

Dear President Biden and Attorney General Garland,

Following the passage of the Justice Against State Sponsors of Terrorism Act (JASTA), the 9/11 Families and Victims sued the Kingdom of Saudi Arabia and served a subpoena on the FBI in April 2018 for documents pertaining to its two investigations into the 9/11 attacks: the PENTTBOM investigation (which commenced on the day of the attacks and ended in 2004); and the Operation Encore investigation (which ran from late 2006 until 2016).

Since that subpoena was served, the DOJ and FBI have continually obstructed and impeded us in our lawsuit against Saudi Arabia, which seeks justice for the attacks:

- The DOJ first promised in October 2018 that the FBI production would be completed and provided in three tranches by January 2019. After failing to produce documents as promised, the FBI was ordered by the Court in May 2019 to complete its production by July 2019. Instead of meeting its fundamental obligations to the 9/11 Families and the American people, the DOJ and FBI repeatedly delayed the production, refusing to come forward with critical documents.
- The DOJ and FBI repeatedly and falsely claimed that they gathered and produced all “core records” from their 9/11 investigations. Yet, the FBI has not even provided the complete witness interviews, phone records, banking records and other investigative material related to the hijackers and Saudi government officials mentioned in the Court’s discovery order.
- The FBI told us that certain critical evidence from its investigations cannot be found and has been lost. This includes the videotape of an event arranged by a Saudi Arabian government official for the hijackers upon their arrival in San Diego, as well as phone records of calls that are no longer available directly from phone companies, including those from the American al Qaeda recruiter in San Diego, Anwar al Aulaqi. We cannot understand how such vital evidence could be “lost” by the premier law-enforcement agency in the world, in the largest mass murder case in U.S. history.
- The FBI claims the case is still open, despite the fact that after nearly twenty years the DOJ has yet to indict, prosecute or convict anyone for providing support for the 9/11 attacks other than Zaccarias Mousaoui.
- On several occasions at Court hearings, and while in the presence of hundreds of 9/11 family members, the DOJ’s attorneys sat next to and huddled with the attorneys for Saudi Arabia. Indeed, this compromising behavior continues during document disclosures and depositions.
- The DOJ requested and was somehow granted ex-parte communications and in-camera briefings with the Court from which our lawyers were completely barred. This resulted in Court rulings clearly favorable to Saudi Arabia and detrimental to us.
- Instead of immediately producing documents that had already been marked as unclassified when they were prepared, the FBI commenced a years-long review process

to re-classify wide swaths of information as classified. The DOJ then used the new classified status to refuse to release important documents and portions of documents to us and our legal team.

- The FBI turned over documents regarding the plot to help the hijackers' California support cell to attorneys for the GTMO terrorists — including 9/11 plot mastermind Khalid Sheikh Mohamed — yet refused to turn those same documents over to us.
- The FBI insisted on a Protective Order for any documents it produced which bars us, those most egregiously wronged by the 9/11 attacks, from seeing these documents. Only some attorneys are allowed to review the materials. As part of the rationale for the Protective Order, the FBI said they wanted to prohibit the dissemination of the documents to Saudi officials and foreign counsel. We recently learned, however, that the DOJ had secret communications with Saudi Arabia and released these “protected” documents to their legal team in Saudi Arabia, while still refusing to allow our lawyers to use the documents to interview witnesses without DOJ oversight.
- After a former FBI Supervisory Agent voluntarily put forward a Declaration in our case outlining the unclassified results of his Los Angeles-based investigation of Saudi government officials' facilitation of the 9/11 plot, the FBI sent this former agent a “chill” letter, threatening retaliation if he continued to assist our lawsuit.
- When another retired FBI Special Agent told his former bosses that he was considering helping the 9/11 Families, they instructed him not to, as the U.S. Government was trying “to make nice with the Saudis.”
- A former higher-level FBI official, who was one of the nation's first Arabic speaking FBI agents, was publicly ridiculed and disparaged by the FBI and DOJ after providing Declarations which articulated the FBI's procedural errors and blatant disregard for its own practices in its responses to our request for documents.
- Even after a bipartisan group of senators unanimously passed Senate Resolution 610 in 2018, which called for the release of all 9/11-related documents, the FBI has still refused to release thousands of pages of these documents, citing national security concerns on decades old documents.

We, the 9/11 Families and Victims, now face a court ordered and fast-approaching deadline to finish discovery by June 30, 2021. This process entails numerous depositions of Saudi government officials and third-party witnesses. The FBI's intentional delay in producing documents that are essential to preparation for the depositions hurts our case and demonstrates active assistance to the Kingdom of Saudi Arabia's case, thus impeding our quest for accountability and justice.

Mr. President and Attorney General, we, the 9/11 Families and Victims ask:

Does the Federal Bureau of Investigation work for the American people or for the Kingdom of Saudi Arabia?

If you are determined to reverse the previous administration's course and truly have a Department of Justice for the American people, there are several things you can do:

- Appoint a high-level DOJ liaison to work directly with us, rather than against us, to resolve our claims;
- Immediately declassify and release the April 2016 FBI Operation Encore Final Report;
- Provide access to all the additional material requested by our legal team.

Starting in early 2018, the actions of the DOJ and FBI have helped Saudi Arabia get away with the murder of our loved ones. We implore you to stop this travesty of justice and ensure that the Department of Justice immediately provide the documents and cooperation we need so that we can finally hold Saudi Arabia accountable. We pray that after almost two decades of seeking accountability, our struggle will finally end by the upcoming 20th anniversary of the darkest day in American history. We have waited long enough.

Sincerely,

Over 2,000 9/11 Community Members