

United States Senate
WASHINGTON, DC 20510

January 21, 2025

VIA ELECTRONIC TRANSMISSION

James McHenry
Acting Attorney General
U.S. Department of Justice

Brian Driscoll
Acting Director
Federal Bureau of Investigation

Dear Acting Attorney General McHenry and Acting Director Driscoll:

We are writing regarding two events that occurred on January 1, 2025—the terrorist attack in New Orleans and the Tesla Cybertruck explosion in front of the Trump International Hotel in Las Vegas.

At approximately 3:15am CST, an individual driving a white Ford pickup truck intentionally rammed his vehicle into a crowd of people standing on Bourbon Street in New Orleans.¹ The attack damaged at least two businesses, injured 57 individuals, and most importantly killed 14 people.² The driver of the truck, later identified as Shamsud-Din Jabbar, was killed in a shootout with police shortly after he plowed through the crowded street and then reportedly exited his vehicle and began shooting.³

New reports on Jabbar’s background indicate that he was a 42-year-old, U.S. citizen from Texas who had served in the U.S. Army from 2007 until 2015.⁴ During that time, Jabbar was apparently deployed to Afghanistan from February 2009 to January 2010.⁵ Later, Jabbar reportedly joined the Army Reserve as an information technology specialist until 2020.⁶

¹ Carol Alvarado and Elizabeth Wolfe, *A visual timeline of the New Year’s attack that left at least 14 dead in New Orleans*, CNN, (Jan. 2, 2025), <https://www.cnn.com/2025/01/02/us/timeline-truck-attack-new-orleans-dg/index.html>; Press Release, *FBI Statement on the Attack in New Orleans*, (Jan. 1, 2025), <https://www.fbi.gov/news/press-releases/fbi-statement-on-the-attack-in-new-orleans>.

² Carol Alvarado and Elizabeth Wolfe, *supra* note 1; and FBI, *FBI Releases Investigative Update in Bourbon Street Attack*, FBI NEW ORLEANS, (Jan. 14, 2025), <https://www.fbi.gov/contact-us/field-offices/neworleans/news/fbi-releases-investigative-update-in-bourbon-street-attack>.

³ *Id.*; Jennifer Calfas, *FBI Clarifies 14 Victims Were Killed in New Orleans Attack*, WALL STREET JOURNAL, (updated Jan. 2, 2025), https://www.wsj.com/livecoverage/new-orleans-truck-attack?mod=WSJ_home_mediumtopper_pos_1.

⁴ Nathan Layne, et al., *Who was Shamsud-Din Jabbar, the suspect in New Orleans truck attack?*, REUTERS, (Jan. 2, 2025), <https://www.reuters.com/world/us/suspect-deadly-new-orleans-truck-attack-served-us-army-2025-01-01/>.

⁵ *Id.*

⁶ *Id.*

Following the violent attack, reports indicated that law enforcement located an ISIS flag in Jabbar's truck.⁷ According to the Federal Bureau of Investigation (FBI), two improvised explosive devices (IED) were also recovered from coolers Jabbar had placed near Bourbon Street.⁸ According to Chris Raia, Deputy Assistant Director of the FBI's Counterterrorism Division, one cooler was located at the cross section of Bourbon and Orleans Street and the other was at an intersection two blocks away.⁹ Raia stated, "those are the only two devices that we've been able to recover that were functional. Both devices were rendered safe on scene."¹⁰ He noted that the FBI obtained "surveillance footage showing Jabbar placing the devices where they were found."¹¹

In an early morning press conference on January 1, 2025, FBI Assistant Special Agent Alethea Duncan told the public that this heinous act was "not a terrorist event."¹² That same day, the FBI changed its position regarding the attack and stated that it was "an act of terrorism."¹³ It is unclear why the FBI official initially claimed that the attack was not linked to terrorism. Also, during a January 2, 2025, press conference, the FBI told the public that Jabbar acted alone.¹⁴

Prior to the attack, Jabbar had reportedly posted at least five videos on Facebook "saying he was inspired by ISIS and decided to carry out the attack after initially planning to harm his family and friends."¹⁵ Jabbar apparently posted these videos beginning at 1:29am and ending at 3:02am on January 1, 2025.¹⁶

Additionally, legally protected whistleblower disclosures to our offices claim the FBI Special Agent in Charge (SAC) of the New Orleans field office, Lyonel Myrthil, vacationed in Europe from late December to early January, which included New Year's Eve, New Year's Day, and the Sugar Bowl and took multiple days to return to New Orleans after the terrorist attack on January 1, 2025.¹⁷ These are major public events that a SAC should be present for. The FBI

⁷ Caroll Alvarado and Elizabeth Wolfe, *supra* note 1; FBI Press Release, *supra* note 1.

