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United States Senate

COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510-6275

KOLAN L. DAVIS, *Chief Counsel and Staff Director*
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February 16, 2018

VIA ELECTRONIC TRANSMISSION

The Honorable Christopher Wray
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, N.W.
Washington, D.C. 20535

Dear Director Wray:

I write to request a comprehensive briefing for Senate Judiciary Committee staff regarding the February 14th mass-shooting at Marjory Stoneman Douglas High School in Parkland, Florida, no later than February 23, 2018. According to news reports, the FBI received information regarding the shooter, Nikolas Jacob Cruz, from concerned citizens as early as September 2017 and as late as January 5, 2018.¹ It is important to thoroughly understand what the FBI did and did not do to follow up on this information. The FBI is tasked with investigating individuals who may be a public safety threat.

During a February 15th media briefing, Special Agent in Charge (SAIC) Robert F. Lasky confirmed that the FBI received information in 2017 about a comment posted on YouTube which stated, "I'm going to be a professional school shooter."² In a subsequent statement, the FBI explained, "No other information was included in the comment which would indicate a particular time, location, or the true identity of the person who posted the comment."³ But, in fact, it appears that the comment was posted under the name "Nikolas Cruz," which of course is the same name as the shooter.⁴ SAIC Lasky concluded his comments to the press by saying, "The FBI conducted database reviews, checks, but was unable to further identify the person who

¹ Julie Turkewitz, Patricia Mazzei, and Audra D.S. Burch, "Suspect Confessed to Police that He Began Shooting Students 'in the Hallways,'" *The New York Times* (February 16, 2018). Accessible at <https://www.nytimes.com/2018/02/15/us/florida-shooting.html>

² Katherine Lam, "Nikolas Cruz 'school shooter' comment reported to FBI months ago, vlogger says," *Fox News* (February 15, 2018). Accessible at <http://www.foxnews.com/us/2018/02/15/nikolas-cruz-school-shooter-comment-reported-to-fbi-months-ago-vlogger-says.html>

³ *Id.*

⁴ Julie Turkewitz, Patricia Mazzei, and Audra D.S. Burch, "Suspect Confessed to Police that He Began Shooting Students 'in the Hallways,'" *The New York Times* (February 16, 2018). Accessible at <https://www.nytimes.com/2018/02/15/us/florida-shooting.html>

actually made the comment.”⁵ Media reports indicate that Mr. Cruz posted threats on YouTube and other sites, including his personal Instagram account. These threats included, “I’m going to be a professional school shooter,” “I whana [sic] shoot people with my AR-15,” “I wanna die Fighting killing s**t ton of people,” and “I am going to kill law enforcement one day they go after the good people.”⁶ The first threat was reported to the FBI in September 2017.⁷

The person who provided the original tip to the FBI identified himself as Ben Bennight of Mississippi.⁸ In a video he posted online following the shooting, Mr. Bennight states that immediately after seeing the alarming YouTube post by “Nikolas Cruz” on September 24, 2017, he notified YouTube and the FBI through an email address for online tips. Mr. Bennight states that the email address he used, tips@fbi.gov, did not properly work and therefore he contacted his local FBI office by phone. He states that the following day, two agents interviewed him at his place of work and he shared what information he had on the posting made by “Nikolas Cruz.”⁹ In the same online video posted by Mr. Bennight, he states that following the tragic shooting in Parkland, FL, he was again interviewed by FBI in Mississippi, and that he also received a call from the FBI’s Miami Field Office.¹⁰

Additionally, today the FBI announced it received a call on January 5, 2018, from a person close to Cruz who reported concerns about his violent tendency, his desire to kill people, “as well as the potential of him conducting a school shooting.”¹¹ The FBI indicated that the information was not forwarded to the Miami Field Office for investigative follow up.

To better understand what steps the FBI took to investigate Cruz, please provide a briefing and a written response to the following questions:

1. Did the FBI open an assessment, a preliminary inquiry, or criminal investigation based on the tip from Mr. Bennight in September 2017? If so, how many FBI offices were involved in the investigation? If not, why not?

