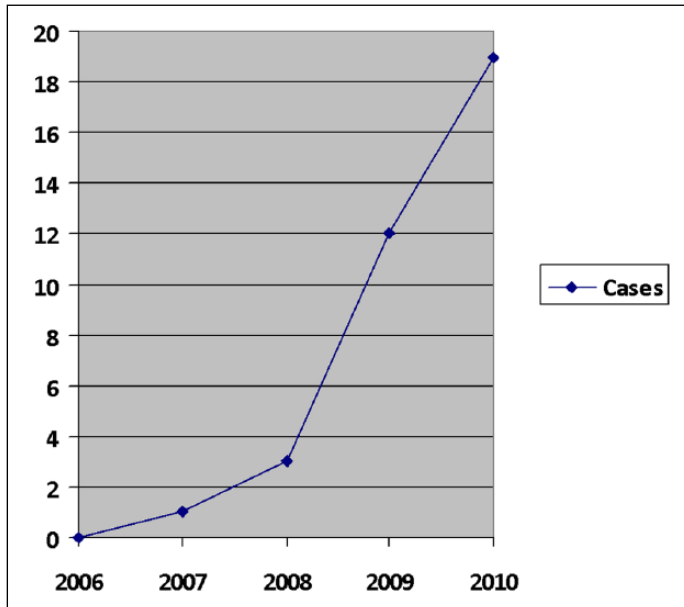


Figure 1. Travel Delays and Stops.

A Syrian man and his family decided to visit his country of origin. While abroad he looked into work opportunities in the United Arab Emirates and Saudi Arabia. When arriving back home in the US, he was stopped and searched extensively at the airport. His laptop was seized and all the data on his laptop and external hard-drive were copied. Additionally, two ICE officials questioned him about the nature of his activities abroad, the names of people he met, and asked him why he possessed a pilot's license. They informed him that they would complete a background investigation because they thought his travel pattern was "suspicious." After this incident he was contacted by the FBI and served a notice by the TSA stating that he was a security threat, resulting in both his pilot license and badge being revoked, even without a background investigation being completed. Travelling abroad to Muslim majority countries is not a legitimate justification to interrogate, detain, search, and seize personal property. Since many US Muslims have some type of familial connection abroad, oftentimes in Muslim majority countries, there is reasonable assumption that families will travel to visit with relatives and friends.

Categorical Patterning of FBI Questions

The FBI honed in on particular categories of questions in their investigations. Among the cases, there were particular patterns of the types of questions that were asked of those under investigation. The most common questions asked of those included in the sample were pertaining to topics related to religious beliefs, mosques, or religious practices. In one instance, the FBI agents visited a house because the FBI received a report from American Airlines. The agents proceeded to ask this person whether or not he attended a mosque. The individual responded: "Yes, but what does that have to do with flying on an airplane? Does that mean you are a terrorist if you attend the mosque?" The FBI agents further inquired about the gambling habits of this individual, including how much money he loses or wins when visiting the casino. On several occasions, other Muslims in the sample were questioned about their attendance at Islamic schools, educational conferences, and their association with particular mosques.

The second most common question asked in the sample related to the traveling patterns of Muslims. Questions typically involved a person's travels abroad, including places visited, purpose of the visit, and the names of people visited. In one case, FBI agents visited a single household on five separate occasions to ask about the travel of the family living in the home. Some members of their extended family reside in Algeria, which was explained to the FBI, but FBI visits to their home still continue to occur on a frequent basis. In another case, after an Imam declined to be an informant in 2002, he encountered several problems while traveling abroad, including flight delays and interrogations. After filing a TRIP request, his name was cleared but he continued to have problems while traveling so much so that he is now afraid to travel altogether.

Questions regarding the political views of Muslims and even their opinion of political organizations were also a commonly reported item among the sample. In one case, an FBI informant was visiting a mosque and asking aggressive questions of attendees, including children. The FBI informant was asking questions such as: "Why do you hate Israel?" In two other cases, individuals were asked about their opinions on a political party in Afghanistan. Additionally, in one of the cases the FBI agents asked a person about their political opinion regarding Hamid Karzai's government and suicide bombings in Israel.

