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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

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September 27, 2016

VIA ELECTRONIC TRANSMISSION

The Honorable Loretta Lynch
Attorney General
U.S. Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20530

Dear Attorney General Lynch:

We write today to renew our request for all communications between the Department of Justice and the Department of State pertaining to the years-long process of designating the Nigerian Islamist group Boko Haram as a Foreign Terrorist Organization (FTO).

Throughout 2011 and 2012, there were repeated calls within all levels of the federal government for an investigation into whether Boko Haram should be designated as an FTO. Unfortunately, despite the widespread government agency support, which included the Federal Bureau of Investigation, at least one intelligence agency, multiple members of the U.S. Senate and the U.S. House of Representatives, and the Department of Justice, the Department of State under the leadership of then-Secretary Hillary Clinton refused to label this terror organization as an FTO. A designation in late 2011 or early 2012 would have granted Nigeria much-needed assistance to combat the group. It would have also provided our intelligence and related agencies the legal authority to freeze any known Boko Haram assets and to deter individuals who might be providing support to Boko Haram in the United States or abroad.

For two years, Boko Haram grew as Secretary Clinton and her Department of State refused official requests to designate Boko Haram as an FTO. As members of the Senate Judiciary Committee, we have sought related information concerning the details of the decision-making process to deny the FTO designation. Furthermore, recent FOIA revelations make clear that Nigerian President Goodluck Johnathan had requested increased counterterrorism cooperation during a June 2011 meeting with President Obama. This information raises questions about the Department of State's claims that the Nigerian government opposed increased U.S. counterterrorism efforts in Nigeria. Similarly, a 2015 response to Senator Vitter shows that the Department of State failed to conduct an extensive interagency process of evaluation to determine the effectiveness of designating Boko Haram and its splinter group Ansaru until late 2012.

So that we may better understand the Department of Justice's position and formal requests in this matter, we are requesting all correspondence between the Department of Justice and any other

agency, including letters or other forms of communication to the Department of State that formally request that Boko Haram be designated a FTO, in accordance with Section 219 of the Immigration and Nationality Act (INA), and any requests to the Department of State asking for an investigation into whether Boko Haram should be designated an FTO.

Specifically, we are seeking the correspondence listed below that were previously publicly reported:

1. In January 2012, the Department of Justice sent a letter to the Department of State's Coordinator for Counterterrorism, Ambassador Daniel Benjamin, formally requesting that Nigerian Islamist group Boko Haram be designated a FTO, in accordance with Section 219 of the Immigration and Nationality Act (INA);
2. Then-head of the Department of Justice's National Security Division, Lisa Monaco, sent a follow-up letter in the beginning of 2012 to Department of State Counter-Terrorism Chief Daniel Benjamin requesting that Boko Haram, also known as the "Nigerian Taliban," be put on the list;
3. A letter sent in April 2012 by the Department of Justice again urging the State Department to issue a terror label for the Nigerian militants; and
4. The Department of Justice's National Security Division wrote a letter to then-Secretary Clinton in May 2012 urging her to make the designation.

We request that your office provide us with all Department opinions, analyses, conclusions and other advice documents related to the Boko Haram FTO designation between January 2011 and November 2013. Given the information already disclosed publicly justifying the State Department's eventual FTO designation, we see no reason for your office to not comply with these requests.

Selective transparency through Freedom of Information Act requests, repeated and drawn-out Congressional correspondence, and news reports over the course of the past three years only serve to sow doubt about the State Department's failure to designate Boko Haram.

Please respond with the requested correspondence no later than October 7, 2016. Thank you for your attention to this important matter.

Sincerely,



Charles E. Grassley
Chairman, Senate Judiciary Committee



David Vitter
United States Senator