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United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

April 3, 2017

The Honorable James B. Comey, Jr.
Director
Federal Bureau of Investigation
J. Edgar Hoover Building
935 Pennsylvania Avenue
Washington, DC 20535

Dear Director Comey:

The Committee on Homeland Security and Governmental Affairs is examining the Federal Bureau of Investigation's (FBI) efforts to detect, thwart, and mitigate terrorist plots in the United States. I write to request additional information about the FBI's actions leading up to and during the attack at the Curtis Culwell Center in Garland, Texas.

On May 3, 2015, two terrorists, Elton Simpson and Nadir Hamid Soofi, attacked an event at the Curtis Culwell Center in Garland. This attack is widely recognized as the first attack on U.S. soil inspired by the Islamic State of Iraq and Syria (ISIS).¹ A recent news report by *60 Minutes* revealed that an apparent FBI agent not only traveled to Garland, but was in a vehicle directly behind Simpson and Soofi immediately before the attack.² The same report suggested that the apparent agent was detained by local law enforcement when attempting to flee the scene.

Fortunately, local law enforcement successfully neutralized Simpson and Soofi before they successfully carried out their objective. Following the attack, there was confusion about whether local law enforcement had any knowledge of a threat prior to the event and whether information was shared between the FBI and the Garland Police Department. Local law enforcement officials have been adamant that they did not receive any intelligence from the FBI indicating a direct threat to the event.³ The Garland Police Chief, Mitch Bates, stated that his department "had no information from the FBI or anyone else that Elton Simpson posed a threat to our event."⁴

¹<https://www.defense.gov/News/Transcripts/Transcript-View/Article/607048/departments-of-defense-press-briefing-by-secretary-ash-carter-and-general-martin>

² Anderson Cooper, *60 MINUTES INVESTIGATES FIRST ISIS-CLAIMED ATTACK IN U.S. AND WHAT THE FBI KNEW*, CBS NEWS, March 26, 2017, <http://www.cbsnews.com/news/terrorism-in-garland-texas-what-the-fbi-knew-before-the-2015-attack/>

³ Naomi Martin and Ray Leszcynski, *Garland police say they had no tip about attack at Culwell Center*, THE DALLAS MORNING NEWS, May 2015, <http://www.dallasnews.com/news/crime/2015/05/11/garland-police-say-they-had-no-tip-about-attack-at-culwell-center>

⁴ *Id.*

About a week after the attack, you described how federal investigators learned about Simpson's interest in the Garland event a few hours beforehand.⁵ The FBI then apparently distributed a "bulletin" to the Garland Police Department, which included a photo of Simpson, a license plate number for the vehicle, and other information.⁶ You were quoted as saying:

We didn't have reason to believe that he was going to attack the event or, in fact, we didn't have reason to believe he had left Phoenix. But because we developed reason to believe that he might be interested in the event, we sent it to them as part of what we've been doing in connection with the event generally.⁷

The information contained in the *60 Minutes* report about the actions of an apparent FBI agent on the day of the attack appears to be at odds with your statement that the FBI "didn't have reason to believe [Simpson] left Phoenix."

The FBI was reportedly familiar with Simpson, as he was a subject of an investigation since around 2006.⁸ According to reports, during that time period, the FBI paid an informant named Dabla Deng around \$132,000 to gain intelligence on Simpson.⁹ The FBI started reexamining Simpson due to his support of ISIS, going as far as sending him text messages.¹⁰ An undercover FBI agent allegedly sent a text message to Simpson that read, "Tear Up Texas," three weeks before the Garland attack.¹¹

About a month after the attack, I wrote then-Attorney General Lynch requesting information about the firearms used by Simpson and Soofi.¹² I had obtained information from a Federal Firearms Licensee (FFL) in the Phoenix region that appears to show that Soofi purchased a Hi-Point 9mm pistol from the FFL in 2010.¹³ This transaction happened during the same time period when the Justice Department coordinated purchases of firearms at this FFL in the ill-fated Operation Fast and Furious.¹⁴ In addition, I obtained information that showed that this same handgun, purchased by Soofi in 2010, was subject to an "urgent" firearms disposition request by the Department of Justice on May 4, 2015—the day after the attack in Garland.¹⁵ The

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ Scott Shane and Fernanda Santos, *Elton Simpson Eluded U.S. Inquiry Before Texas Shootout*, THE NEW YORK TIMES, May 6, 2015, https://www.nytimes.com/2015/05/07/us/elton-simpson-eluded-us-inquiry-before-texas-shootout.html?_r=0

⁹ *Id.*

¹⁰ Anderson Cooper, *60 MINUTES INVESTIGATES FIRST ISIS-CLAIMED ATTACK IN U.S. AND WHAT THE FBI KNEW*, CBS NEWS, March 26, 2017, <http://www.cbsnews.com/news/terrorism-in-garland-texas-what-the-fbi-knew-before-the-2015-attack/>

¹¹ *Id.*

¹² Letter from Chairman Ron Johnson, United States Senate, to Loretta E. Lynch, U.S. Department of Justice (Jun. 1, 2015)

¹³ Dep't of Justice, Bureau of Alcohol, Tobacco, Firearms & Explosives, Firearms Transaction Report Part I (Nadir Soofi, dated Feb. 24, 2010).

