

United States Senate

WASHINGTON, DC 20510

February 8, 2023

The Honorable Merrick Garland
U.S. Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue NW, Room 1145
Washington, D.C. 20530

Dear Attorney General Garland:

We write to express concern over the federal government's ability to monitor and prevent threats to public safety from people convicted of terrorism-related crimes upon their release from federal custody. Specifically, we are concerned about a recent report that convicted American Taliban fighter John Walker Lindh violated the terms of his early release agreement from prison in 2021 by meeting with a known ISIS supporter.

Lindh was captured in Afghanistan in 2001, and the following year pled guilty to serving as a soldier of the Taliban. Lindh was sentenced to 20 years in prison, and during that time he continued to profess his belief in, and commitment to, terrorist ideology.¹ In May 2019, Lindh was released on probation from prison three years early, based on good conduct. Upon his release, Lindh was instructed, among other conditions, not to associate with any known violent extremists. However, recent public reporting indicates that the Federal Bureau of Investigation (FBI) photographed Lindh meeting multiple times with convicted ISIS supporter Ali Amin (who was also under federal supervised release) during Lindh's probationary period, thus violating the terms of his parole. Yet while reports detail that parole officials took steps to send Amin back to jail for his alleged supervised release violations, Lindh remained released on parole.²

In 2019, your agencies indicated that more than 100 individuals convicted of terrorism-related crimes would be released from federal prisons by 2025. While Lindh is an example of just one terrorist offender's reported parole violations, we are also concerned that this example could be indicative of a systemic national security gap and emerging threat.

¹ See Dan de Luce, Robbier Garmer, and Jana Winter, *John Walker Linde, Detainee #001 in the Global War on Terror, Will Go Free In Two Years. What Then?* FOREIGN POLICY (June 23, 2017) available at <https://foreignpolicy.com/2017/06/23/john-walker-lindh-detainee-001-in-the-global-war-on-terror-will-go-free-in-two-years-what-then/>

² See Adam Rawnsley, Seamus Hughes, *'American Taliban' Was Ordered Not to Meet With Extremists. He Did Anyway.* ROLLING STONE (January 26, 2023) available at <https://www.rollingstone.com/politics/politics-news/american-taliban-isis-john-walker-lindh-doj-1234669146/>

In 2019, Senator Hassan and Senator Shelby wrote to your agencies to express public safety concerns ahead of Lindh's imminent release. While we appreciate the information that your agencies provided us in response, given the new report of Lindh's parole violations, we are concerned that compartmentalized information between Department of Justice agencies may have prevented authorities from taking appropriate action. For that reason, we request responses to the enclosed questions:

1. To your agency's knowledge, since his release from federal custody, has John Walker Lindh met with, attempted to meet with, contacted, or attempted to contact any known violent extremists or terrorist offenders including – but not limited to – Ali Amin?
 - a. If yes, please provide the date(s) on which probation officials or other Bureau of Prisons (BOP) officials were informed of any such instances by which agency, and what, if any, recommended actions were shared with BOP.
 - b. If yes, did your agency assess whether these instances posed a threat to public safety?
 - c. If yes, please provide a list of any actions that were taken to protect the public.
 - d. If yes, please provide information regarding any recommendations, warnings, or documentation of parole violations provided by the FBI, the National Security Division, or another agency to Bureau of Prisons officials in response to such incidents.
 - e. If your agency possessed knowledge that Lindh met with Amin – or any other known violent extremists or terrorist offenders - prior to the conclusion of his parole, then please provide the reasoning behind the decision not to revoke Lindh's parole.

2. To your agency's knowledge, have any other released terrorist offenders met with, attempted to meet with, contacted, or attempted to make contact with known violent extremists or terrorist offenders?
 - a. If yes, please provide the date(s) on which probation officials or other BOP officials were informed of any such instances, by which agency, and what, if any, recommended actions were shared with BOP.
 - b. If yes, did your agency assess whether these instances posed a threat to public safety?
 - c. If yes, please provide a list of any actions that were taken to protect the public.

3. What programs, processes, or strategies, if any, has the Department of Justice and its agencies developed or implemented to identify, track, measure, or monitor threats from possible recidivist terrorists?
 - a. Please provide any formal documents, guidance, definitions, or policy related to mitigating threats connected to terrorist recidivism

In addition, enclosed please find a copy of the previous letter sent to the Federal Bureau of Prisons, on May 19, 2019. Specifically, we would like to know how you have addressed the gaps

we identified, particularly as they related to risk assessments, behavioral programming and intervention efforts, information sharing and coordination policies between federal and state and local entities involved in probation, parole, and mitigating recidivism.