⁸ Marlene Lenthang, *Timeline of New Orleans driver's whereabouts*, NBC NEWS, (Jan. 2, 2025), <https://www.nbcnews.com/news/us-news/live-blog/live-updates-15-dead-new-orleans-attack-fbi-says-driver-wasnt-acting-a-rcna185955>; Fox 8 Staff, *FBI releases photos of terror suspect and explosives packed in cooler, seeking public's help*, FOX8, (Jan. 2, 2025), <https://www.fox8live.com/2025/01/02/fbi-releases-photos-terror-suspect-explosives-packed-cooler-seeking-public-help/>.

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² Holly Yan and Rebekah Riess, *Why the mayor and FBI might be giving conflicting reports on whether the incident was a "terrorist" attack*, CNN, (Jan. 1, 2025), <https://www.cnn.com/us/live-news/new-orleans-mass-casualty-bourbon-street-01-01-25-hnk#cm5dxaant0000356mnvmcjc0z>.

¹³ FBI Press Release, *supra* note 1.

¹⁴ *Id.*

¹⁵ Christopher Cann, Nick Penzenstadler, and Bart Jansen, *Army record, DUI, social media posts: What we know about suspect in New Orleans attack*, USA TODAY, (updated Jan. 2, 2025), <https://www.usatoday.com/story/news/nation/2025/01/02/new-orleans-attack-suspect-shamsud-din-jabbar/77396433007/>.

¹⁶ Marlene Lenthang, *supra* note 8.

¹⁷ On file with Comm. staff.

failed to note this in any of the joint briefings it provided to Congress and must provide more information. Is this information provided true and accurate? We welcome an explanation.

This terrorist attack was not the only public, tragic, and violent incident of that day. At approximately 8:40am PST on January 1, 2025, just hours after the horrific attack in New Orleans, a Tesla Cybertruck exploded in front of the Trump International Hotel in Las Vegas.¹⁸ At least seven people were injured in this incident, and the driver, later identified as Matthew Alan Livelsberger, reportedly shot himself in the head right before the car exploded.¹⁹ Law enforcement identified “gasoline canisters, camp fuel canisters and large firework mortars in the back of the truck” but noted that “they did not know how the explosion had been ignited.”²⁰

According to reports, the Army identified Livelsberger as a 37-year-old Army master sergeant from Colorado Springs. He had “enlisted as a Special Forces trainee and served on active duty from January 2006 to March 2011, then served in the National Guard from March 2011 to July 2012, and in the Army Reserve from July 2012 to December 2012. He re-entered active duty in December 2012, serving with U.S. Army Special Operations.”²¹ Livelsberger was apparently on approved leave from his duty station in Germany when he died.²²

As early as January 2, 2025, the FBI stated that there is “no definitive link between the attack in New Orleans and the one in Las Vegas.”²³ However, similarities do reportedly exist between Jabbar and Livelsberger. For example, both individuals had experience in the U.S. Army and the vehicles in both incidents were rented from the same company, Turo.²⁴ Further, according to reports, authorities claimed Livelsberger and Jabbar “likely overlapped at Fort Bragg and again in Afghanistan.”²⁵ It remains unclear whether there are additional similarities or connections between Jabbar and Livelsberger.

The public deserves complete transparency and the truth regarding the New Orleans terrorist attack and the Las Vegas car explosion. While we understand the investigation into both of these incidents is ongoing, we expect your agencies to be forthcoming and responsive to oversight requests from Congress on this very serious matter. Accordingly, please provide

¹⁸ Jacey Fortin, *What We Know About the Cybertruck Explosion in Las Vegas*, N.Y. TIMES, (Jan. 2, 2025), <https://www.nytimes.com/2025/01/02/us/tesla-cybertruck-explosion-las-vegas.html>.

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

²² *Id.*; and Josh Margolin, et. al., *What we know about Cybertruck explosion suspect Matthew Livelsberger*, ABCNEWS, (Jan. 2, 2025), <https://abcnews.go.com/Politics/cybertruck-explosion-suspect-matthew-livelsberger/story?id=117271048>.

