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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

September 27, 2021

The Honorable Merrick B. Garland
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Attorney General Garland:

I write today because I share the same concern that many Americans have: now that the Taliban are back in power following the recent withdrawal of American forces from Afghanistan, their leadership will quickly create a safe haven for terrorists to operate and recruit travelers from abroad to train and plan for attacks in the U.S. At a September 21, 2021 hearing before the Senate Committee on Homeland Security and Governmental Affairs, FBI Director Wray mentioned that the post-9/11 Bureau is an agency focused on “disrupting threats,” and that preventing terrorist attacks remains the top priority.¹ Director Wray further mentioned that “we are concerned about what the future holds” regarding the possibility of emergent safe havens in Afghanistan, and groups like ISIS-K “being able to operate more freely in a less secure environment” or “events in Afghanistan serving as some kind of catalyst or inspiration for terrorist attacks elsewhere in the region or potentially with homegrown violent extremists.”² In fact, the very next day, at a September 22, 2021 House of Representatives hearing on terrorism, Director Wray similarly expounded about the possibility of a terrorism safe haven in Afghanistan that could allow foreign terrorist organizations to operate or train freely there, without any real ability for the U.S. government to collect intelligence or conduct counterterrorist operations.³ Surely, now that Afghanistan can once again function as a safe haven for terrorism, the need to identify and disrupt threats both at home and abroad is more important than ever.

Recently, President Obama’s Director of the CIA, Leon Panetta, echoed these very same concerns, noting that the Taliban has not changed since 9/11: “[T]he Taliban taking over Afghanistan is pretty much the same Taliban that controlled Afghanistan on 9/11.”⁴ Panetta also voiced his concerns that the Taliban’s government appointees following the U.S.’s misguided and poorly-executed withdrawal were mainly hardline extremists, some of whom are actively

¹ Archived webcast of this September 21, 2021 hearing of the Senate Committee on Homeland Security & Governmental Affairs, “Threats to the Homeland: Evaluating the Landscape 20 Years After 9/11” is available online at <https://www.hsgac.senate.gov/hearings/threats-to-the-homeland-evaluating-the-landscape-20-years-after-9/11>.

² *Id.*

³ Archived webcast of this September 22, 2021 hearing of the House of Representatives Committee on Homeland Security, “Worldwide Threats to the Homeland: 20 Years after 9/11” is available online at <https://homeland.house.gov/activities/hearings/worldwide-threats-to-the-homeland-20-years-after-9/11>.

⁴ Vakil, Caroline, *Panetta: Taliban hasn't changed, will provide 'safe haven for terrorists'*. The Hill (Sep. 11, 2021), <https://thehill.com/policy/defense/571820-panetta-taliban-havent-changed-will-provide-safe-haven-for-terrorists>.

wanted by U.S. law enforcement and intelligence for terrorist attacks.⁵ In April 2021, prior to the Afghanistan withdrawal, the current Director of the CIA, William Burns, testified that that ability to keep terrorism “in check” in Afghanistan directly benefited from U.S. and coalition forces and intelligence on the ground.⁶ Conversely, Director Burns also cautioned that a direct result of a post-withdrawal Afghanistan would be that the U.S.’s “ability to collect and act on threats will diminish. That’s simply a fact.” And once the U.S. withdrew from Afghanistan, the CIA was concerned about “whether or not al-Qaeda or ISIS in Afghanistan or ISIS in general [would] seek to relocate fighters and leaders” to the new Afghan safe haven.⁷

While the President has continued to defend the U.S.’s withdrawal from Afghanistan by August 31, 2021 as both a political and military necessity, the withdrawal of U.S. forces ignored the main reason we invaded Afghanistan in the first place: to dismantle and destroy the system of governance that allowed the 9/11 planners and hijackers to openly plan acts of terror against the U.S. and other democratic countries without fear of any local interference or recourse.