Given the fact that multiple Department of Justice agencies and offices – the Federal Bureau of Investigation, the Bureau of Prisons, and the Department of Justice’s National Security Division – have critical roles with investigations and oversight of these national security threats, the Department of Justice has a responsibility to review the troubling public reports about Lindh’s parole violations and provide responses to our questions.

Thank you for your prompt attention to this matter. We respectfully request that the information requested be provided to our offices by February 24, 2023. Should you have questions about this request, please contact Jillian Joyce (Jillian_Joyce@hsgac.senate.gov) and Mark McKinnon (Mark_mckinnon@britt.senate.gov).

Sincerely,



Margaret Wood Hassan
United States Senator



Katie Boyd Britt
United States Senator

Attachment: May 2019 Letter from Senator Hassan and Senator Shelby Regarding the Early Release of John Walker Lindh

CC:

The Honorable Christopher Wray
Director
Federal Bureau of Investigation
U.S. Department of Justice
935 Pennsylvania Avenue NW
Washington, DC 20535

The Honorable Colette Peters
Director
Federal Bureau of Prisons
U.S. Department of Justice
320 First Street NW, Room 628
Washington, D.C. 20534

The Honorable Roslynn Mauskopf
Director
Administrative Office of the United States
Courts
Thurgood Marshall Federal Judiciary
Building
One Columbus Circle NE, Suite 7-110
Washington DC 20544

United States Senate

WASHINGTON, DC 20510

May 17, 2019

The Honorable Hugh Hurwitz
Acting Director
Federal Bureau of Prisons
U.S. Department of Justice
320 First Street, NW, Room 628
Washington, D.C. 20534

Dear Acting Director Hurwitz:

We write to express concern over the anticipated release of convicted American Taliban fighter John Walker Lindh and request information about what steps the U.S. government is taking to ensure public safety.

Mr. Lindh was captured in Afghanistan in 2001, and the following year, he pled guilty to serving as a soldier of the Taliban. Mr. Lindh was sentenced to twenty years in prison but is scheduled to be released early from federal custody on May 23, 2019.¹ According to a 2017 Foreign Policy article, Mr. Lindh intends to spread terrorist ideology upon his release from prison.²

Mr. Lindh is not the only convicted ISIS, al-Qai'da or Taliban related terrorist who may soon exit federal custody. As many as 108 other terrorist offenders are scheduled to complete their sentences and be released from U.S. federal prisons over the next few years.³ Little information has been made available to the public about who, when, and where these offenders will be released, whether they pose an ongoing public threat, and what federal agencies are doing to mitigate this threat while the offenders are in federal custody.

Recent reports, including one by Chief United States Probation Officer, U.S. District Court of Minnesota, Kevin Lowry, suggest that neither the Bureau of Prisons nor the Federal Judiciary's Probation and Pretrial Services have sufficient nationwide programming to prevent incarcerated

¹ See *Find An Inmate*, FEDERAL BUREAU OF PRISONS, available at <https://www.bop.gov/inmateloc/>.

² See Dan de Luce, Robbier Garmer, and Jana Winter, *John Walker Lindh, Detainee #001 in the Global War on Terror, Will Go Free In Two Years. What Then?*, FOREIGN POLICY (June 23, 2017), available at <https://foreignpolicy.com/2017/06/23/john-walker-lindh-detainee-001-in-the-global-war-on-terror-will-go-free-in-two-years-what-then/>.

³ See Kevin Lowry, *Responding to the Challenges of Violent Extremism/Terrorism Cases for United States Probation and Pretrial Services*, 17 J. FOR DERADICALIZATION (2018), available at <http://journals.sfu.ca/jd/index.php/jd/article/view/175>.

terrorist offenders from returning to violence upon completion of their sentence.⁴⁵⁶ More specifically, programing is not standardized between various types of federal correctional facilities such as pre-trial detention, transfer centers, BOP and non-BOP facilities. The reports also suggest that beyond a pilot program in Minnesota, federal agencies lack a coordinated and uniform assessment tool to judge whether a terrorist is likely to pose a public threat upon release.

Finally, a report by the George Washington University's Program on Extremism⁷ suggests that there is not a coordinated federal approach to preventing convicted terrorists from returning to violence. The report notes that information sharing protocols between federal agencies, the courts, the receiving state and local law enforcement, and supporting local service providers, is insufficient and lacks nationwide institutionalization.

