



One Hundred Tenth Congress
U.S. House of Representatives
Committee on Homeland Security
Washington, DC 20515

May 23, 2007

The Honorable Richard L. Skinner
Office of the Inspector General
Department of Homeland Security
Washington, DC 20528

The Honorable Richard L. Skinner:

We recently became aware of an issue within the Department of Homeland Security (Department) that, in our opinion, deserves your attention. The Department oversees the Terrorist Screening Center (TSC), which maintains the federal terrorist watch list. This list contains the names of people from around the globe thought by the Department to have connections to terrorist organizations. The watch list is used to help guide the actions of a number of government agencies, including the Customs and Border Patrol (CBP), the Transportation Security Administration (TSA), and the Federal Bureau of Investigation (FBI).

If used effectively, the TSC program provides a valuable tool to federal law enforcement and others tasked with defending the United States from terrorist attack. However, we are concerned that, in its desire to create a comprehensive list, the TSC has cast far too wide a net and contains the names of many individuals who clearly bear no affiliation with terrorist groups or activities. This has been a particularly significant problem for people with Muslim-sounding names, who seem to compose a vastly disproportionate ratio of the list. Further, there appears to be no procedure in place for individuals who are innocent to clear their names. Once put on the list, the name nearly always remains, which has been a great burden for countless people, particularly those wishing to travel into the country.

As of January 2005, the TSC kept approximately 238,000 records, and that number has likely increased. The Department has spent valuable resources tracking and detaining huge numbers of people, many of whom are innocent, instead of focusing on real terrorists, resulting in poor foreign relations and wasted dollars.

The case of Faten Sheikh Omar provides an example of just such a problem. Ms. Omar traveled to the U.S. from Budapest to attend a Rule of Law conference in New York. After submitting an application and interviewing at an American consulate, she was issued a visa on March 1, 2007. However, after arriving at JFK Airport in New York City, Ms. Omar was detained by CBP for approximately ten hours prior to transporting her to a local county jail,

May 23, 2007

Page2

where she was kept for two nights. What makes this matter even more egregious is that the CBP officers that detained Ms. Omar were aware that the person on the watch list with the same name was a male.


While the primary mission of DHS is to prevent terrorist attacks, and keep America's enemies outside our borders, the government should not alienate foreigners who come to our country for lawful and peaceful purposes. That Ms. Omar was provided a visa and was not charged with any crime or accused of any civil offenses, implies that CBP should not have detained her, especially when they were aware that she was misidentified as the person on the watch list. Furthermore, the procedures that are in place with respect to detained travelers – holding them for hours without legal counsel or telephone access; transporting them to local jails where they are then under the jurisdiction of local corrections officers that are not properly trained in the handling of detainees; demanding that detainees take “mug” shots and be fingerprinted, when they are not charged with a crime; and subjecting detainees to improper searches and seizures – need to be closely evaluated. In Ms. Omar's case, she was required to undergo a medical exam that included an injection, over her objections.

While this is just one occurrence, anecdotal evidence tells us that many more visitors, and even American citizens, have faced similar treatment.

We request that you investigate the TSC's management of the watch list, including how names are added to the list, its demographic composition, and what procedures, if any, are in place to clear names from the list. Additionally we request that you investigate the procedures that are in place for the handling of individuals that have been properly and improperly identified as being on a watch list.

Please direct your response and any questions concerning this request to Cherri Branson, Chief Oversight Counsel, at (202) 226-2616.

Sincerely,


Bennie Thompson
Chairman


Yvette Clarke