



September 11, 2024

Via Email: nsdfoia@usdoj.gov

Arnetta Mallory, FOIA Initiatives Coordinator
National Security Division, U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Room 6150
Washington, D.C. 20530-0001

Freedom of Information Act Request: Islamic Terrorism

Dear FOIA Officer:

America First Legal Foundation is a national, nonprofit organization working to promote the rule of law in the United States, prevent executive overreach, and ensure due process and equal protection for all Americans, all to promote public knowledge and understanding of the law and individual rights guaranteed under the Constitution and laws of the United States. To that end, we file Freedom of Information Act (FOIA) requests on issues of pressing public concern, then disseminate the information we obtain, making documents broadly available to the public, scholars, and the media. Using our editorial skills to turn raw materials into distinct work, we distribute that work to a national audience through traditional and social media platforms. AFL has over 269,000 followers on X, and our Founder and President has over 724,000 followers on X.

I. Background

On September 11, 2001, Muslim terrorists affiliated with al Qaeda and supported by Qatar murdered nearly three thousand Americans.¹ To understand how the 9/11 attack was carried out, and how future attacks could be prevented, Congress and the President created the National Commission on Terrorist Attacks Upon the United States (Public Law 107-306, November 27, 2002). The 9/11 Commission's mandate was sweeping. The law directed it to investigate "facts and circumstances relating to the terrorist attacks of September 11, 2001," including those relating to intelligence

¹ Yigil Carmon, *Qatar Is Responsible for Khalid Sheikh Mohammad's 2,977 Murders on 9/11 – At the World Trade Center and the Pentagon, and on Two Other Hijacked Flights – That Are Only Some of 31 Attacks and Plots That He Outlined in His Own Confession*, MEMRI (Sept. 10, 2024), <https://perma.cc/9MQX-SFED>.

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agencies, law enforcement agencies, diplomacy, immigration issues and border control, and the flow of assets to terrorist organizations.²

The 9/11 Commission’s bipartisan Report was issued in July 2004. It found:

[The] enemy...is sophisticated, patient, disciplined, and lethal. The enemy rallies broad support in the Arab and Muslim world by demanding redress of political grievances, but its hostility toward us and our values is limitless. Its purpose is to rid the world of religious and political pluralism, the plebiscite, and equal rights for women. It makes no distinction between military and civilian targets. *Collateral damage* is not in its lexicon.³

The Report emphasized that:

[T]he enemy is not just “terrorism,” some generic evil. This vagueness blurs the strategy. The catastrophic threat at this moment in history is more specific. It is the threat posed by *Islamist* terrorism—especially the al Qaeda network, its affiliates, and its ideology. . . . Islamist terrorists mean exactly what they say: to them America is the font of all evil, the “head of the snake,” and it must be converted or destroyed. [This] is not a position with which Americans can bargain or negotiate. With it there is no common ground—not even respect for life—on which to begin a dialogue. It can only be destroyed or utterly isolated.⁴

Based on the evidence, the 9/11 Commission offered a clear policy framework and specific policy recommendations. As a general matter:

The present transnational danger is Islamist terrorism. What is needed is a broad political-military strategy that rests on a firm tripod of policies to[:]

- attack terrorists and their organizations;
- prevent the continued growth of Islamist terrorism; and
- protect against and prepare for terrorist attacks[.]⁵

Specifically, the Commission called for “[v]igorous efforts to track terrorist financing” because “information about terrorist money helps us to understand their networks,

² NAT’L COMM’N ON TERRORIST ATTACKS UPON U.S., THE 9-11 COMMISSION REPORT, at xv (July 22, 2004) [hereinafter *9/11 Commission Report*] (available at <https://perma.cc/CU7E-JVDN>).

³ *Id.* at xvi.

⁴ *Id.* at 362; see also Lee Brown, *Terrorist Nidal Hassan Who Killed 13 at Fort Hood Congratulates Taliban From Death Row*, N.Y. POST (Sept. 9, 2021), <https://perma.cc/K4N5-3BMA>; DEP’T TREASURY, 2024 NATIONAL TERRORIST FINANCING RISK ASSESSMENT (Feb. 2024), <https://perma.cc/LP66-NUX7>; U.S. *Terror History Map*, INVESTIGATIVE PROJECT TERRORISM, <https://perma.cc/Z94H-TFW4>.

