

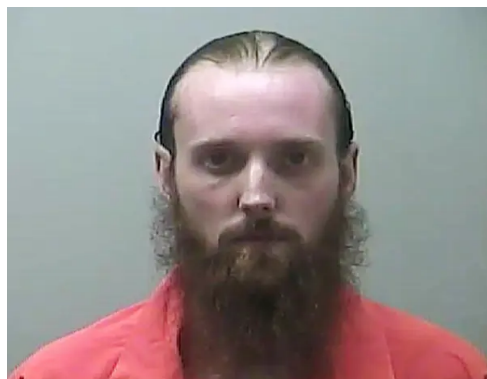
Extremist Imam Tests F.B.I. and the Limits of the Law

By Scott Shane and Adam Goldman

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WASHINGTON — For more than a decade, Suleiman Anwar Bengharsa has served as a Muslim cleric in Maryland, working as a prison chaplain and as an imam at mosques in Annapolis and outside Baltimore. He gave a two-week course in 2011 on Islamic teachings on marriage at the Islamic Society of Baltimore, where President Obama made a much-publicized visit this year.

But in the last two years, Imam Bengharsa's public pronouncements have taken a dark turn. On Facebook, he has openly endorsed the Islamic State, posted gruesome videos showing ISIS fighters beheading and burning alive their enemies and praised terrorist attacks overseas. The "Islamic Jurisprudence Center" website he set up last year has condemned American mosques as un-Islamic and declared that homosexual acts should be punished by death.



Sebastian Gregerson
Midland County Sheriff's Office, via Associated
Press

That is not all. An affidavit filed in federal court by the F.B.I. says that Imam Bengharsa, 59, supplied \$1,300 in June 2015 to a Detroit man who used it to expand his arsenal of firearms and grenades. The man, Sebastian Gregerson, 29, a Muslim convert who sometimes calls himself Abdurrahaman Bin Mikaayl, was arrested in late July and indicted on explosives charges.

Nearly a year ago, in fact, the F.B.I. said in a court filing — accidentally and temporarily made public in an online database — that agents suspected the two men were plotting terrorism. "Based on the totality of the aforementioned information and evidence, there is reason to believe that Bengharsa and Gregerson are engaged in discussions and preparations for some violent act on behalf of" the Islamic State, an agent wrote.

Yet Imam Bengharsa has not been arrested or charged. It appears that the authorities do not have clear evidence that he has broken the law. His inflammatory statements are protected by the First Amendment, and agents appear to have no proof that he knew Mr. Gregerson planned to buy illegal explosives. In his checkbook, next to the notation for the \$1,300 check, Imam Bengharsa wrote "zakat," or charity, the documents show.

The case poses in a striking way the dilemma for the F.B.I. in deciding when constitutionally protected speech crosses into inciting violence or conspiring to commit a terrorist act.

**Suleiman Anwar**

July 8 ·

America, you are splitting apart!! It is from what your hands have brought forth!! You have committed too many injustices! It's payback time!!! And, how beautiful it is that you can't even see it!! We keep praying that Allah grant you and your allies what you deserve! We wish to get closer to Allah by standing against you!!

Like

Comment

Share

A screenshot of a post from Mr. Bengharsa's Facebook page, which has since been taken down.

The bureau was sharply criticized for not acting more aggressively on prior warnings about the men who carried out attacks in Orlando, Fla., in June and in New York and New Jersey last month. And in early August, the F.B.I. arrested a transit police officer from Fairfax, Va., after watching him for six years before charging him with providing support to the Islamic State. It was another case that raised questions — even among agents — about why the F.B.I. and federal prosecutors waited so long to act, potentially putting the public at risk.

In testimony before Congress this week, the F.B.I. director, James B. Comey, said the challenge for F.B.I. agents was determining when someone has crossed the line from speech to criminal activity. “It’s even protected speech to say I’m a fan of the Islamic State so-called,” Mr. Comey said.

When the suspect is a cleric, like Imam Bengharsa, the matter is especially delicate.

“It’s very possible that he’s never crossed the legal threshold,” said Seamus Hughes, deputy director of the Program on Extremism at George Washington University, who has closely followed the imam’s story. But Mr. Hughes called the situation “perplexing and concerning.” The imam “can take his supporters right up to the line. It’s like a making a cake and not putting in the final ingredient. It’s winks and nods all the way.”

Imam Bengharsa appears to have plenty of money. Court records say he received \$902,710 in wire transfers in 2014 and 2015, possibly an inheritance. He told The Detroit News that he often helped needy people like Mr. Gregerson. “If that individual turns around and wants to use that money for something else that’s illegal, the person who gave the money cannot be held responsible,” Imam Bengharsa said. “It’s pathetic if they are making those connections. If that’s what this country has become, I’d rather be in jail.”