²³ Perry Chiramonte, *FBI Says New Orleans Attacker Acted Alone, No Link Found to Las Vegas Bomber*, NEW YORK SUN, (updated Jan. 2, 2025), <https://www.nysun.com/article/investigators-probe-possible-link-between-las-vegas-bomber-and-new-orleans-attacker>.

²⁴ Aimee Picchi, *Trucks in New Orleans attack and Las Vegas explosion were rented on Turo. Here's what to know.*, CBS NEWS, (Jan. 3, 2025), <https://www.cbsnews.com/news/new-orleans-attack-tesla-cybertruck-explosion-trucks-rented-turo/>.

²⁵ Tony Kovaleski, *Suspects in Vegas explosion, New Orleans attack served at same Army base, police confirm*, DENVER 7 ABC, (updated Jan. 2, 2025), <https://www.denver7.com/news/local-news/suspects-in-vegas-explosion-new-orleans-attack-served-at-same-army-base-sources-tell-denver7-investigates>.

rolling briefing updates to our staffs, starting with an update on January 29, 2025. In addition, please provide the following information by no later than February 4, 2025:

1. When and how was the FBI made aware of the ISIS flag found in or near Jabbar's vehicle? Was the FBI made aware of the ISIS flag before or after FBI Assistant Special Agent Alethea Duncan told the public that the New Orleans attack was "not a terrorist event"?²⁶ Provide all communications records created and/or transmitted relating to Assistant Special Agent Duncan's statement.
2. What information did FBI Assistant Special Agent Duncan rely on to make the comment that the New Orleans attack was "not a terrorist event"?²⁷
3. What is the most up-to-date evidence the FBI has to indicate or suggest whether Jabbar acted alone in planning and carrying out his attack?
4. Prior to the attack, was the FBI in possession of any information concerning Jabbar, including but not limited to, any tips, suspicious purchases, or local or state law enforcement alerts?
 - a. If so, please describe the information the FBI possessed, as well as the date when the FBI first came to possess this information, and provide all relevant records.
 - b. Did the FBI share this information with federal, state, and local law enforcement partners?
 - i. If so, please provide a list of the law enforcement partners who received this information, and the date the information was shared.
 - ii. If not, please explain why not.
5. Was the FBI in possession of any information concerning threats on or about January 1, 2025, to New Orleans and/or the French Quarter prior to the attack? If so, please describe this information, as well as the date when the FBI first came to possess this information, and provide all relevant records.
6. Was Myrthil on a European vacation during the New Orleans New Year's Eve celebration, New Year's Day, and the Sugar Bowl? If so, please explain in detail and note what steps Myrthil and FBI New Orleans leadership took to ensure FBI New Orleans was prepared for these public events despite his absence. Please provide all records.
7. Is the FBI aware of any communications between Jabbar and any ISIS—or any other terrorist organization—affiliated individual?
 - a. If so, when was the FBI first made aware of these communications?
 - b. Over what platform were these communications conducted and how many such communications is the FBI aware of?
 - c. Provide all relevant records.
8. At an FBI briefing to Congress on January 10, 2025, the FBI told Congress Jabbar was active in online groups and chatrooms "seeking more extreme Islamic views" after his conversion.²⁸ Who did Jabbar communicate with on chatrooms discussing Islam, Islamic terrorism, and public violence, and does the FBI know if any of these individuals

²⁶ Holly Yan and Rebekah Riess, *supra* note 12.

²⁷ *Id.*

²⁸ Notes on file with Comm. staff.

