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United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

June 1, 2015

The Honorable Loretta E. Lynch
Attorney General
U.S. Department of Justice
Robert F. Kennedy Building
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Lynch:

I write regarding the attack that occurred on May 3, 2015, at the Curtis Culwell Center in Garland, Texas. Two attackers, Elton Simpson and Nadir Hamid Soofi, exchanged gunfire with security personnel hired to protect an art exhibit featuring the Prophet Muhammad.¹ Thankfully, security personnel were successfully able to mitigate the threat without further loss of life. I write to request information about the firearms used by Simpson and Soofi to carry out this attack.

According to reports, Simpson and Soofi sought to murder individuals participating in an event advertised as the “First Annual Muhammad Art Exhibit and Contest.”² Simpson and Soofi were roommates in an apartment complex in Phoenix, Arizona. Described as “amicable and quiet,”³ Simpson and Soofi allegedly donned body armor and carried assault rifles as they emerged from their vehicle and engaged security personnel at the convention center.

After news broke of the shootout in Garland, the terror group, the Islamic State of Iraq and Syria (ISIS) took credit for the attack.⁴ This is the first time ISIS has taken credit for an attack within the United States; however, law enforcement has yet to directly link Simpson and Soofi to ISIS.⁵ I understand that federal law enforcement continues to investigate and their apartment in Phoenix has been searched. Very little information has been disclosed about the firearms that Simpson and Soofi used during this attack.

¹ Jobin Panicker & William M. Welch, 2 Suspects Dead After Gunfire at Muhamad Exhibit, *USA Today*, May 4, 2015.

² Manny Fernandez, Richard Perez-Pena and Fernanda Santos, “Gunman in Texas Shooting Was F.B.I. Suspect in Jihad Inquiry.” May 4, 2015. *The New York Times*. http://www.nytimes.com/2015/05/05/us/garland-texas-shooting-muhammad-cartoons.html?_r=0

³ Julie Watson. “Doubts raised about Islamic State claim in Texas attack.” May 5, 2015. *The Detroit News*. <http://www.detroitnews.com/story/news/nation/2015/05/05/prophet-cartoon-contest-shooting/26910391/>

⁴ Ben Kamisar, “ISIS claims responsibility for Texas attack.” May 5, 2015. *The Hill*. <http://thehill.com/blogs/blog-briefing-room/news/241037-isis-claims-responsibility-for-texas-attack>

⁵ Julie Watson. “Doubts raised about Islamic State claim in Texas attack.” May 5, 2015. *The Detroit News*. <http://www.detroitnews.com/story/news/nation/2015/05/05/prophet-cartoon-contest-shooting/26910391/>

The Honorable Loretta E. Lynch

June 1, 2015

Page 2

I have obtained documents from a Federal Firearms Licensee (FFL) in the Phoenix region that appear to show that Soofi purchased a Hi-Point 9mm pistol from the FFL in 2010.⁶ According to a Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Form 4473, the purchase of the handgun was initially delayed by either the Federal Bureau of Investigation (FBI) National Instant Criminal Background Check System (NICS) or a state agency. The FFL received a “proceed” response from either NICS or a state agency on February 25, 2010.⁷ The delay of sale apparently lasted for less than one day.

In addition, I have obtained documents that show that this same handgun, purchased in 2010 by Soofi, was subject to an “urgent” firearms disposition request by the Department of Justice on May 4, 2015 – the day after the attack in Garland.⁸ According to the request, the Justice Department asked for the information “to assist in a criminal investigation.”⁹

While it appears that federal law enforcement was well aware of Elton Simpson before the Garland attack¹⁰, Nadir Soofi appears to have been less known.¹¹ In an effort to better understand how Soofi obtained this weapon and whether this weapon was utilized in the attack, I ask that you please provide the following information:

1. On what date did Nadir Hamid Soofi purchase the handgun that was the subject of the Justice Department’s firearms disposition request on May 4, 2015?
2. Did the Justice Department or any of its component entities delay the purchase of the handgun on February 24 2010? If so, what was the reason for the delay?
3. What factors prompted the Justice Department to overcome its need to delay the purchase and provide a “proceed to sale” response to the FFL on February 25, 2010?
4. Have law-enforcement agents recovered the handgun sold to Soofi in February 2010? Where was the handgun recovered? Was the handgun discharged prior to its recovery?
5. How many firearms did law enforcement recover from Simpson and Soofi at the Curtis Cullwell Center?
6. Were any of the firearms recovered at the scene purchased by Elton Simpson? If yes, please explain where and on what date the firearms were purchased.

⁶ Dep’t of Justice, Bureau of Alcohol, Tobacco, Firearms & Explosives, Firearms Transaction Record Part I (Nadir Hamid Soofi, dated Feb. 24, 2010).

⁷ *Id.*

⁸ Dep’t of Justice, Bureau of Alcohol, Tobacco, Firearms & Explosives, Firearms Disposition Fax Request (May 4, 2015).

⁹ *Id.*

¹⁰ Catherine Shoichet and Michael Pearson, “Garland, Texas, shooting suspect linked himself to ISIS in tweets.” CNN. May 4, 2015. <http://www.cnn.com/2015/05/04/us/garland-mohammed-drawing-contest-shooting/>

¹¹ *Id.*

The Honorable Loretta E. Lynch

June 1, 2015

Page 3

7. Were any of the firearms recovered at the scene purchased by Nadir Hamid Soofi? If yes, please explain where and on what date the firearms were purchased.
8. Were details of the firearms recovered at the scene shared with relevant Justice Department components, including but not limited to the Federal Bureau of Investigation and the Bureau of Alcohol, Tobacco, Firearms and Explosives? If yes, please explain which components received these details.

Please provide this information as soon as possible, but no later than 5:00 p.m. on June 15, 2015.

The Committee on Homeland Security and Governmental Affairs is authorized by Rule XXV of the Standing Rules of the Senate to investigate “the efficiency, economy, and effectiveness of all agencies and departments of the Government.”¹² Additionally, S. Res. 73 (114th Congress) authorizes the Committee to examine “the efficiency and economy of all branches and functions of Government with particular references to the operations and management of Federal regulatory policies and programs.”¹³

Thank you for your prompt attention to this matter. If you have any questions regarding this request, please contact Brian Downey with the Committee staff at (202) 224-4751.

Sincerely,



Ron Johnson
Chairman

cc: The Honorable Thomas R. Carper
Ranking Member

The Honorable Michael E. Horowitz
Inspector General
U.S. Department of Justice

Enclosure

¹² S. Rule XXV(k); *see also* S. Res. 445, 108th Cong. (2004).

¹³ S. Res. 73 § 12, 114th Cong. (2015).