

THE CASE OF THE RELUCTANT AGENT

When Muslims Investigate Fellow Muslims

"A Muslim does not record another Muslim."

—FBI special agent GAMAL ABDEL-HAFIZ

Soliman Biheiri was nervous. It was 1999, and his bookkeeper had just received a federal subpoena ordering his cooperation in an FBI counterterrorism investigation. Biheiri, an Egyptian national, ran an investment banking firm in the Washington area that counted Osama bin Laden's nephew and other wealthy Saudis connected to al-Qaida as investors. The firm, BMI Inc.—which stands for Bait ul-Mal, or House of Money—was the target of the FBI probe. The bureau received a tip that some of the funds that the bookkeeper, Abbas Ebrahim, had transferred overseas on behalf of his boss may have been used to finance the U.S. embassy bombings in Africa.

Biheiri was desperate for advice. "Put me in touch with Gamal Abdel-Hafiz," he told his accountant.

Abdel-Hafiz, also from Egypt, was well known in the local Muslim community and a good friend and college roommate of Ebrahim. He also happened to be the FBI's first Muslim agent, and one Biheiri hoped could shed some light on the case the government was building against him and his company. Over dinner one evening, Ebrahim asked his old pal Abdel-Hafiz if he would be willing to meet with Biheiri privately.

Abdel-Hafiz, in turn, brought the proposal back to the lead investigators in the case, who jumped at the chance to have an agent question the subject of their probe without his attorney present.

"We were excited about the meeting," said former FBI special agent John Vincent, who worked on the case. "And even though we knew he had an

attorney, we didn't have to advise him [of the meeting] since the subject came to us."¹

He and his partner Robert Wright thought it might be a big break in the case. "Let's do it," they told Abdel-Hafiz, who agreed to set up the meeting. They brought in then-Assistant U.S. Attorney Mark Flessner, the prosecutor assigned to the case, and he decided to have the Muslim agent wear a wire to record the conversation with Biheiri, gathering any incriminating evidence.

At that point, Abdel-Hafiz got goosey, according to Vincent and others involved in the discussions. He resisted recording Biheiri, offering up a number of excuses to Flessner to explain his reluctance before finally revealing the true reason:

FLESSNER: We want this meeting recorded.

ABDEL-HAFIZ: Well, I can't use recording devices because Muslims hug each other, and they'll detect them.

FLESSNER: No problem, we'll wire up a hotel room for you.

ABDEL-HAFIZ: Uh, I don't want to do that either.

FLESSNER: Why not?

ABDEL-HAFIZ: Because a Muslim does not record another Muslim.

Vincent and Wright were dumbstruck by what they were hearing from their fellow agent, who wore a badge and a gun just like them. He was refusing to help nail a key target in a major counterterrorism case for religious reasons. As a result, the agents never got Biheiri on tape, and they accused Abdel-Hafiz of disloyalty and insubordination.

Abdel-Hafiz says he remembers it differently. In an exclusive interview with me, he claims he was explaining the view of other Muslims, not necessarily his own, who he feared would threaten him and his family if they found out he betrayed their trust by secretly taping them.

"I told them that this is something that would become discoverable in court. I do a lot of things with the Muslim community. I work a lot of cases where my subjects are Muslims. When this becomes discoverable, every person who meets with me or talks to me will say 'Oh my God, who is this guy? Does he record me every time I talk to him?'" Abdel-Hafiz says. "And this will become a safety issue for me and my family because Muslims would look at it as a betrayal of trust. When they [Flessner and the agents] asked why would it be a betrayal of trust, I said because, in their opinion, they would say a Muslim should not record another Muslim."²

But it was not the first time Abdel-Hafiz failed to record a fellow Muslim and friend of a friend under investigation for terrorism.

The prior year, 1998, Abdel-Hafiz met a Muslim activist through a friend at the Dar al-Hijrah Islamic Center outside Washington, a hard-line Wahhabi mosque the agent regularly attended at the time. The two exchanged business cards. Not long afterward, Abdel-Hafiz got a call from one Sami al-Arian in Florida. The Tampa professor said he got the agent's business card from the mutual acquaintance and wanted to know if he would do him a favor and, among other things, poke around the FBI to see if it had ever opened an investigation into alleged death threats against terrorism researcher Steve Emerson. Al-Arian wanted to try to catch the pro-Israel Emerson possibly exaggerating claims he made in congressional testimony about such threats. Abdel-Hafiz agreed to look into the issue for al-Arian, bureau sources tell me.