¹⁴ Richard A. Serrano, *Garland, Texas, shooter bought gun in 2010 during Fast and Furious*, L.A. Times, Aug. 1, 2015.

¹⁵ Dep't of Justice, Bureau of Alcohol, Tobacco, Firearms & Explosives, Firearms Disposition Fax Request (May 4, 2015).

Department of Justice's response to my letter, dated August 7, 2015, contained little specificity and ignored several important questions.

In order to assist the Committee in understanding the circumstances surrounding this attack and the actions of the FBI before and during the attack, I respectfully request the following information and material:

1. What FBI assets were present at or around the Curtis Culwell Center on May 3, 2015?
 - a. Was the apparent FBI employee who was present at the scene of attack, and detained by local law enforcement, an FBI employee, an FBI source of information, an FBI asset, or an asset or source of information on detail to the FBI from another entity? Please explain.
 - b. If this individual was an FBI source of information, an FBI asset, or an asset or source of information on detail to the FBI, did the FBI receive information about Simpson or Soofi from this individual? If so, what was this information and when was it received?
 - c. Please provide all communications sent or received by FBI agents or employees on May 3, 2015 referring or relating to Elton Simpson, Nadir Hamid Soofi, or the Curtis Culwell Center.
2. When did the FBI first learn that there was an imminent threat to the Curtis Culwell Center? How did the FBI learn of the threat?
 - a. Please provide the FBI "bulletin" sent to law enforcement before the attack.
 - b. Please provide all communications between the FBI employee, FBI source of information, FBI asset, or an asset or source of information on detail to the FBI and FBI personnel referring or relating to Simpson or Soofi for the period April 1, 2015 to May 15, 2015.
3. Did the FBI pay Dabla Deng more than \$130,000 over three years to obtain intelligence on Simpson and/or Soofi? Did Mr. Deng provide information on any potential threats?
4. Did the handgun purchased by Nadir Hamid Soofi from an FFL in Phoenix, Arizona in 2010 have any connection to Operation Fast and Furious? Please explain.
 - a. Please provide all documents and communications referring or relating to the weapons recovered at the Curtis Culwell Center and within Simpson and Soofi's apartment in Phoenix.
 - b. Did an FBI employee, an FBI source of information, an FBI asset, or an asset or source of information on detail to the FBI direct, intimate, or suggest to Simpson or Soofi to purchase firearms?

- c. In the Department's August 7, 2015 letter, an unsealed brief describes "a witness previously observed Simpson, Soofi and [Abdul Malik Abdul] Kareem all handling several of these exact weapons."¹⁶ Who is this witness and does this person have any connection to the FBI?
5. When did the FBI initiate an investigation relating to Elton Simpson and Nadir Hamid Soofi?
 - a. Please provide all documents, including form FD-302s, referring or relating to Elton Simpson or Nadir Hamid Soofi.
 - b. Please provide all electronic surveillance records relating to Elton Simpson or Nadir Hamid Soofi.
 - c. Please provide all communications between or among FBI agents, employees, or assets and Simpson or Soofi.

Please provide this information as soon as possible, but no later than 5:00 p.m. on April 21, 2017. Because Simpson and Soofi are deceased, I hope that the FBI will provide complete answers and sufficient documents to the Committee without violating any ongoing investigation.

The Committee on Homeland Security and Governmental Affairs is authorized by Rule XXV of the Standing Rules of the Senate to investigate "the efficiency and economy of operations of all branches of the Government."¹⁷ S. Res. 62 (115th Congress) authorizes the Committee to examine "the efficiency and economy of operations of all branches and functions of Government with particular references to (i) the effectiveness of present national security methods, staffing, and processes..."¹⁸

If you have any questions regarding this letter, please ask your staff to contact Brian Downey or Kyle Brosnan of my staff at (202) 224-4751. For purposes of this request, please refer to the definitions and instructions in the enclosure. Thank you for your prompt attention to this matter.

Sincerely,



Ron Johnson
Chairman

cc: The Honorable Claire McCaskill
Ranking Member

¹⁶ Letter from Peter J. Kadzik, U.S. Department of Justice, to Chairman Ron Johnson, United States Senate, (Aug. 7, 2015.)

¹⁷ S. Rule XXV(k); *see also* S. Res. 445, 108th Cong. (2004).

¹⁸ S. Res. 73 § 12, 114th Cong. (2015).

The Honorable James B. Comey, Jr.
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Enclosure