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WASHINGTON, DC 20510-6275

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April 27, 2017

VIA ELECTRONIC TRANSMISSION

The Honorable James B. Comey, Jr.
Director
Federal Bureau of Investigation
Washington, D.C. 20535

Dear Director Comey:

I write regarding newly revealed information about the attempted terrorist attack in Garland, Texas. A CBS *60 Minutes* segment that aired on March 26, 2017, revealed that an undercover FBI agent who had been communicating with one of the terrorists just weeks before the attack, had travelled to Garland, was present at the scene of the attack, and took photos of the terrorists moments before the attack.¹ This revelation appears to contradict your statement in 2015 that the FBI did not know that Simpson was travelling to Garland and did not have any indication that Simpson planned to attack the event.²

This revelation also contradicts information you reportedly provided in 2015 to Homeland Security and Governmental Affairs Committee Chairman Ron Johnson.³ The FBI allegedly continues to stonewall Chairman Johnson's requests for information by refusing to provide a briefing to committee staff.⁴ The FBI's complete lack of transparency to Congress on this issue is unacceptable. Accordingly, I write today to request information about the FBI's advance knowledge of and operational plans related to the attempted attack.

On May 3, 2015, Elton Simpson and Nadir Soofi pledged their allegiance to ISIS on Twitter and planned to attack an event at the Curtis Culwell Center in Garland, Texas, where participants were drawing the prophet Muhammad.⁵ When the terrorists opened fire at a police

¹ *60 Minutes Investigates First ISIS-Claimed Attack in U.S. and What the FBI Knew* (CBS television broadcast Mar. 26, 2017), available at <http://www.cbsnews.com/news/terrorism-in-garland-texas-what-the-fbi-knew-before-the-2015-attack/>.

² Pete Williams, *FBI Alerted Garland Police About Elton Simpson Hours Before Shooting*, NBC News (May 8, 2015), <http://www.nbcnews.com/news/us-news/fbi-says-it-alerted-garland-police-about-elton-simpson-n355526>.

³ See Malia Zimmerman & William Lajeunesse, *Senate Leader Investigating Possible FBI Deception about Texas Terror Attack*, Fox News (Apr. 20, 2017), <http://www.foxnews.com/politics/2017/04/20/senate-leader-investigating-possible-fbi-deception-about-texas-terror-attack.html>.

⁴ See Letter from Hon. Ron Johnson, Chairman, HSGAC, to Hon. James B. Comey, Jr., Director, FBI (Apr. 3, 2017).

⁵ *60 Minutes Investigates First ISIS-Claimed Attack in U.S. and What the FBI Knew*.

checkpoint outside of the event, police officer Greg Stevens fatally shot Simpson and Soofi, preventing what was evidently planned to be a large-scale attack.⁶ Apparently, an undercover FBI agent was in a car directly behind Simpson and Soofi and took pictures of the terrorists just seconds before the attack.⁷

For years prior to the attack, the FBI had been investigating Simpson, who demonstrated an interest in radical Islam dating back to at least 2007.⁸ The FBI closed its case on Simpson in 2014, but reopened it “several weeks before the attack” because of statements that Simpson made on social media.⁹ Fewer than three weeks before the attack, an undercover FBI agent was communicating with Simpson over a social media application. On April 24, 2015, Simpson sent the agent a link to the “Draw Prophet Muhammad Contest,” to which the agent replied, “Tear up Texas.”¹⁰ In response, Simpson cautioned the agents against discussing attacks in overt terms, writing: “Bro, you don’t have to say that. . . U know what happened in Paris . . . I think. . . Yes or no . . . ?” and “So that goes without saying. . . No need to be direct.”¹¹

The undercover FBI agent was also in contact with Erick Jamal Hendricks, who had initially connected the agent to Simpson. Hendricks urged the agent to go to the drawing contest with Simpson and “make your ‘voice’ heard,” which another agent interpreted as encouragement to commit an act of violence.¹² The agent travelled to Garland and alerted Hendricks when he arrived at the contest event. Hendricks asked the agent questions about the security posture surrounding the event and about whether the agent was armed.¹³ When the attack started, the agent fled the scene, but was stopped at gunpoint by Garland police.¹⁴

Please provide numbered written responses to the following questions and a briefing for Committee staff no later than May 12, 2017.

1. When did the FBI know that the undercover FBI agent was travelling to Garland, Texas?
2. Who within the FBI authorized the undercover FBI agent to travel to Garland, Texas, and why?
3. Did the FBI suspect that Simpson and Soofi planned an attack at the drawing contest?

⁶ *Id.* The FBI’s review of the crime scene revealed that Simpson and Soofi had brought with them “six guns, hundreds of rounds of ammunition, bulletproof and tactical vests, and Xeroxed copies of the black flag of ISIS.” *Id.*

⁷ *Id.*

⁸ *Id.* The Phoenix FBI had a confidential informant, Dabla Deng, befriend Simpson at his mosque. Deng spent three years posing as Simpson’s friend and was paid \$132,000 by the FBI. He recorded more than 1,500 hours of conversations with Simpson until he finally recorded Simpson talking about travelling overseas to wage jihad.

⁹ *Id.*

¹⁰ *Id.*; Affidavit in Support of an Application for a Criminal Complaint and Arrest Warrant, at 28, *United States v. Hendricks*, Case No. 1:16 MJ 2128 (N.D. Oh. Aug. 8, 2016) [hereinafter *Hendricks Case Affidavit*].

¹¹ *Hendricks Case Affidavit* at 28 (ellipses in original).

¹² *Id.* at 29–30.

¹³ *Id.* at 30.

¹⁴ *Id.*

- a. If yes, what was the basis for the suspicion?
 - b. Did the FBI share its suspicion with the Garland Police Department or any other law enforcement agency? If not, why not?
4. Did the undercover FBI agent meet with Simpson or Soofi in Garland prior to the attack?
 5. Did the FBI have any formal or informal operational plan to intervene to stop Simpson and Soofi from carrying out an attack? If so, please provide all records related to the plan. If not, please explain why not.

I anticipate that your written reply and any responsive documents will be unclassified. Please send all unclassified material directly to the Committee. In keeping with the requirements of Executive Order 13526, if any of the responsive documents do contain classified information, please segregate all unclassified material within the classified documents, provide all unclassified information directly to the Committee, and provide a classified addendum to the Office of Senate Security. Although the Committee complies with all laws and regulations governing the handling of classified information, it is not bound, absent its prior agreement, by any handling restrictions or instructions on unclassified information unilaterally asserted by the Executive Branch.

Thank you for your attention to this matter. If you have any questions, please contact Katherine Nikas or Samantha Brennan of my Committee staff at (202) 224-5225.

Sincerely,



Charles E. Grassley
Chairman
Committee on the Judiciary

cc: The Honorable Dianne Feinstein
Ranking Member
Committee on the Judiciary

The Honorable Michael E. Horowitz
Inspector General
U.S. Department of Justice