⁵ “FBI investigates whether disturbing YouTube comment was posted by Fla. shooting suspect,” CBS News (February 15, 2018). Accessible at <https://www.cbsnews.com/news/man-says-he-warned-fbi-about-youtube-comment-allegedly-posted-by-fla-shooting-suspect-nikolas-cruz/>

⁶ Elliott C. McLaughlin, “Social media paints picture of racist ‘professional school shooter,’” CNN (February 15, 2018). Accessible at <https://www.cnn.com/2018/02/14/us/nikolas-cruz-florida-shooting-suspect/index.html>

⁷ Drew Griffin, Scott Glover, Jose Pagliery and Kyung Lah, “From ‘broken child’ to mass killer,” CNN (February 16, 2018). Accessible at <https://www.cnn.com/2018/02/16/us/shooter-profile-invs/index.html>

⁸ “FBI investigates whether disturbing YouTube comment was posted by Fla. shooting suspect,” CBS News (February 15, 2018). Accessible at <https://www.cbsnews.com/news/man-says-he-warned-fbi-about-youtube-comment-allegedly-posted-by-fla-shooting-suspect-nikolas-cruz/>

⁹ Therese Apel, “YouTube comment under name of Florida shooting suspect brings FBI to Mississippian’s door,” The Clarion Ledger (February 15, 2018). Accessible at <https://www.clarionledger.com/story/news/local/2018/02/15/nikolas-cruz-youtube-fbi-mississippi-bail-bondsmans-door/340580002/>

¹⁰ *Id.*

¹¹ Mark Berman and Matt Zaposky, “The FBI said it failed to act on a tip warning of the suspected Florida school shooter’s potential for violence,” The Washington Post (February 16, 2018). Available at: https://www.washingtonpost.com/news/post-nation/wp/2018/02/16/as-florida-town-mourns-authorities-revisit-possible-warning-signs-before-school-massacre/?utm_term=.4e484084a8c8

2. What steps did the FBI take to attempt to identify “Nikolas Cruz,” the name associated with the YouTube post, “I’m going to be a professional school shooter,” and other threats? Was the FBI able to narrow down a list of potential suspects with the same name and were any of them interviewed? If not, why not?
3. Did the FBI contact YouTube or its parent company Google in an attempt to identify the “Nikolas Cruz” who posted the threat that was reported to the FBI in September 2017? If so, did the FBI receive any information to assist in identifying the author of the post or his location? If not, why not? Has the FBI confirmed whether the author of the post and the school shooter are in fact the same individual?
4. Did the FBI contact Instagram or its parent company Facebook in an attempt to identify the “nikolascruzmakarov” and “cruz_nikolas” who posted pictures of firearms?¹² If so, did the FBI receive any information to assist in identifying the author of the posts or his location? If not, why not? Has the FBI confirmed whether the author of these posts and the school shooter are in fact the same individual?
5. What was the purpose of the FBI’s second interview with Mr. Bennight on February 14th, the day of the shooting in Parkland, FL? Did the FBI have reason to believe he possessed additional information beyond what he previously provided to investigators in September 2017? Did the FBI have any contact with Mr. Bennight between his interview in September 2017 and his interview on February 14, 2018?
6. Was the email address tips@fbi.gov ever a valid location for members of the public to send tips to the FBI? If so, was it ever deactivated?
7. Please describe any and all interactions the FBI had with local and state officials regarding Cruz before the February 14th shooting.
8. Please provide a copy of the actual tip received by the FBI on January 5, 2018, before the requested briefing.
9. Did the FBI make any effort to cross-reference the name Nikolas Cruz when received on January 5, 2018, against the name Nikolas Cruz which was received by the FBI on or about September 24, 2017? If not, why not?

¹² It has also come to the Committee’s attention that in addition to the posts Nikolas Cruz made on YouTube, he also may have used Instagram pages with the usernames “nikolascruzmakarov” and “cruz_nikolas.” On these pages, Cruz posted numerous disturbing photos including an arsenal of firearms displayed across a bed, homemade targets with bullet holes, a bloodied toad he claims to have killed, and photos of him holding numerous knives and firearms, including a rifle which he aims at a neighboring residence. Again, it does not appear that Cruz made any real effort to conceal his identity by the fact that he used his actual name in his Instagram usernames, just as he did on his posts to YouTube which caused Mr. Bennight to alert the FBI in the first place. Biana Peters, “Florida School Shooting: Accused Gunman’s Social Media Paints Disturbing Image,” CBS Miami, (February 15, 2018). Accessible at <http://miami.cbslocal.com/2018/02/15/florida-school-shooting-nikolas-cruz-social-media-guns-marjory-stoneman-douglas/>

10. What immediate steps has the FBI taken to ensure that tips received by the public are properly disseminated to the corresponding field office?

I anticipate that your written reply and most 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.

Should you have any questions, please contact Josh Flynn-Brown of my Judiciary Committee staff at (202) 224-5225.

Sincerely,



Charles E. Grassley
Chairman
Committee on the Judiciary

Cc:

The Honorable Dianne Feinstein
Ranking Member
Senate Committee on the Judiciary