

# Congress of the United States

Washington, DC 20515

September 12, 2013

The Hon. James B. Comey, Jr.  
Director  
Federal Bureau of Investigation  
935 Pennsylvania Avenue, NW  
Washington, DC 20535

Dear Director Comey:

As you begin your term as director, we write to request your assistance in resolving a longstanding concern that we have raised in hearings and letters with the bureau over the last several years. We believe the current transition in leadership provides an opportune time for you to clarify the record on this matter and to address some of the inconsistencies in comments and correspondence from bureau officials.

Specifically, we write in response to recently-disclosed information contained in both Federal Bureau of Investigation (FBI) documents (released pursuant to the Freedom of Information Act to Judicial Watch) and a new book, *Dirty Wars*, written by Jeremy Scahill, regarding the FBI's assessments of and relationship with the late Anwar Aulaqi, the former head of external operations of al-Qaeda in the Arabian Peninsula.

Additionally, in an August 23 interview with Fox News' Catherine Herridge, former Director Mueller stated, "I am not personally familiar with any effort to recruit Anwar al-Awlaki as an asset -- that does not mean to say there was not an effort at some level of the Bureau or another agency to do so." This comment raises new questions about whether offices within the bureau or other law enforcement or intelligence agencies may have had a deeper relationship with Aulaqi than has been acknowledged to date.

In correspondence of October 4, 2012, related to testimony provided on August 1st of that year, former Director Mueller and Executive Assistant Director Mark Giuliano separately represented that the FBI did not:

- consider Aulaqi to be a terrorist, as late as 2008;
- approach, cultivate or target Aulaqi to be a confidential human source; or
- obtain evidence that Aulaqi had foreknowledge of the 9/11 attacks, or knowingly support that plot.

Mr. Giuliano further testified that if the FBI could have incarcerated Aulaqi in October 2002, the Bureau would have done so.

These newly-released FBI documents pose fresh questions, in addition to those we asked of you in previous correspondence on this topic dated October 25, 2011 and August 15, 2012. Specifically, we request explanations of how the following FBI documents are consistent with previous assertions by the bureau:

- A February 4, 2002 FBI identification of Aulaqi as a member of a terrorist organization;
- June 4, 2002 correspondence between very senior FBI and Department of Justice national security officials considering the prosecution of Aulaqi for patronizing prostitutes (an offense not often pursued at the federal level or in security cases);
- An October 15, 2002 FBI request for coverage of Aulaqi by the Bureau's elite Special Surveillance Group;
- An October 22, 2002 synopsis of FBI asset reporting either about – or from – Aulaqi, the substance of which is completely redacted;
- An August 29, 2006 draft FBI intelligence report on Aulaqi which was not disseminated to the Intelligence Community; and
- A 2006 FBI statement that “significant information regarding Aulaqi” had developed since early 2002, and that Aulaqi “was never thoroughly debriefed or interviewed regarding his association with” the 9/11 hijackers.

The recently-released FBI documents may be open to a number of interpretations. One fair reading of them, in the context of our previously-voiced concerns, is the following: the bureau unsuccessfully attempted to exploit Aulaqi's vulnerabilities, to develop him as a confidential human source, after misjudging Aulaqi's role in the 9/11 conspiracy, and his membership in al-Qaeda before that day.

In addition to having a better understanding of the newly-released FBI documents, we are also concerned about new information included in the book *Dirty Wars*. This information conflicts with testimony provided by Mr. Giuliani about whether Aulaqi had ever met with Ft. Hood terrorist Maj. Nidal Hassan during the years when they both lived in northern Virginia. As you may recall, when asked about whether the two had ever met in person during the August 2012 hearing on the Webster Commission report, Mr. Giuliani replied: “No, not that we know.”

That is why we were surprised to learn from the book that Aulaqi's father, Nasser, alleges that Aulaqi and Hasan had, in fact, met during that period. On pages 40-41 of the book, Scahill writes:

“While the FBI dug into Awlaki's relationship with the [9/11] hijackers, hundreds of people would pack Dar al Hijrah mosque to hear Awlaki preach on Fridays. He counseled families and helped new immigrants find apartments or employment. Among those who came to him for help was a Palestinian couple who attended all of his Friday sermons. They were having trouble with their son, who was a US military psychiatrist. The couple was concerned that their son was not taking an interest in their religion. Nasser recalled Anwar telling him that they said, ‘Why don't you talk with [our son], so he will come with us to the mosque?’ Awlaki agreed to help. Their son was named Nidal Malik Hasan, the man who, more than a decade later, would commit one of the worst massacres on a US military base in history.”

This account provided by Aulaqi's father to Scahill in January 2012 appears to be consistent with Hasan's own e-mails to Aulaqi indicating meetings, as documented in the unclassified Webster Commission report, as well as in reports by the *Weekly Standard* and other publications, that Aulaqi had a relationship with Hasan in Virginia, and that Aulaqi may have even presided over Hasan's mother's funeral.

This supposition is further underscored based on an August 5 report by Fox News, "According to [Defense Department 'Sanity Board'] documents, Hasan states that his 'journey to Islam' began after his mother died in May of 2001. The American cleric Anwar al-Awlaki, who would eventually become the first American targeted for death by the CIA, was the Imam of the Dar Al Hijrah Islamic Center in Falls Church, Virginia, where Hasan's mother's funeral was held. The Falls Church mosque was where their two lives intersected. In other handwritten documents released to Fox News last week, Hasan referred to Awlaki as a 'teacher, mentor and friend.' Awlaki posted a comment on his website days after the Fort Hood massacre calling Hasan a 'hero.'"

Again, we believe this new information merits additional explanation or clarification about why the bureau maintains that the two men never met.


Our goal is not now to point fingers at the FBI about good-faith short-comings or mistakes which may have taken place a dozen or more years ago. Rather, we hope to obtain a full and public understanding of the events surrounding the 9/11 attacks.

We also seek, as you do, to identify and hold all those who may have aided the attack responsible, such as Aulaqi's associates Eyad al-Rababah and Daoud Chehazeh. However, continued FBI opacity about Aulaqi's 9/11 role, al-Qaeda membership, and his relationship with the FBI, is unhelpful towards that end.

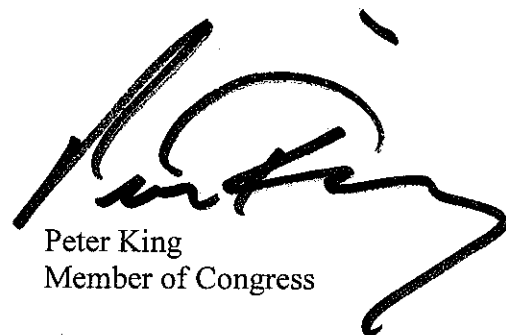
We therefore request your explanation, declassification and release of the documents discussed above, as well as a written explanation of the FBI's understanding of Nasser Aulaqi's account of his son's meeting(s) with Hasan in northern Virginia. We also request the same regarding the October 3, 2002 FBI memorandum about Aulaqi, which appears to have been drafted by former Director Mueller for the personal attention of the United States Attorney General, the contents of which have also been entirely redacted.

Best wishes.

Sincerely,



Frank R. Wolf  
Member of Congress



Peter King  
Member of Congress