Our highest priority is keeping America safe, secure, and free. To that end, we must consider the security and safety implications for our citizens and communities who will receive individuals like John Walker Lindh who continue to openly call for extremist violence. Therefore, we respectfully request detailed responses to the following questions no later than close of business on May 21, 2019:

Terrorist Offenders Scheduled for Release

1. Why is John Walker Lindh scheduled to be released before the completion of his 20-year sentence?
2. How many prisoners in federal custody convicted of terrorism related crimes, or who are categorized as extremist, will be released between now and 2025? Where will they be relocated?
3. What is the breakdown between those individuals inspired by Foreign Terrorist Organizations and non-Foreign Terrorist Organizations such as violent sovereign citizens, violent white supremacists, and violent militia extremists?

Risk Assessments

4. How does your agency assess whether terrorist/extremist offenders will pose a threat to the public upon their release? Please identify any interagency assessment tools that the U.S.

⁴ *Id.*

⁵ See Jesse Morton and Mitchell D. Silber, *When Terrorists Come Home*, COUNTER EXTREMISM PROJECT, available at https://www.counterextremism.com/sites/default/files/CEP%20Report_When%20Terrorists%20Come%20Home_120618.pdf.

⁶ See Jesse Morton and Mitchell D. Silber, *Ex-Terrorists, Walking the Streets: We've Got to Get Better, and Quick, About Reintegrating Former Jihadis Into Society*, N.Y. DAILY NEWS (Dec. 17, 2018), available at <https://www.nydailynews.com/opinion/ny-oped-ex-terrorists-walking-the-streets-20181213-story.html>.

⁷ See Bennet Clifford, Policy Paper, *Radicalization in Custody: Towards Data-Driven Terrorism Prevention in the United States Federal Correctional System*, GEORGE WASHINGTON UNIVERSITY: PROGRAM ON EXTREMISM (Nov. 2018), available at <https://extremism.gwu.edu/sites/g/files/zaxdzs2191/f/Prisons%20Policy%20Paper.pdf>.

Bureau of Prisons or its partner agencies use to assess the risk or threat of terrorist offenders upon their release.

Behavioral Programing and Intervention Efforts

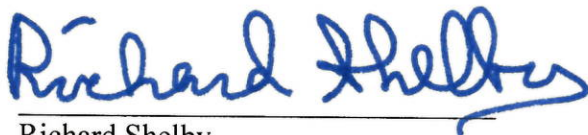
5. What behavioral programming—mental health, substance abuse, etc.—is available to terrorist/extremist offenders at each of the facilities where they are housed and what does it entail?
 - a. Is such programming tailored to the individual’s age and life experience, crimes committed, and current commitment to terrorism?
 - b. How many extremist/terrorism offenders participate in this programming?
 - c. What is the ratio of programs offered per terrorist/extremist prisoner and how many weeks of life skills training and mental health services does the average terrorist/extremist offender receive for every year incarcerated?
 - d. Are program providers trained how to interact specifically with these types offenders?
 - e. What metrics do you use to determine if current programming is successful at preventing recidivism?

Recidivism

6. What is the current interagency policy, strategy, and process for ensuring that terrorist/extremist offenders successfully reintegrate into society?
 - a. How are federal, state, and local law enforcement agencies notified and what is the mechanism for coordination between these agencies and local service providers?
 - b. Which non-government agencies/services providers are involved in probation and post release follow-up?
7. What training is provided to parole officers or supporting non-governmental partners to recognize the signs of violent radicalization and recidivism?

Thank you for your prompt attention to these matters. We look forward to your answers and the documents requested by May 21, 2019. Should you have questions about this request, please contact Sam Fletcher (Sam_Fletcher@shelby.senate.gov) and Dave Christie (Dave_Christie@hassan.senate.gov).

Sincerely,



Richard Shelby
United States Senator



Margaret Wood Hassan
United States Senator

Cc:

The Honorable William Barr
U.S. Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW, Room 1145
Washington, DC 20530

The Honorable James C. Duff
Director
Administrative Office of the United States Courts
Thurgood Marshall Federal Judiciary Building One Columbus Circle, NE, Suite 7-110
Washington, DC 20544

The Honorable Christopher Wray
Director
U.S. Department of Justice
935 Pennsylvania Avenue, NW, Room 7240
Washington, DC 20535-0001

The Honorable Kevin McAleenan
Acting Secretary
Department of Homeland Security
301 7th Street, SW, Mail Stop 0150
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