Such terrorists or would-be terrorists do not just come from Afghanistan or surrounding countries. We already know that citizens of the U.S. and other Western countries can become radicalized at home and seduced by foreign terrorist organizations abroad. Just recently, the Department of Justice (DOJ) charged a Washington man with allegedly attempting to provide material support to a foreign terrorist organization as he attempted to board an international flight ultimately bound for Egypt from Seattle.⁸ Local and federal law enforcement learned that the man had been in communication with ISIS radicals, and planned to ultimately travel to the Middle East to join the group.⁹ Along those same lines, in April 2021, a New York man pleaded guilty to attempting to provide material support to a designated foreign terrorist organization after engaging with a man online that he believed was an ISIS commander in Syria.¹⁰ That man had actually already travelled to Turkey and Jordan as he attempted to enter Syria and “perform Jihad.”¹¹ Fortunately, the man was apprehended and deported by Jordanian authorities before he was ultimately arrested in the U.S.

These cases represent just a small snapshot of the threat ISIS and other terrorist organizations continue to present to the U.S. and our allies. This threat will only grow and exacerbate now that Afghanistan will once again become a safe haven for terrorism and a fertile breeding ground for terrorists and terrorist organizations to plan and train and recruit from abroad. Given the lack of a coherent government in Afghanistan and any enforceable borders, it is going to be all too easy now for foreigners to travel from their home country, regardless of

⁵ *Id.*

⁶ Archived webcast of this April 14, 2021 hearing of the Senate Select Committee on Intelligence, “Worldwide Threats” is available online at <https://www.intelligence.senate.gov/hearings/open-hearing-worldwide-threats-1>.

⁷ *Id.*

⁸ Press Release, Dep’t. of Justice, Man Charged with Attempting to Provide Material Support to a Foreign Terrorist Organization (June 1, 2021), <https://www.justice.gov/opa/pr/man-charged-attempting-provide-material-support-foreign-terrorist-organization>.

⁹ *Id.*

¹⁰ Press Release, Dep’t. of Justice, Man Pleads Guilty to Attempting to Provide Material Support to Foreign Terrorist Organizations (April 23, 2021), <https://www.justice.gov/opa/pr/man-pleads-guilty-attempting-provide-material-support-foreign-terrorist-organizations>.

¹¹ *Id.*

whether that is the United States, to Afghanistan to link up with terrorists and plot attacks from afar. It is only a matter of time until they try to travel back to the U.S. or elsewhere and kill innocent people in the name of jihad.

Congress and the American people need and deserve information about the DOJ's strategies and figures regarding recent terrorism cases in relation to post-withdrawal Afghanistan. In light of the serious concerns raised by President Biden's recent frantic withdrawal from Afghanistan, please provide answers to the following questions no later than October 13, 2021:

1. Do the two abovementioned criminal cases represent a broader, uptick in recent terrorism "traveler" cases prior to the withdrawal from Afghanistan?
2. How many current post-indictment terrorism traveler cases does the Department have?
3. Has the DOJ opened any new traveler investigations or matters since the completion of the Afghanistan withdrawal on August 31, 2021? If so, how many?
4. Has the Department seen any traveler cases or investigations specifically related to Afghanistan or the immediate surrounding areas since the August 31, 2021 withdrawal?
5. Did the Department make any plans during or prior to the Afghanistan withdrawal to prepare for any predictable upticks in traveler cases once the Taliban re-took control of Afghanistan?
6. What is the Department currently doing to address any possible future upticks in terrorism traveler cases following the Afghanistan withdrawal?

The American people deserve and expect to feel safe and protected from terrorists, who have enhanced their capacity for deadly action in terrorist training camps abroad. The Department of Justice has an important and unique role to play in protecting the American people from terrorism and terrorist attacks, and I hope and expect the Department is doing all it can to keep Americans safe.

Thank you for your prompt attention to this matter. Please contact John Cooper of my Judiciary Committee staff if you have any questions.

Sincerely,



Charles E. Grassley
Ranking Member
Committee on the Judiciary