⁵ *9/11 Commission Report* at 363.

search them out, and disrupt their operations.”⁶ It called out “an immigration system not able to deliver on its basic commitments, much less support counterterrorism.”⁷ The Commission affirmed that “[i]t is elemental to border security to know who is coming into the country” and warned that (at that time) “more than 9 million people [were] in the United States outside the legal immigration system.”⁸ It stated that the United States “must also be able to monitor and respond to entrances between our ports of entry” and called for state and local law enforcement agencies to “cooperate more effectively with those federal authorities in identifying terrorist suspects.”⁹ Finally, it pointed out that “[a]ll but one of the 9/11 hijackers acquired some form of U.S. identification document, some by fraud.”¹⁰

The 9/11 Commission’s “lessons learned” analysis and conclusions made sense when the Report was published in 2004; they continue to do so today. Yet the Biden-Harris Administration has rejected the Report’s empirically grounded bipartisan findings and recommendations. Instead, to gain political advantage among its pro-Hamas constituencies, and at the expense of our Nation’s national security, the Biden-Harris Administration has taken the foundational reality of 9/11—that the attack was the product of a long tradition of extreme intolerance within one stream of Islam, from the founders of Wahhabism through the Muslim Brotherhood, and motivated by an ideology that does not distinguish politics from religion¹¹—and consigned it to the memory hole. For example, Secretary of State Antony Blinken’s rote press statement on September 11, 2023, merely states that “On September 11, 2001, terrorists killed nearly 3,000 people....” and continuing that, “[t]he memory of those who perished on 9/11 reminds us of why we must continue to fight against those who commit acts of terrorism.”¹² On the same day, Attorney General Merrick Garland fecklessly remarked, “As we remember the horrors inflicted on our country 22 years ago and those we have lost, let us also rededicate ourselves to our highest priority: protecting the American people, and doing so in a manner that is consistent with our values and with the rule of law.”¹³

In fact, the Biden-Harris Administration has flipped the 9/11 Commission’s detailed terror financing and border security recommendations on their head: Rather than cutting off terrorist financing, the Biden-Harris Administration has provided Iran,

⁶ *Id.* at 382.

⁷ *Id.* at 384.

⁸ *Id.* at 390.

⁹ *Id.*

¹⁰ *Id.*

¹¹ *9/11 Commission Report* at 362.

¹² Press Statement, Antony J. Blinken, Secretary of State, 22nd Anniversary of the September 11, 2001 Attacks (Sept. 11, 2023), <https://perma.cc/M5DA-XKM8>.

¹³ Attorney General Merrick B. Garland, Remarks Commemorating the 22nd Anniversary of the Terrorist Attacks of Sept. 11, 2001 (Sept. 11, 2023), <https://perma.cc/PMH2-3FA2>.

the world's largest state sponsor of terrorism, and its proxies with tens of billions of dollars,¹⁴ and poured more than two billion into the West Bank and Gaza, benefitting Hamas and the Palestinian Authority.¹⁵ Rather than securing the border, it has flung open the doors of America's borders, thereby allowing uncounted millions of illegal aliens to enter the United States unchecked.¹⁶ These include suspected terrorists whose numbers and whereabouts are unknown.¹⁷

The 9/11 Commission recommended that the government "have a realistic strategy to keep possible terrorists insecure and on the run, using all elements of national power."¹⁸ However, on streets and campuses throughout the United States, Islamist terror banners are flying, and unchecked rioting and violence in support of Hamas, Hezbollah, and even the mullahs in Iran have become routine.¹⁹ The Biden-Harris administration has admitted that Iranian "government actors" encourage and even "provid[e] financial support to protestors."²⁰ Yet it has failed to enforce federal criminal and civil rights laws²¹ and done little to quell the unrest.²² Biden himself has stated that the pro-terrorist protesters "have a point,"²³ and Harris has said they are "showing exactly what the human emotion should be."²⁴

¹⁴ Editorial Board, *Biden Gives Iran Another Sanctions Break*, WALL ST. J. (July 18, 2024), <https://perma.cc/TFC9-DK9U>.

¹⁵ *AFL Files Amended Complaint against President Biden and Secretary of State Blinken to Enforce the Taylor Force Act and to Stop U.S. Funding of Palestinian Terrorism; Highlights Biden's Knowledge that Funding the PA and UNRWA Supports Terrorism*, AM. FIRST LEGAL (Mar. 26, 2024), <https://perma.cc/3F3K-SJTW>.

