

WHAT IS AN INFORMANT?

The government uses informants to gather information about mosques or other places of worship, organizations, workplaces, or individuals.

Informants may be (1) private individuals working for law enforcement or (2) undercover FBI or police. Either way, an informant will not identify himself as working for the government.

- Informants provide information to the government without consent or knowledge of the people or organizations on whom they are spying. Informants may also attempt to instigate others to participate in crime.

How do I identify an informant?

There is no sure-fire way to identify an informant because part of the informant's job is to remain unsuspected. However, based on cases that have gone to trial, informants have been known to:

- Advocate for and encourage violence against the United States;
- Refer to connections to groups or individuals designated as terrorist;
- Target younger and/or vulnerable individuals or those with criminal records;
- Seem suspiciously generous, use their wealth to secure friendship, and make promises of lavish gifts;
- Repeatedly encourage others to join them in their activities;
- Exhibit aggressiveness and divisiveness.

What should I do if I think someone is an informant?

- Take steps to avoid that individual.
- Make it clear that your mosque, community organization, or center does not tolerate aggressive or violent speech.
- Discuss your concerns with your community or someone you trust.
- Consult CLEAR about further options for dealing with the situation.

Why are informants a problem?

- The presence of informants reporting on a community's lawful activities breeds suspicion, divisiveness and insecurity.
- The government has used informants to lure vulnerable individuals into criminal activities.
- Informants frequently lie.
- Informants do not identify themselves, even when asked about their identity.
- Informants attend religious meetings or events open to the public, even without a search warrant.
- Informants often carry concealed recording equipment, allowing them to record conversations and provide them to the government for possible use.

Isn't this entrapment?

- Entrapment is a legal defense that can be raised in court, but only *after* someone is charged with a crime.
- In raising the entrapment defense, the argument is that the government essentially manufactured the crime.
- The entrapment defense is narrowly defined, and focuses on the defendant's

state of mind rather than the egregiousness of the government's conduct.

- The entrapment defense is almost always denied by judges and juries.

HOW CAN I PROTECT MYSELF?

- Even if you have no intention of committing a crime or offense, be mindful that non-specific agreements have been construed as "material support" and resulted in criminal liability. So be careful about entering into non-specific agreements. Such agreements might be misconstrued or taken out of context.
- An informant may encourage you to join or support an organization or individual that the government has designated as terrorist or supporting terrorism. Any affiliation with such an individual or group may expose you to criminal prosecution or affect your immigration status. Before agreeing to join or support any organization or individual, do your research. Check the State Department's website for a list of "Specially Designated Nationals" or contact CLEAR for help.
- If you suspect you are dealing with an informant, you can contact CLEAR for free consultation.
- When speaking, always be sure to make your intentions clear: that you are not advocating the use of violence.
- Also, be clear that you are not pressing anyone to engage in criminal activity (such as trespass, vandalism, assault, etc.). Calling for people to engage in criminal activity is not protected speech.

What are my First Amendment rights?

After 9/11, many Muslims are afraid to protest or speak out against U.S. government policies. It is important to be careful about what you say, but it is at least as important to exercise your rights to organize, assemble and speak out.

The First Amendment to the U.S. Constitution protects an individual's right to express their beliefs, even those beliefs that are unpopular.

The First Amendment does not protect:

- Speech that aims to incite imminent violent or lawless action
- Speech that is likely to elicit an immediate violent response

WHAT IF I AM ASKED TO BECOME AN INFORMANT OR SHARE INFORMATION WITH THE GOVERNMENT?

- You are never obligated to work for the government, or to share information with law enforcement. If you are an informant for the government, you can also stop at any time.
- Law enforcement recruits individuals who are from, or familiar with, the communities they are collecting information about. If you have been approached, do not be ashamed.
- It is common for the government to offer individuals various incentives to become informants. Informants often work for the government in order to get a reduction in a criminal sentence or for immigration relief. They may also work for pay.
- Government agents may also intimidate, pressure, or offer you incentives to

become an informant or to share information about your community.

... so what should I do?

- Speak with a lawyer. Seeking legal advice will give you a better sense of your rights and options.
- If you already work as an informant for law enforcement, know that you have the right to change your mind at any time.
- Remember that the government has no obligation to follow through on any promises that they make to you in return for your work as an informant.

CONTACT US FOR LEGAL SUPPORT

CLEAR provides free legal services to Muslim communities and others in New York City that are affected by post-9/11 law enforcement policies. If you need legal advice or a referral, contact CLEAR. We represent and advise individuals regarding law enforcement questioning and searches; grand jury and trial subpoenas; charitable giving; travel; and more.

Raise Awareness!

Host a CLEAR Know-Your-Rights workshop about these issues at your masjid or your community center. CLEAR facilitates workshops free of charge.

KNOW YOUR RIGHTS!

WHAT YOU SHOULD KNOW ABOUT INFORMANTS

Since 9/11, the government has increased its surveillance of Muslim, Arab, and South Asian communities. Much of this surveillance is carried out by informants. This pamphlet provides information so that you are better prepared if you encounter a possible informant, or if law enforcement approaches you to become an informant.



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CLEAR SERVICES ARE PROVIDED FREE OF CHARGE.
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