

United States Senate

WASHINGTON, DC 20510

May 17, 2019

The Honorable Hugh Hurwitz
Acting Director
Federal Bureau of Prisons
U.S. Department of Justice
320 First Street, NW, Room 628
Washington, D.C. 20534

Dear Acting Director Hurwitz:

We write to express concern over the anticipated release of convicted American Taliban fighter John Walker Lindh and request information about what steps the U.S. government is taking to ensure public safety.

Mr. Lindh was captured in Afghanistan in 2001, and the following year, he pled guilty to serving as a soldier of the Taliban. Mr. Lindh was sentenced to twenty years in prison but is scheduled to be released early from federal custody on May 23, 2019.¹ According to a 2017 Foreign Policy article, Mr. Lindh intends to spread terrorist ideology upon his release from prison.²

Mr. Lindh is not the only convicted ISIS, al-Qai'da or Taliban related terrorist who may soon exit federal custody. As many as 108 other terrorist offenders are scheduled to complete their sentences and be released from U.S. federal prisons over the next few years.³ Little information has been made available to the public about who, when, and where these offenders will be released, whether they pose an ongoing public threat, and what federal agencies are doing to mitigate this threat while the offenders are in federal custody.

Recent reports, including one by Chief United States Probation Officer, U.S. District Court of Minnesota, Kevin Lowry, suggest that neither the Bureau of Prisons nor the Federal Judiciary's Probation and Pretrial Services have sufficient nationwide programming to prevent incarcerated

¹ See *Find An Inmate*, FEDERAL BUREAU OF PRISONS, available at <https://www.bop.gov/inmateloc/>.

² See Dan de Luce, Robbier Garmer, and Jana Winter, *John Walker Lindh, Detainee #001 in the Global War on Terror, Will Go Free In Two Years. What Then?*, FOREIGN POLICY (June 23, 2017), available at <https://foreignpolicy.com/2017/06/23/john-walker-lindh-detainee-001-in-the-global-war-on-terror-will-go-free-in-two-years-what-then/>.

³ See Kevin Lowry, *Responding to the Challenges of Violent Extremism/Terrorism Cases for United States Probation and Pretrial Services*, 17 J. FOR DERADICALIZATION (2018), available at <http://journals.sfu.ca/jd/index.php/jd/article/view/175>.

terrorist offenders from returning to violence upon completion of their sentence.⁴⁵⁶ More specifically, programing is not standardized between various types of federal correctional facilities such as pre-trial detention, transfer centers, BOP and non-BOP facilities. The reports also suggest that beyond a pilot program in Minnesota, federal agencies lack a coordinated and uniform assessment tool to judge whether a terrorist is likely to pose a public threat upon release.

Finally, a report by the George Washington University's Program on Extremism⁷ suggests that there is not a coordinated federal approach to preventing convicted terrorists from returning to violence. The report notes that information sharing protocols between federal agencies, the courts, the receiving state and local law enforcement, and supporting local service providers, is insufficient and lacks nationwide institutionalization.

Our highest priority is keeping America safe, secure, and free. To that end, we must consider the security and safety implications for our citizens and communities who will receive individuals like John Walker Lindh who continue to openly call for extremist violence. Therefore, we respectfully request detailed responses to the following questions no later than close of business on May 21, 2019:

Terrorist Offenders Scheduled for Release

1. Why is John Walker Lindh scheduled to be released before the completion of his 20-year sentence?
2. How many prisoners in federal custody convicted of terrorism related crimes, or who are categorized as extremist, will be released between now and 2025? Where will they be relocated?
3. What is the breakdown between those individuals inspired by Foreign Terrorist Organizations and non-Foreign Terrorist Organizations such as violent sovereign citizens, violent white supremacists, and violent militia extremists?

Risk Assessments

4. How does your agency assess whether terrorist/extremist offenders will pose a threat to the public upon their release? Please identify any interagency assessment tools that the U.S.

⁴ *Id.*

⁵ See Jesse Morton and Mitchell D. Silber, *When Terrorists Come Home*, COUNTER EXTREMISM PROJECT, available at https://www.counterextremism.com/sites/default/files/CEP%20Report_When%20Terrorists%20Come%20Home_120618.pdf.

⁶ See Jesse Morton and Mitchell D. Silber, *Ex-Terrorists, Walking the Streets: We've Got to Get Better, and Quick, About Reintegrating Former Jihadis Into Society*, N.Y. DAILY NEWS (Dec. 17, 2018), available at <https://www.nydailynews.com/opinion/ny-oped-ex-terrorists-walking-the-streets-20181213-story.html>.

⁷ See Bennet Clifford, Policy Paper, *Radicalization in Custody: Towards Data-Driven Terrorism Prevention in the United States Federal Correctional System*, GEORGE WASHINGTON UNIVERSITY: PROGRAM ON EXTREMISM (Nov. 2018), available at <https://extremism.gwu.edu/sites/g/files/zaxdzs2191/f/Prisons%20Policy%20Paper.pdf>.

Bureau of Prisons or its partner agencies use to assess the risk or threat of terrorist offenders upon their release.

Behavioral Programing and Intervention Efforts

5. What behavioral programming—mental health, substance abuse, etc.—is available to terrorist/extremist offenders at each of the facilities where they are housed and what does it entail?
 - a. Is such programming tailored to the individual’s age and life experience, crimes committed, and current commitment to terrorism?
 - b. How many extremist/terrorism offenders participate in this programming?
 - c. What is the ratio of programs offered per terrorist/extremist prisoner and how many weeks of life skills training and mental health services does the average terrorist/extremist offender receive for every year incarcerated?
 - d. Are program providers trained how to interact specifically with these types offenders?
 - e. What metrics do you use to determine if current programming is successful at preventing recidivism?

Recidivism

6. What is the current interagency policy, strategy, and process for ensuring that terrorist/extremist offenders successfully reintegrate into society?
 - a. How are federal, state, and local law enforcement agencies notified and what is the mechanism for coordination between these agencies and local service providers?
 - b. Which non-government agencies/services providers are involved in probation and post release follow-up?
7. What training is provided to parole officers or supporting non-governmental partners to recognize the signs of violent radicalization and recidivism?

Thank you for your prompt attention to these matters. We look forward to your answers and the documents requested by May 21, 2019. Should you have questions about this request, please contact Sam Fletcher (Sam_Fletcher@shelby.senate.gov) and Dave Christie (Dave_Christie@hassan.senate.gov).

Sincerely,



Richard Shelby
United States Senator



Margaret Wood Hassan
United States Senator

Cc:

The Honorable William Barr
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The Honorable James C. Duff
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