

FRANK R. WOLF

10TH DISTRICT, VIRGINIA

COMMITTEE ON APPROPRIATIONS

SUBCOMMITTEES:

RANKING MEMBER—COMMERCE-JUSTICE-
SCIENCE

TRANSPORTATION-HUD

CO-CHAIR—TOM LANTOS
HUMAN RIGHTS COMMISSION



Congress of the United States
House of Representatives

May 24, 2010

241 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-4610
(202) 225-5136

13873 PARK CENTER ROAD
SUITE 130
HERNDON, VA 20171
(703) 709-5800
(800) 945-9653 (IN STATE)

110 NORTH CAMERON STREET
WINCHESTER, VA 22601
(540) 667-0990
(800) 850-3463 (IN STATE)

wolf.house.gov

The Honorable Robert S. Mueller, III
Director
Federal Bureau of Investigation
935 Pennsylvania Ave NW
Washington DC 20535-0001

Dear Mr. Mueller

I am deeply concerned about a recent report that the Federal Bureau of Investigation (FBI) ordered notorious al Qaeda recruiter Anwar Aulaqi be released from detention at Kennedy Airport in October 2002, allowing him to re-enter the United States with impunity, despite an outstanding warrant for his arrest. The questionable events surrounding the return of Aulaqi to the U.S. then and the subsequent dismissal of his outstanding warrant merit greater attention and transparency.

This matter is particularly timely given Aulaqi's recent emergence as a leader of al Qaeda in the Arabian Peninsula (AQAP) and his recruitment of alleged terrorists Major Nidal Hassan, Umar Farouk Abdulmutallab, and Faisal Shahzad. He has emerged as a driving force in the recruitment of terrorists living in the U.S. and Europe. Last week, Aulaqi publicly praised these alleged terrorists and called for further attacks against American civilians.

That is why I was particularly concerned by a recent Fox News report documenting a troubling series of events in October 2002 that allowed Aulaqi to re-enter the U.S., despite an outstanding warrant for his arrest and his troubling connections to 9/11 terrorists. The series of events that took place in the days surrounding Aulaqi's return to the U.S. raise many troubling questions about steps taken by the Justice Department. The crime for which Aulaqi was wanted carried up to a 10-year prison sentence. What if he had been tried and convicted and sentenced to a prison term and had been prevented from many of his terrorist activities over the last decade? Could history have been changed with regard to the attack on Fort Hood, Texas, the killing of the U.S. Army recruiter in Little Rock, Arkansas, the attempted Christmas Day bombing, and the attempted bombing in Times Square earlier this month?

Although a U.S. citizen by birth, Aulaqi has a disturbing history of illegal activities and association with al Qaeda-affiliated terrorists. In the early 1990s Aulaqi returned to the U.S. from Yemen to attend college on a J-1 student visa on his Yemeni passport, despite being a U.S. citizen who did not need, or qualify, for any visa reserved for a foreign visitor. Upon arriving in the U.S., Aulaqi applied for a Social Security number under false pretenses and later applying for a U.S. passport under the same false pretenses. At the same time, it is my understanding that

The Honorable Robert S. Mueller, III
May 24, 2010
Page 2

Aulaqi fraudulently obtained more than \$20,000 in federal scholarship funds reserved for foreign students for which he was not eligible.

In the late 1990s, Aulaqi became an imam at mosques in San Diego, California, and later in Fall Church, Virginia, where he developed relationships with three of the 9/11 hijackers. It was during this period that Aulaqi was reportedly arrested on at least three occasions for soliciting prostitutes -- including twice in San Diego and once in the metropolitan Washington area, according to the Fox News report.

Following the 9/11 attack, Aulaqi was interviewed by the FBI on at least four occasions with regard to his relationships with the terrorists and al Qaeda, the Fox News report stated. At the same time, in fall 2001, he proactively sought out the attention of the national media before abruptly leaving the U.S. for Yemen. Following his departure, the State Department became aware of Aulaqi's fraudulent Social Security and passport statements and the warrant for his arrest was approved on June 17, 2002.

However, Fox News reported that on October 9, 2002 the Colorado U.S. Attorney's Office abruptly and uncharacteristically submitted a motion to dismiss its complaint and vacate the outstanding arrest warrant against Aulaqi. On the same day, Aulaqi was reportedly the subject of a classified FBI Electronic Communication (EC) memo. Within hours, Aulaqi was en route back to the U.S. after months living abroad -- but he was detained by U.S. customs agents upon his arrival at Kennedy Airport in New York City.