The documents say he transferred money three times to an unnamed person in Yemen.

Investigators are also exploring contacts between Imam Bengharsa and other people suspected of extremism or terrorism. One is Yusuf Wehelie, 25, a Virginia man arrested in July and charged with weapons possession, which would be illegal because he has a previous felony conviction for burglary.

Mr. Wehelie first came to public attention in 2010, when he and his brother, Yahya Wehelie, both American citizens, were temporarily detained in Cairo and prevented by the F.B.I. from flying home. American officials said such delays were sometimes necessary to assess whether a person posed a security threat. The American Civil Liberties Union and the Council on American-Islamic Relations protested that the rights of such travelers were being violated.



Yusuf Wehelie
Jacquelyn Martin/Associated Press

At Yusuf Wehelie's detention hearing in July, the authorities said he had told undercover agents that he supported the Islamic State and that if he couldn't join it overseas, he would attack a military recruiting center, possibly using explosives. (Mr. Wehelie's lawyer, Nina Ginsberg, said that in later recorded conversations, he disavowed those statements and later stopped replying to the undercover agents.)

In Baltimore, another young man named Maalik Alim Jones was arrested late last year and charged with joining a terrorist group in Africa. Imam Bengharsa had preached on occasion at a Baltimore mosque Mr. Jones attended, but it is not clear that they knew each other.

The F.B.I. has been closely watching the imam for months, law enforcement officials say. A spokesman for the bureau declined to comment.

The authorities are concerned that Imam Bengharsa, who claims an impressive list of scholarly credentials, may be spreading the Islamic State message that violence can be justified against perceived enemies of the faith. In view of the payment to Mr. Gregerson, they also fear he may be financing other supporters of the Islamic State. The F.B.I. has said in court that he is under investigation for conspiring and providing material support to the Islamic State.

Imam Bengharsa did not reply to emails, phone messages or a note left at his townhouse in Clarksburg, Md., a town equidistant from Baltimore and Washington.

In comments to The Detroit News, which first reported the link between Mr. Gregerson and Imam Bengharsa last month, the imam said the government was engaging in "McCarthyism" and that the accusations were "ridiculous."

He denied that he supported the Islamic State but said: "It might appear that way. I am an advocate of the United States and the West getting the hell out of the Middle East and the Muslim world."

He added a question: "If this was the case, why haven't they come to arrest me?"



A screenshot of a YouTube video, which has been taken down since this article published, of a lecture Mr. Bengharsa gave on the relationships between Muslims and non-Muslims. He argued that Muslims should not give “love” or “loyalty” to a non-Muslim. via YouTube

Imam Bengharsa, who was born in Libya, moved to the United States at age 10, according to a biography he posted online. He claims to have received a degree from Al Azhar University in Cairo, and additional degrees in economics and Islamic studies.

He lived in Texas and later, after embracing religion, worked as a chaplain in Maryland prisons from 2006 to 2009, as an imam at the Islamic Society of Annapolis from 2009 to 2010 and at Masjid Umar, a small storefront mosque outside Baltimore, from 2011 to 2014. Last year he created the Islamic Jurisprudence Center, whose street address turns out to be a mailbox at the UPS Store near his home in Clarksburg. The authorities said he also frequently visited another mosque, Dar al-Taqwa, in the Baltimore suburb of Ellicott City.

Imam Bengharsa appears to have long held very conservative views. In his 2011 lectures at the Islamic Society of Baltimore, for example, he said Muslims must strictly follow the shariah, or Islamic law, no matter where they live.

“It doesn’t help if you say ‘I’m now living in America’ or ‘I’m now living in England,’ or ‘My culture says such and such.’ ” he said.



A screenshot of a post from Mr. Bengharsa’s Facebook page, which has since been taken down. The post coincided with the attack on Nice, France in which a man plowed into crowds with a truck, killing 84 and injuring hundreds in the coastal town.

But Imam Bengharsa's harsh recent pronouncements set him much farther from mainstream American Islam. On the Islamic Jurisprudence Center site in April, he condemned by name the leading Muslim organizations in the United States, 12 prominent clerics he called "evil scholars/imams," and a list of 22 mosques — including the two where he previously worked. Since the court documents naming him were made public, he removed those pages from his site, though they remain available in the Google cache.

In his standoff with the F.B.I., Imam Bengharsi appears to have scant support in the American Muslim community. Muhammad Jameel, the president of the Islamic Society of Baltimore, said that the imam's marriage lectures five years ago were his only connection to the mosque and that his recent statements were "against all the tenets of Islam."

"He's a nut," Mr. Jameel said. "He has freedom of speech. But if he's a criminal, I want to see him in jail."

Kitty Bennett contributed research.

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