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February 10, 2004

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

Dear Mr. Attorney General:

I am writing regarding the Justice Department's involvement with evacuating family members of Osama bin Laden, as well as other Saudi citizens, from the United States in the immediate aftermath of the September 11 attacks. This evacuation occurred at the same time that the FBI and other law enforcement officials were mounting the investigation of one of the most heinous crimes ever committed on U.S. soil. Yet media accounts have indicated that the U.S. government facilitated this exodus without providing for meaningful interviews with these individuals by the FBI.

Relatives of Osama bin Laden may have had information relevant to the attacks or Al-Qaeda in general. Family members potentially could be sources of information concerning his whereabouts, the identity and activities of his associates, or the structure and financing of Al-Qaeda. It is difficult to understand why the United States government would have voluntarily shut the door on this type of investigative opportunity.

The American public needs assurances that the Justice Department conducted appropriate investigation of the bin Laden family members and others who were allowed to leave the country immediately following September 11. If such investigation did not occur, the public deserves to know why. I therefore request that you provide information regarding several serious unanswered questions described below.

Background

According to news accounts, approximately 140 Saudi citizens were rushed out of the United States in the days following the attacks of September 11, 2001.¹ One flight containing 24 members of Osama bin Laden's extended family reportedly left Washington, D.C. on September

¹ *Saving the Saudis*, Vanity Fair, 162, 175 (Oct. 2003).

14.² Another flew out of Logan Airport on September 18, 2001, with at least five bin Laden family members on board.³ A third plane reportedly left Logan on September 19, taking at least 11 additional bin Laden family members.⁴

Remarkably, to facilitate their departure, some Saudi citizens reportedly were allowed the use of a private jet during the time when the Federal Aviation Administration's post-September 11 ban on private aviation was still in effect. For example, a former FBI agent and a former member of the Tampa Police Department reportedly told *Vanity Fair* and the *Tampa Tribune* that they accompanied three Saudi men as bodyguards from Tampa, Florida, to Lexington, Kentucky, on a private jet on September 13.⁵ The FAA's ban on private aviation was not lifted until September 16, 2001.⁶

According to some accounts, this frenetic effort to evacuate precluded in-depth FBI questioning of the Saudi individuals leaving the country. In a recent *Vanity Fair* article, former Executive Assistant Director for Counterterrorism/Counterintelligence Dale Watson states that, before flying out of the United States, the bin Laden family members and other Saudi citizens "were not subject to serious interviews or interrogations."⁷ The article further said that "according to sources who participated in the repatriation, they [the repatriated Saudis] left the U.S. without even being interviewed by the FBI."⁸

At least several members of the bin Laden family who had been in the United States may have been under examination by U.S. and other investigators.⁹ *Vanity Fair* reported that "secret FBI documents" describe a 1996 investigation of Abdullah and Omar bin Laden, who were associated with the American branch of the World Assembly of Muslim Youth, a charity that allegedly was involved in supporting terrorism.¹⁰ These documents also reportedly show that

² *Fearing Harm, Bin Laden Kin Fled from U.S.*, New York Times (Sept. 30, 2001).

³ *Saving the Saudis*, *supra* note 1, at 179.

⁴ *Id.*

⁵ *Id.* at 162, 164, 166; *Phantom Flight from Florida*, Tampa Tribune (Oct. 5, 2001).

⁶ *Debate Surrounds Federal Role for Air Security Workers*, Buffalo News (Sept. 28, 2001); Statement of Paul Hudson, Executive Director of the Aviation Consumer Action Project, before the Senate Commerce Committee and Aviation Subcommittee on Aviation Security, *Federal Aviation Security Standards*, Federal Document Clearing House (Sept. 20, 2001).

⁷ *Saving the Saudis*, *supra* note 1, at 175.

⁸ *Id.* at 164.

⁹ *Id.* at 175, 176.

¹⁰ *Id.*

“the file on Abdullah and Omar was reopened on September 19, 2001.”¹¹ In addition, *Vanity Fair* reported that Khalil bin Laden had come to the attention of Brazilian authorities for “possible terrorist connections” and that he was on one of the post-September 11 evacuation flights out of the U.S.¹²

The Administration to date has not publicly confirmed the identities of the evacuated Saudi individuals. But regardless of whether any of those evacuated were under investigation, involved with the September 11 attacks, or estranged from Osama bin Laden, any competent criminal investigation should have included thorough interviews with these individuals to ascertain whether they could provide any information relevant to the attacks or Al-Qaeda in general.

