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Congress of the United States House of Representatives

September 19, 2013

The Honorable James Comey
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, NW
Washington, D.C. 20535

Dear Director Comey:

Two years ago, I wrote the Justice Department's Office of the Inspector General requesting an investigation into FBI field office compliance with the bureau's 2008 policy prohibiting non-investigative cooperation with the Council on American-Islamic Relations (CAIR). I was deeply concerned to learn of multiple occasions when several FBI field offices had continued to work with CAIR despite the clear policy issued by the bureau.

This policy was initially implemented after CAIR was identified as an unindicted co-conspirator in the trial of the Holy Land Foundation which, according to a Justice Department press release issued May 27, 2009, reported that "U.S. District Judge Jorge A. Solis sentenced the Holy Land Foundation for Relief and Development (HLF) and five of its leaders following their convictions by a federal jury in November 2008 on charges of providing material support to Hamas, a designated foreign terrorist organization."^[1] The sentences ranged from 15 years to 65 years in prison. The release continued: "From its inception, HLF existed to support Hamas....The government's case included testimony that in the early 1990's, Hamas' parent organization, the Muslim Brotherhood, planned to establish a network of organizations in the U.S. to spread a militant Islamist message and raise money for Hamas...The defendants sent HLF-raised funds to Hamas-controlled zakat committees and charitable societies in the West Bank and Gaza."

Today, the department's inspector general, Michael Horowitz, released his final report, *Review of FBI Interactions with the Council on American-Islamic Relations*, which confirms the blatant disregard of bureau policy as well as multiple enacted Commerce-Justice-Science Appropriations reports with respect to interactions by the FBI with CAIR. Despite repeated efforts to communicate the policy to the field, this was undermined by conflicting guidance being inexplicably offered by the bureau's Office of Public Affairs as well as by outright violations from several field offices.

Specifically, the OIG report found that the former Special Agents-in-Charge (SAC) of the Chicago, Illinois, Los Angeles, California, and New Haven, Connecticut field offices violated

^[1] http://www.usdoj.gov/usao/txn/PressRel09/HLF_sen_pr.html

the department's policy, despite numerous electronic communications articulating the policy as well as a mandatory meeting held in November 2008 with all SACs and Assistant Directors-in-Charge to communicate the policy in person. There should have been no confusion about this policy given the bureau guidance, Congressional direction and media coverage surrounding this directive.

Despite this direction, the OIG report makes clear that the leadership of several field offices knowingly ignored or selectively applied the policy to suit their interests. In one case documented in the report, the SAC of the LA field office wrote an e-mail to his staff explicitly noting: "Please instruct your folks at this time that they are not to abide by the [October 24, 2008, Electronic Communication from the REDACTED], but that their direction in regards to CAIR will come from the LA Field Office front office." This is unacceptable and insubordinate behavior from a senior leader of the FBI.

What concerns me even more is that the OIG only reviewed five instances of reported violations of the policy, which could represent only a fraction of the overall number of violations that may have taken place at other field offices. The findings in the report suggest that the FBI may have a systemic problem with the violation of this important policy and does not reflect well on the bureau's compliance with other policies.

This documented failure to abide by FBI direction is intolerable. I ask that you immediately take action to ensure such a failure in policy coordination and management is not repeated, and advise me what specific actions you are taking to ensure FBI policy with regard to interactions with CAIR is clear, unambiguous, and complied with by all FBI components.

Additionally, I am asking you to immediately remove any FBI agents or employees that knowingly violated this policy or offered conflicting guidance that undermined the policy – particularly the SACs of the Chicago, Philadelphia and New Haven Field Offices who approved and carried out actions that directly contravened established policy and law – and report to the Congress on what disciplinary actions are being taken. I would expect discipline to include, but not be limited to, separation from the FBI.

Please provide me with an update on both of these actions, including any disciplinary actions taken, by no later than September 30.

Best wishes.

Sincerely,

Frank R. Wolf
Chairman
Subcommittee on Commerce, Justice, Science,
and Related Agencies

THIS IS VERY IMPORTANT.
THE FBI MUST COMPLY WITH THE
LAW.