- habitually target people to radicalize? Does the FBI have any evidence that Jabbar's radicalization was a targeted effort or otherwise organized effort? Provide all records.
9. Please provide a list of social platforms Jabbar used to communicate. In your answer, note which ones are known or suspected to be connected to ISIS or any terror organization (including but not limited to any group messaging platforms, forums, and/or websites), the dates of Jabbar's activity on said platforms, and all relevant records.
 10. According to the FBI, "three phones linked to Jabbar were recovered."²⁹ At an FBI briefing to Congress on January 2, 2025, FBI said it recovered one phone on Jabbar's person and the other two in Jabbar's vehicle.
 - a. What was the model and service provider associated with each recovered phone?
 - b. Has the FBI recovered any additional electronic devices connected to Jabbar? If so, has the FBI been able to access all additional electronic devices recovered connected to Jabbar?
 11. At an FBI briefing to Congress on January 10, 2025, FBI told Congress FBI was unable to access one of Jabbar's cell phones because it used an encryption software. Please provide a list of all encrypted services and applications Jabbar used on all devices. How many of these encrypted devices has the FBI successfully accessed, how many devices have not been accessed, and what steps are being taken to access any remaining devices? Please provide a detailed explanation including findings related to the attack.
 12. Please provide updates on what is known about Jabbar's international travels to Cairo, Egypt and any other locations of interest.
 13. Provide a list of the number of FBI interviews of the individuals who Deputy Assistant Director Christopher Raia identified as having "stopped to look in the coolers [which contained the explosive devices] and continued on their way"³⁰ Are there any individuals the FBI wishes to speak to related to this issue and has not been able to do so?
 14. According to reports, Deputy Assistant Director Raia stated Jabbar "was initially going to hurt his friends and family but pivoted to a larger attack."³¹ In addition to his Facebook posts, what evidence, if any, does the FBI possess that supports Director Raia's statement? When did the FBI understand that Jabbar first "pivoted to a larger attack"?
 15. At an FBI briefing to Congress on January 10, 2025, FBI told Congress Jabbar's father converted to Islam while in prison and Jabbar converted sometime after. What Bureau of Prisons facilities has Jabbar's father resided in? What facility did he reside in at the time FBI claims he converted to Islam? What Islamic religious teachers ministered in these facilities?³²

²⁹ *FBI, Press Statement: Investigative Updates on the New Orleans Bourbon Street Attack*, (Jan. 2, 2025), <https://www.fbi.gov/news/speeches/investigative-updates-on-the-new-orleans-bourbon-street-attack>.

³⁰ Ben Brasch, *Inspired by ISIS, attacker acted alone and placed explosives himself, FBI says*, WASH. POST, (Jan. 2, 2025), <https://www.washingtonpost.com/nation/2025/01/02/new-orleans-truck-attack-investigation-updates/#link-7X6HLWEWKRF7N6ORRKIL34FEM>.

³¹ *Id.*

³² See Letter from Senator Charles E. Grassley, Chairman, Senate Judiciary Committee, to Charles E. Samuels, Jr., Director, Federal Bureau of Prisons, (Apr. 7, 2015), on file with Comm. staff, (Showing Chairman Grassley conducted oversight of BOP's failure to sufficiently vet religious contractors who were radicalizing inmates to Islamic extremism.).

16. In an investigative update on January 14, 2025, the FBI claimed, “[a]round the spring of 2024, Jabbar began following extremist views.”³³ What does the FBI consider “extremist views,” what evidence is FBI basing this claim on, and does any of the evidence indicate an organized or intentional effort to radicalize Jabbar? Please explain and provide all relevant records.
17. What evidence does the FBI have indicating how Jabbar was radicalized to the point of terrorism? Please explain, provide all relevant records, and explain what the FBI is doing based on this knowledge.
18. Does the FBI have any evidence to indicate or suggest whether Livelsberger acted alone in planning and carrying out his attack?
19. Prior to the attack, was the FBI in possession of any information concerning Livelsberger, including but not limited to, any tips, suspicious purchases, or local or state law enforcement alerts?
 - a. If so, please describe the information the FBI possessed, as well as the date when the FBI first came to possess this information.
 - b. Did the FBI share this information with federal, state, and local law enforcement partners?
 - i. If so, please provide a list of the law enforcement partners who received this information, and the date the information was shared.
 - ii. If not, please explain why not.
20. Is the FBI aware of Livelsberger using any encrypted services or applications? If so, please provide a list of all such encrypted services and applications.
21. Has the FBI recovered any electronic devices connected to Livelsberger? If so, has the FBI been able to access all electronic devices connected to Livelsberger?
22. Provide all ATF Form 4473 associated with Jabbar’s and Livelsberger’s weapon(s).

Thank you for your attention to this matter. In your response, please answer according to each corresponding question.

Sincerely,



Charles E. Grassley
Chairman
Committee on the Judiciary



Ron Johnson
Chairman
Permanent Subcommittee on Investigations

³³ FBI, *FBI Releases Investigative Update in Bourbon Street Attack*, FBI NEW ORLEANS, (Jan. 14, 2025) <https://www.fbi.gov/contact-us/field-offices/neworleans/news/fbi-releases-investigative-update-in-bourbon-street-attack>.

cc: The Honorable Richard Blumenthal
Ranking Member
Permanent Subcommittee on Investigations

The Honorable Richard Durbin
Ranking Member
Committee on the Judiciary

The Honorable Michael Horowitz
Inspector General
Department of Justice