The public statements of former Administration officials and others involved with the evacuation contrast sharply with official Administration statements on this matter. For example:

- The Decision to Allow Evacuation. This fall, the former head of the National Security Council’s Counterterrorism Security Group Richard Clarke confirmed in Senate testimony that the evacuation of these individuals was “a conscious decision with complete review at the highest levels of the State Department and the FBI and the White House.”¹³ In media accounts, however, both the FBI and the State Department have denied involvement in facilitating flying the Saudi citizens out of the country.¹⁴ For example, *Vanity Fair* quoted FBI Spokesman John Iannerelli as follows: “I can say unequivocally that the FBI had no role in facilitating these flights one way or the other.”¹⁵
- The FBI’s Interviews of Departing Saudis. Contrary to the statements of Mr. Watson that the FBI did not conduct meaningful interrogations of the evacuating Saudis, and of other sources that reportedly said no interviews took place, Mr. Iannerelli stated, “We did everything that needed to be done.”¹⁶
- Dates of Flights. With respect to the September 13 flight from Tampa to Lexington that a former FBI agent and a former member of the Tampa Police Department claimed to have

¹¹ *Id.* at 176.

¹² *Id.*

¹³ Testimony of Richard Clarke, Senate Judiciary Committee, *Hearing on Terrorism First Responders*, FDCH Political Transcripts (Sept. 3, 2003).

¹⁴ *Saving the Saudis*, *supra* note 1, at 166.

¹⁵ *Id.* at 175.

¹⁶ *White House Approved Departure of Saudis after Sept. 11, Ex-Aide Says*, New York Times (Sept. 4, 2003).

taken with three Saudi men, the spokesman for the FAA denied that the flight took place, stating, "It's not in our logs. . . . It didn't occur."¹⁷ The FBI also has reportedly disputed some media accounts of dates when flights containing Saudi citizens left the United States.¹⁸

These conflicting explanations underscore that numerous questions regarding the post-September 11 evacuation of Saudis remain unresolved.

Questions

In the aftermath of the September 11 attacks, the Justice Department and FBI should have been integrally involved in any decision concerning individuals related to Osama bin Laden. I therefore hope you can shed light on the unresolved questions regarding this incident. Specifically, I request that you respond to the following questions:

- (1) Who in the U.S. government made the decision to let relatives of Osama bin Laden and other Saudi citizens leave the United States in the days immediately following September 11, 2001?
- (2) Who contacted the U.S. government to request this evacuation and when and with whom was such contact made?
- (3) Who coordinated the transportation of relatives of Osama bin Laden and other Saudi citizens out of the United States in the days immediately following September 11, 2001?
- (4) Were Abdullah and Omar bin Laden on any flight that was allowed to leave the United States between September 11, 2001, and September 20, 2001?
- (5) Provide the identity of all Saudi citizens who were allowed to leave the United States between September 11, 2001, and September 20, 2001.
- (6) Provide the dates and places of departure and arrival of any plane flights that transported relatives of bin Laden and other Saudi citizens within the United States during the FAA's post-September 11, 2001, ban on private aviation.
- (7) Provide the dates and places of departure and arrival of any plane flights that transported relatives of Osama bin Laden out of the United States between September 11, 2001, and September 20, 2001.

¹⁷ *Phantom Flight from Florida*, *supra* note 5.

¹⁸ *E.g.*, *Saving the Saudis*, *supra* note 1, at 175.

- (8) With respect to each relative of Osama bin Laden who was transported out of the United States by plane flight between September 11, 2001, and September 20, 2001, state the date and length of time of any pre-evacuation FBI interview.
- (9) Has the FBI sought to interview any Saudi individuals who were evacuated from the United States between September 11, 2001, and September 20, 2001, and are now in Saudi Arabia or other countries? If so, how many such individuals has the FBI been able to interview?
- (10) Did any officials within the FBI or Department of Justice raise concerns about the interview process at the time of the evacuations of the Saudi citizens? If so, who in the Department of Justice or FBI addressed those concerns and what was the response?

I look forward to your responses to these questions.

Sincerely,



Henry A. Waxman
Ranking Minority Member