



February 11, 2010

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

Dear Mr. Attorney General,

We are writing regarding Imam Luqman Abdullah, who was shot and killed on October 28, 2009, during a FBI raid in Dearborn, Michigan. On February 1, 2010, the Wayne County Medical Examiner's Office released Imam Luqman's autopsy report, finding that he was killed from 21 gunshot wounds—across his body, including his back—sustained during the raid. We welcome the Justice Department's announcement on February 2, 2010, that it has opened an investigation into the FBI raid and the death of Imam Luqman but we urge the Department to go further and review the entire circumstances regarding the surveillance, investigation and attempted arrest of Imam Luqman.

We are especially concerned about media reports that at the time of the arrest, Imam Luqman was barricaded inside a warehouse and that the FBI sent in an attack dog when he refused to surrender. According to the FBI, Imam Luqman allegedly shot at the dog, and the FBI agents then opened fire, killing Imam Luqman. The autopsy report notes that in addition to the 21 gun shot wounds, Imam Luqman sustained significant injuries to his arms and face, which may be attributable to dog bites.

The use of an FBI attack dog poses a significant risk of injury, and can be considered lethal force. *See Robinette v. Barnes*, 854 F.2d 909, 913 (6th Cir. 1998) (“... an officer's intent using a police dog, or the use of an improperly trained dog can transform the use of the dog into deadly force”). As Imam Luqman had allegedly barricaded himself inside the warehouse and did not appear to pose an immediate threat to FBI agents on the scene, we are concerned that the FBI's decision to escalate the situation by sending in an attack dog, rather than continuing to negotiate a surrender, actually provoked the gunfire that resulted in the Imam's death.

Any investigation by the DOJ must include a review of the FBI's decision to use potentially lethal force during the raid, a review of whether the FBI followed its internal protocol with respect to a barricaded subject, and a complete analysis of the autopsy

report, with careful scrutiny of Imam Luqman's gunshot wounds and the injuries he sustained to his arms and face.

In addition to the details of the raid and use of force, a full and complete investigation should look at the totality of the incident. This includes events leading up to the raid—such as the FBI's decision to send informants into Imam Luqman's mosque—and the FBI's conduct since Imam Luqman was killed. Of particular concern are comments made by Andrew Arena, FBI Special Agent in Charge on January 28, 2010, just days before the public release of the Imam's autopsy report, that "we did what we had to do" and that "bad people can't hide behind religion." Agent Arena also stated, "I'm a Catholic, born and raised Roman Catholic . . . [i]f a Catholic priest is standing on the pulpit, saying, give money to the Irish Republican Army to kill British soldiers and throw them out of Northern Ireland, we have a right, a duty, a responsibility" to investigate.

Such statements are inflammatory and misleading in their implication that Imam Luqman was involved with terrorism, since the investigation and indictment involved non-violent offenses relating to stolen goods. The statements were also problematic in that they were made by the FBI SAC just days prior to the public disclosure of the Imam's autopsy report, which apparently had been finalized two months earlier and shown only to law enforcement prior to public disclosure. The timing of the SAC's statements suggests that he was acting inappropriately, at the least, or perhaps acting to deflect public attention from the impending release of the autopsy report and the resulting anger and discrediting of the FBI and its conduct.

A full, complete and transparent investigation as outlined above is necessary to restore confidence with the public that the FBI acted consistent with the law and its internal protocols and did not unduly target Imam Luqman for criminal investigation because of First Amendment protected activities.

We are available to discuss this issue further and look forward to hearing from you.

Sincerely,



Farhana Y. Khera
President & Executive Director
Muslim Advocates



Hilary O. Shelton
Director, NAACP Washington Bureau &
Senior Vice President for Advocacy & Policy

cc: The Honorable Robert Mueller, Director, Federal Bureau of Investigation
The Honorable Terrence Berg, U.S. Attorney, Eastern District of Michigan
The Honorable Thomas Perez, Assistant Attorney General, Civil Rights Division,
United States Department of Justice