However, following his detention at Kennedy early on the morning of October 10, 2002, an FBI agent -- Special Agent Wade Ammerman in the Washington Field Office -- ordered that Aulaqi be released by U.S. customs agents after having been detained on an outstanding warrant, according to the Fox News report. This is particularly questionable given the time of these events. The Colorado U.S. Attorney's motion to dismiss the warrant was not approved until October 11, 2002, a day after the FBI ordered Aulaqi released into the U.S. Why would the FBI order Aulaqi's release while the warrant for his arrest remained active?

I am also troubled by the timing of Aulaqi's return to the U.S. after months abroad following the 9/11 attacks. Is there any connection between the timing of the FBI's EC on Aulaqi, the motion to vacate his arrest warrant, and Aulaqi's sudden return to the U.S.?

In the interest of transparency, I urge you to release additional information about the events of October 2002 and to explain why the FBI would order Aulaqi released from customs detention upon his arrival to the U.S. on October 10 -- prior to judicial approval vacating the warrant against him on October 11. I would appreciate answers to the following questions:

1. Based on the Fox News report, a number of relevant documents -- including the 2002 arrest warrant for Anwar al-Aulaqi, the October 2002 motion to dismiss the warrant by

the U.S. Attorney in Colorado, as well as documents pertaining to Aulaqi's connection to the FBI agent in the Ali al-Timimi case -- were never shared with the 9/11 Commission despite the fact that Aulaqi was an associate of three of the 9/11 hijackers. Why was this information withheld? Why has Congress not been fully briefed on the events of October 2002?

2. Will the department release a declassified version of the October 9, 2002, FBI EC about Aulaqi?
3. When did Aulaqi purchase his ticket to return to the U.S. on October 10, 2002, and how was this ticket paid for?
4. According to the Justice Department, the arrest warrant for passport fraud was vacated because there was allegedly not enough evidence to prosecute Aulaqi. Please provide all documentation that justifies the department's position that individuals allowed to provide knowingly false information to the Social Security Administration and State Department and later "correct it," without penalty, as occurred in this case.
5. Fox News reported that Aulaqi lied about his citizenship to obtain \$20,000 in federal scholarship funds. He was not eligible for the scholarship as an American, but Aulaqi claimed to be a Yemeni national and foreign student. Why did the Justice Department choose not to prosecute Aulaqi for illegally obtaining more than \$20,000 in federal funds?
6. Experts cited in the Fox News report cautioned that rescinding a warrant against a man with relationships with three 9/11 hijackers would be considered highly unusual, yet the U.S. Attorney's Office claimed it was a "common practice." How many unsealed arrest warrants were issued by the U.S. Attorney's Office in Colorado in 2002 and, of these, how many were rescinded?
7. Court records show that the magistrate in Colorado did not approve the U.S. Attorney's request to vacate the warrant late on October 10, 2002. Further, the paperwork was not filed by the clerk until October 11, 2002.

How did FBI SA Wade Ammerman know early on the morning of October 10, 2002 -- when Aulaqi was detained at JFK for several hours -- that the Colorado U.S. Attorney's Office had filed a motion to vacate the warrant? Were the US attorney and the FBI agent working together? Does the department maintain that the timing of these events is "coincidence?"

The Honorable Robert S. Mueller, III
May 24, 2010
Page 4

8. Following Aulaqi's return to the U.S. in October 2002, was he watched by the FBI and/or did the FBI interview him again about his relationship to the 9/11 hijackers or other suspected terrorists?
9. How did Aulaqi end up at the home of Ali al-Timimi with a government witness shortly after he was allowed back into the U.S.? Was the FBI aware of this meeting in advance of Aulaqi's return to the U.S.?

In addition to these requests, I am troubled that the 9/11 Commission did not have access to many of the documents with regard to this incident. I believe this is further reason for President Obama to heed my calls to bring back the co-chairs of the 9/11 Commission -- former Rep. Lee Hamilton and former Gov. Thomas Kean -- for six months to review the implementation of its reports recommendations and revisit outstanding issues surrounding the 9/11 attacks, such as this.

I would appreciate your prompt attention to this serious matter. I have enclosed the publicly available documents related to this case for your review.

Best wishes.

Sincerely,

Frank R. Wolf
Member of Congress


A large, stylized handwritten signature in black ink, appearing to read 'Frank R. Wolf', is written over the typed name. The signature is composed of several thick, sweeping strokes.