Hearing of the encounter, the FBI's Tampa field office asked Abdel-Hafiz to follow up by asking al-Arian several questions related to a counterterrorism case they were building against him—and secretly record his answers. Abdel-Hafiz agreed to speak to al-Arian by phone but said he would not record the conversation without al-Arian's knowledge. The lead Tampa agent on the case, Barry Carmody, was scandalized by his refusal, calling it "outrageous."³

Then Abdel-Hafiz met, unexpectedly, with al-Arian at an American Muslim Council conference in Washington and wrote a summary of their conversation, which he had not coordinated with Tampa. The report he filed was not well received by Carmody and his team of investigators in Tampa—or by Vincent and Wright, whose Chicago investigation dovetailed with the al-Arian case.

"After Gamal had a conversation with Sami al-Arian, he made a lot of self-serving statements for al-Arian and denigrated the FBI agent [Carmody] who was investigating the case," Vincent says.

"So we knew there was a problem," he adds. "We had suspicions about whether Gamal would write down conversations accurately, and we wanted to know exactly what the conversation was" between him and Biheiri, who is tied to al-Arian.

Even without Abdel-Hafiz's cooperation, investigators were able to gather enough evidence on Biheiri, a member of the notorious Muslim Brotherhood of Egypt, to bring terrorism-related charges against him. He was finally indicted last year. Prosecutors say he falsely denied business relationships with al-Arian and Hamas leader Mousa Abu Mazook.⁴ Al-Arian's phone number was found in Biheiri's computer address book.

Biheiri is also accused of conducting financial transactions with al-Qaida financier Yassin Kadi, a businessman from Saudi. After the 9/11 al-Qaida attacks, witnesses observed Biheiri destroying financial records, according to federal court documents.⁵

Abdel-Hafiz, 46, says he does not regret refusing to record Biheiri. "He wouldn't have admitted anything," he says. "Recording him would have been of little value."

Despite the recent charges filed against Biheiri, he says he doubts his pal's former boss is mixed up in terrorism financing and speculates Biheiri used BMI primarily to enrich himself. "Personally, I think he's more a used car salesman than anything," Abdel-Hafiz tells me. "He's in it for personal gain, not religious reasons."

But Vincent says he was bothered by Abdel-Hafiz's close personal ties to the subject. He felt the Muslim agent and Biheiri's bookkeeper Ebrahim were far too cozy, a relationship that he says may have compromised Abdel-Hafiz's integrity.

"There were also complaints that he was meeting with subjects of investigations in Washington without advising the Washington field office," Vincent says. "He would fly up there [from Dallas, where he was worked in the FBI's field office] because his good friend was up there, the bookkeeper at BMI."

Carmody says Abdel-Hafiz hurt the al-Arian probe by refusing to record the professor. Al-Arian even bragged to Abdel-Hafiz that the Tampa office did not have a strong case against him. Asked why he did not record al-Arian at their private meeting, the Muslim agent simply says, "I had no recording equipment with me." In the end, Carmody got his man, however. Al-Arian is now behind bars awaiting trial on charges he raised money for the Palestinian Islamic Jihad, a terrorist group.

While he would not comment on al-Arian's guilt or innocence, Abdel-Hafiz says the Tampa office handled the case clumsily. "These people think Sami al-Arian is an idiot," he says. "But Sami al-Arian is a very smart man."

Abdel-Hafiz, a devout Sunni Muslim whose Egyptian father is known as a Quran memorizer, showed a pattern of pro-Islamist behavior, say agents who worked with him. Yet FBI headquarters overlooked it and even promoted him. Carmody, Vincent, and Wright all complained to headquarters about Abdel-Hafiz twice refusing on religious grounds to tape-record Muslim terrorist suspects. Despite that, he was handpicked in early 2001 by former FBI Director Louis Freeh to become the FBI's deputy legal attaché at the U.S. Embassy in Riyadh, Saudi Arabia—a key post in the battle against al-Qaida, which had hit American military barracks inside Saudi and a warship in neighboring Yemen. After 9/11, when fifteen of the nineteen hijackers turned out to be Saudi nationals, Abdel-Hafiz was in a prime position to run down leads in the Saudi capital.