Many reported that they were questioned about their occupations, financial transactions, personal affiliations, and the alleged suspicious behavior witnessed by others. The questions regarding personal affiliations included general networks, such as "Do you know if this person attended your religious class?" and also familial or friendship networks. The suspicious activity reports that the FBI was investigating were often of a benign nature, such as a passenger reported on an airplane that a Muslim individual was making multiple trips to the bathroom with a water bottle.

Muslim University Organizations Come Under Scrutiny

In the sample, there was a portion of the cases involving the FBI's selection of university leaders and students for investigation and surveillance. A *Los Angeles Times* article reported that, "In 2006, an FBI agent was quoted as telling a business group in Newport Beach that the agency was monitoring Muslims at local universities" (Esquivel, 2009). Muslim students from three prominent universities in Los Angeles, including UC Irvine and USC were targeted by the FBI. The head of the FBI's Orange County 'Al-Qaida Squad', Pat Rose spoke at a breakfast in 2006. Rose told the audience that her agency had intensified its surveillance of Orange County, stating that she was "quite surprised that there are a lot of individuals of interest right here in Orange County" (Caracamo and Jolly, 2006). In response to an audience member who asked whether citizens should be concerned about Muslim activists at UC Irvine, Rose remarked, "another tough question to answer. Not only does UCI have a lot, she said, but so does USC" (Mickadeit, 2006). After Rose's comments were made, CAIR Los Angeles and the Islamic Center of Irvine hosted a town hall meeting to address concerns that Muslims in the Irvine area were being monitored. In a joint statement issued by the FBI Assistant Director of the Los Angeles Office, J. Stephen Tidwell, the FBI's Youth Advisory Committee, and its Multicultural Advisory Committee, the agency adamantly declared that the "FBI does not monitor student groups at educational institutions, including Muslim student groups at the University of California (UCI) or the University of Southern California (USC)." However, this statement is contradicted by the research provided in this study. Students at UCI, USC, and another Southern California university reported being questioned by FBI agents in this sample. In one of the sampled cases, students reported being followed by FBI agents during a week of political activities aimed at raising awareness of Israel's military aggression against Palestine. A student approached a vehicle that had been following him, which then proceeded to almost run him

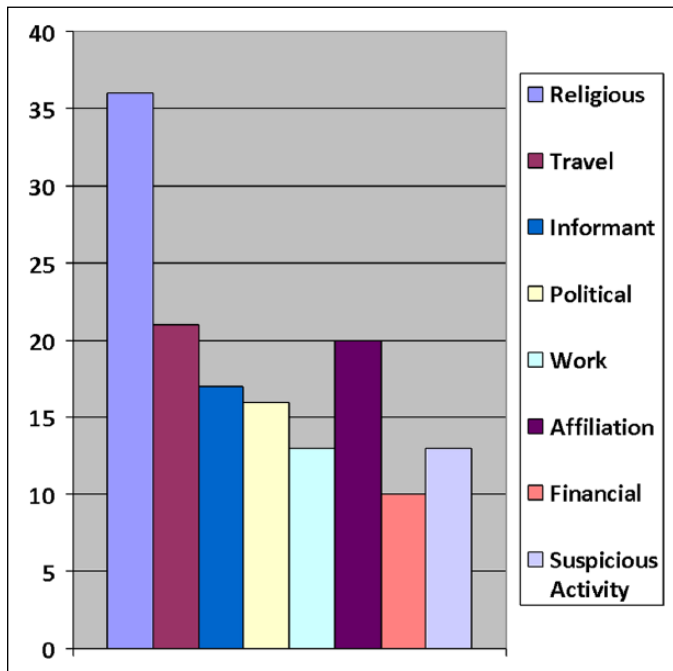


Figure 2. FBI Questioning Pattern.

over. The vehicle was later determined to belong to a FBI agent. In another sampled case, students at three students at another university in Los Angeles, belonging to the Muslim Student Association (MSA) were approached by the FBI. The agents asked for information pertaining to other Muslims at the school as well as background information on former and current MSA presidents. Since the reported cases of investigation of UC Irvine and USC university students occurred in 2007, the FBI has not arrested or apprehended a single student on terrorism charges. This demonstrates that the measures undertaken by the FBI to monitor Muslim students was ill conceived and held two important ramifications for the community; first, the FBI surveillance practices implicitly reinforce the notion that having a large Muslim population in an area or university is a legitimate prerequisite to monitor activist Muslim students. Secondly, students who are practicing their first amendment protected rights through political speech or those with affiliation with law abiding religious organizations are being seen as possible threats to the state. Since university students who were affiliated with MSA groups or political activities on campus were the ones selected for investigation, this evidence compels higher scrutiny of the purposes of such investigations taken on by the FBI under the guise of thwarting terrorism.