¹⁶ See, e.g., America First Legal (@America1stLegal), X (Sept. 9, 2024, 3:58 PM), <https://perma.cc/4NZV-FHY9>.

¹⁷ See e.g., Julia Ainsely & Tom Winter, *DHS Identifies Over 400 Migrants Brought to the U.S. by ISIS-affiliated Human Smuggling Network*, NBC NEWS (June 26, 2024) <https://perma.cc/PA5W-M33J>; Julia Ainsely et al., *8 Suspected Terrorists With Possible ISIS Ties Arrested in New York, L.A. and Philadelphia, Sources Say*, NBC NEWS (June 11, 2024), <https://perma.cc/K4PB-LPT5>.

¹⁸ *9/11 Commission Report* at 367.

¹⁹ See generally *America First Legal Slams the Biden-Harris Administration's Failure to Enforce Laws Against the Pro-Hamas Network in the United States*, AM. FIRST LEGAL (Aug. 19, 2024), <https://perma.cc/EEE8-H9MW>.

²⁰ Press Release, Avril Haines, Director of National Intelligence, Statement on Recent Iranian Influence Efforts (July 9, 2024), <https://perma.cc/7X79-M3U2>.

²¹ *America First Legal Demands Investigation in the DOJ's Failure to Prosecute Pro-Hamas Violence*, AM. FIRST LEGAL (Jan. 5, 2024), <https://perma.cc/DE6A-P3LJ>.

²² *America First Legal Investigates the Biden Administration's Failure to Police the Anti-American/Pro-Hamas Riots at Union Station and the Watergate Hotel in Washington D.C.*, AM. FIRST LEGAL (Aug. 1, 2024), <https://perma.cc/X45B-M24D>.

²³ Rebecca Falconer, *Biden at DNC: Gaza War Protesters "Have a Point,"* AXIOS (Aug. 20, 2024), <https://perma.cc/44DH-SK7J>.

²⁴ Jack Elbaum, *Kamala Harris Says Young Anti-Israel Protesters 'Showing Exactly What the Human Emotion Should Be' in Response to Gaza*, THE ALGEMEINER (July 9, 2024), <https://perma.cc/NDK7-PEW4>.

II. Requested Records

- A. All records responsive to a Boolean search for: (Qatar OR Qatari OR Muslim Brotherhood) AND (Hamas OR AJP Educational Foundation OR American Muslims for Palestine OR Students for Justice in Palestine OR Abuirshaid OR Bazian OR WESPAC OR border OR migrants)
- B. All records responsive to a Boolean search for: (Hamas OR Hezbollah OR Iran) AND (CAIR OR Qatar OR Awad OR border OR migrants)
- C. All records responsive to a Boolean search for: (terrorism) OR (border) OR (migrant) AND (Islamic OR Muslim OR Islamist OR Iran OR Muslim Brotherhood)

The relevant time is January 1, 2023, to the date that this request is processed.

III. Custodians

- A. All political appointees in the National Security Division
- B. All career employees with a grade equivalent of GS-14 step 5 or higher.

IV. Fee Waiver Request

Per 5 U.S.C. § 552(4)(A)(iii), AFL requests a waiver of all search and duplication fees associated with this request. AFL has a demonstrated ability and intention to effectively convey the information broadly to the public. AFL's status as a representative of the news media has been recognized by other agencies for granting fee waivers by the Departments of Defense, Education, Energy, Health and Human Services, Justice, Interior, and Homeland Security. Finally, as a non-profit organization, AFL has no commercial interest, and the request is made entirely to serve the public interest. We are, of course, available to provide additional information in writing or offline in support of this request. If AFL's request for a fee waiver is not granted in full, please contact us immediately upon making that determination.

V. Processing and Production

Processing should occur in strict compliance with the processing guidance in the Attorney General's Memorandum on Freedom of Information Act Guidelines.²⁵ If you have any questions about our request or believe further discussions regarding search

²⁵ U.S. DEPT OF JUST. (Mar. 15, 2022), <https://perma.cc/K3EL-AANM>.

and processing would facilitate more efficient production of records of interest to AFL, then please contact me at FOIA@aflegal.org.

Thank you in advance for your cooperation.

Sincerely,

/s/ Reed D. Rubinstein

Reed D. Rubinstein

America First Legal Foundation