But agents also complained about his performance there, saying they were not getting answers to the leads they were sending him in Riyadh. Abdel-Hafiz says he was one of only two people manning the office there and was further

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hobbled by an antiquated computer system. But he and his boss Wilfred Rattigan, a black convert to Islam, had nonetheless found time to fly off to Mecca for the *hajj*.

"Headquarters ignored our complaints, ignored the fact that we wanted to file a dereliction of duty complaint against an agent for not doing his job," Vincent says.

So he and Wright went to the media with their complaint. In 2002, ABC News, Fox News, and others jumped all over the story, and suddenly FBI headquarters took a harder look at Abdel-Hafiz. In early 2003, he was recalled from Saudi Arabia and suspended with pay, while the bureau conducted an internal investigation of him. A few months later, it fired Abdel-Hafiz, citing only his failure to disclose information on his application for a security clearance. They got him on a technicality unrelated to his failure to help investigate terrorism suspects, although bureau sources say his disciplinary file includes statements by Wright and a copy of a news article detailing his refusal to rape-record suspects.

The technicality, however, raises further questions about Abdel-Hafiz's integrity. It stems from an accusation his ex-wife made about him faking a home burglary to fraudulently collect insurance money.

"The reason they fired him is because when we do a five-year personnel reinvestigation, his ex-wife came out and said he put in a claim for twenty-five thousand dollars for stolen property, and she said that it was all set up, that it was fraud," Vincent says. "And she showed insurance investigators some of the property that was claimed to have been stolen. They still owned it." The insurer refused to pay the claim.

"But the bureau didn't fire him for that, either," he continues. "They fired him because he did not put on his new agent application that he was a party to a lawsuit to sue the insurance company after it refused to pay his claim. Which was ridiculous. No one gets fired for that."

Abdel-Hafiz hired a lawyer and appealed the firing, arguing he was wrongfully dismissed. He also threatened to sue the bureau for discrimination.

Last year, the FBI reinstated Abdel-Hafiz, even though he had failed a polygraph when he denied the charges. He got his old job back in the international terrorism squad at the Dallas field office, where he had been reassigned after returning from Saudi, and retained his top secret security clearance.

Then, he tried to clear his name, filing defamation suits against Vincent and Wright, as well as ABC News's Brian Ross and Charlie Gibson and Fox News's Bill O'Reilly for allegedly accusing him of sympathizing with terrorists.

At the same time, he complained he had lost credibility in the Muslim community and was essentially worthless as an undercover agent in counterterrorism

cases. He is now working mortgage fraud cases, where he no longer has a conflict with his Muslim brothers.

Vincent says he was floored by the FBI's extraordinary reversal but says he and Wright did the right thing in blowing the whistle on Abdel-Hafiz. He says other agents commended them, noting the New York field office also had concerns with Abdel-Hafiz when he worked as an Arabic translator there in 1994 before becoming an agent. "When we were on TV, they were applauding the fact that we were blowing the whistle on this Muslim agent," he says.

Abdel-Hafiz argues that he received praise for his New York work. He points out that he testified against the Blind Sheikh Omar Abdul Rahman and helped put him behind bars for plotting to blow up New York landmarks. He says he also helped break a Yemeni suspect in the USS *Cole* attack and obtained a crucial confession in a 2002 FBI investigation of an al-Qaida cell based in Lackawanna, New York.

He says Vincent and Wright are simply biased against Muslims and Arabs. "They were motivated by racism and bigotry," Abdel-Hafiz says he wanted Wright, whom he calls "vindictive," to go through Muslim-sensitivity training and write him an apology. Wright did neither, so he sued. He says he will have no mercy on him or Vincent.

Abdel-Hafiz, who still has family in Cairo, where he studied Islam, insists he is not a terrorist sympathizer or traitor and supports the war on terrorism. "There are a lot of beneficial things that take place in mosques, but I am not opposed to the Patriot Act," which authorizes spying on mosques, he says. "I am, however, opposed to the abuse of the Patriot Act."

Before Abdel-Hafiz graduated from the FBI academy in 1995, there were no other Muslim agents in the bureau. Now there are seven, and FBI Director Robert Mueller is busy recruiting more. "We are recruiting Muslims as special agents," he said. "We have been very active in pushing more for Muslim Americans to consider a career with the FBI."⁶

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