In another reported case, FBI agents also approached a local mosque leader for information about university students involved in the MSA. The FBI agent claimed that he wanted to talk to the MSA and give a presentation about the FBI to demonstrate that their purposes are well intentioned. However, this tactic has been a common way to trap unsuspecting Muslims into investigative interviews. The primary task entrusted to the FBI is to be an investigative unit, so this purpose becomes obscured when the FBI claims they are doing outreach to the Muslim community. These meetings have also been used as a method to recruit informants in the community. The sample also contained cases where past MSA members were questioned about their involvement in these

Muslim campus organizations. For example, in one case, FBI agents visited a family asking to speak to their 20-year-old son who was active in his college MSA. The FBI agents also wanted to know about his traveling and his activities overseas, including who he had visited with while abroad. Similarly, in another case the FBI had visited the home of this individual to ask questions about his college activities, including his involvement in the MSA and his mosque. After the FBI visit to his house, he was later stopped while flying and detained for approximately four hours and questioned at the airport.

In another case, the FBI agents visited the home of a Pakistani family claiming that they were contacting them for “community outreach” purposes. The same family was visited again on another occasion stating that there was a problem with their immigration status, despite having obtained their citizenship over 20 years ago. This demonstrates that FBI agents actively rely on using fictitious claims in order to approach Muslims for questioning in the community. The mother and son in this family were known to be very active volunteers in the Muslim community. The son had been had been an integral member of the MSA on his college campus as well. The FBI’s reliance on using community outreach as a pretext to gain access to Muslims who have been actively engaged in service work, political activism, or mentorship has a negative impact on the Muslim community. Generally, these tactics instill fear within the community, and in particular, have especially deleterious consequences for US Muslim organizations that are doing charitable or service work in the community. In other words, people might be less inclined to be actively involved if there is a threat of being subject to increased surveillance or investigation by the FBI.

Conclusion

The findings analyzed for this study reveal some troubling patterns within the FBI investigations of Muslim community members in greater Los Angeles. The wider latitude authorized under the FBI Domestic Investigations and Operations Guidelines for opening investigations without any warranted suspicion of wrongdoing appears to have played a role in many of the legal intake cases reported in this study. In a recent Justice Department document that was obtained by the New York Times through a lawsuit reveals that the FBI initiated 11,667 *assessments* of people and organizations during December 2008 through March 2009. Based upon the information gathered in these assessments, 427 cases were opened for further intensive investigations. Given the small number of investigations derived from the original number of assessments, this indicates that the FBI guidelines permit too low of a threshold for opening investigations (Savage, 2011).

Muslims who were US citizens, permanent residents, and males were disproportionately represented in the data collected. These research findings demonstrate that every day, normal behavior becomes suspicious when practiced by US Muslims, which would otherwise be acceptable, mundane, and unremarkable for ordinary white Christians. Under racialized state surveillance, these actions become hyperscrutinized and worthy of FBI assessment. In terms of the types of questioning patterns conducted by the FBI, the most prevalent questions asked by FBI agents were regarding religious practices or affiliation with religious organizations demonstrating the FBI faultily presumes that Muslim ties to their community and faith is abnormal, and worthy of state national security scrutiny. In this paper, I employ the term “racialized state surveillance” in order to emphasize the state’s regulatory policies and practices that actually produce the domestic archetype of terrorism as a distinctly Muslim profile. This is the most evident in the cases where mosques and university campus organizations became the sites of such ongoing surveillance. The rather ordinary nature of attending and participating in community institutions important to one’s faith provided an entry point by the FBI to closely monitor and scrutinize Muslims everyday practices without regard to the potential aftermath of such intrusive surveillance.

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