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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

February 3, 2014

VIA ELECTRONIC TRANSMISSION

The Honorable Jeh Johnson
Secretary
Department of Homeland Security
3801 Nebraska Avenue, NW
Washington, D.C. 20528

Dear Secretary Johnson:

My office recently received copies of disturbing internal Department of Homeland Security (DHS) e-mails regarding the admittance of individuals into the United States with potential ties to terrorism.

The May 2012 e-mail chain between U.S. Immigration and Customs Enforcement (ICE) and U.S. Customs and Border Protection (CBP) surrounds the question of whether to admit someone who had scheduled an upcoming flight into the U.S. Allegedly, the individual was a member of the Muslim Brotherhood and a “close associate” of a supporter of “ Hamas, Hizbollah, and (Palestinian) Islamic Jihad.” According to the same e-mail, the individual had been in secondary inspection “several dozen times of the past several years,” but had not had a secondary inspection since 2010.¹

One of the responses to the initial e-mail states: “The [CBP National Targeting Center (NTC)] Watch Commander advised that the subject has sued CBP twice in the past and that he’s one of the several hands off passengers nationwide. . . . Apparently his records were removed in December 2010 and the DHS Secretary was involved in the matter.”² The e-mail continues:

I’m puzzled how someone could be a member of the Muslim Brotherhood and unindicted co-conspirator in the Holy Land Foundation trial, be an associate of [redacted], say that the US is staging car bombings in Iraq and that [it] is ok for men to beat their wives, question who was behind the 9/11 attacks, and be afforded the luxury of a visitor visa and de-watchlisted. It doesn’t appear that we’ll be successful with denying him

¹ Attachment at 2.

² *Id.* at 1.

entry tomorrow but maybe we could re-evaluate the matter in the future since the decision to de[-]watchlist him was made 17 months ago.³

In order to understand the events described in these e-mails, please provide the Committee with answers to the following questions:

- 1) Why was this individual removed from the watchlist in December 2010?
- 2) Please describe the nature, extent, and reasons for the involvement of the DHS Secretary or her staff in the removal of the individual from the watchlist.
- 3) What is the current watchlist status of this individual?
- 4) How many people are on the “hands off” list mentioned in the email?
- 5) What qualifies someone to receive the “hands off” designation?
- 6) Does filing a lawsuit result in being designated “hands off” and thus avoiding secondary security screenings?
- 7) Who makes the determination that an individual should be considered “hands off”?

I would appreciate receiving answers to these questions by March 3, 2014. Should you have any questions regarding this letter, please contact Tristan Leavitt of my staff at (202) 224-5225. I look forward to your prompt response.

Sincerely,



Charles E. Grassley
Ranking Member

cc: The Honorable Thomas Carper, Chairman
U.S. Senate, Committee on Homeland Security and Governmental Affairs

The Honorable Tom A. Coburn, Ranking Member
U.S. Senate, Committee on Homeland Security and Governmental Affairs

Carlton I. Mann, Acting Inspector General
U.S. Department of Homeland Security

³ *Id.*

Attachment

From: [REDACTED]
Sent: Thursday, May 10, 2012 [REDACTED]
To: [REDACTED]
Subject: FW: [REDACTED] traveling from [REDACTED] to [REDACTED] on this [REDACTED] morning
Importance: High

[REDACTED]
The NTC Watch Commander advised that the subject has sued CBP twice in the past and that he's one of the several hands off passengers nationwide. He said he'd check if there is a copy of the lawsuits filed against CBP in the historical logs...can you pass the lawsuits if they are at NTC? I assume the lawsuits were against the heads of DHS and presume it was a civil proceeding but who knows where it was filed since the subject lives outside the U.S. I didn't know that a Canadian citizen who lives in [REDACTED] could sue DHS. Also not sure if the lawsuits were regarding him being stopped frequently or his admissibility/inadmissibility or both. If the lawsuits weren't about his admissibility/inadmissibility we should proceed forward regarding that once the lawsuits are reviewed.

If the lawsuits aren't readily accessible at CBP/NTC, I can check with someone at CBP-HQ to get them. Apparently his records were removed in December 2010 and the DHS Secretary was involved in the matter. I'm puzzled how someone could be a member of the Muslim Brotherhood and unindicted co-conspirator in the Holy Land Foundation trial, be an associate of [REDACTED], say that the US is staging car bombings in Iraq and that is ok for men to beat their wives, question who was behind the 9/11 attacks, and be afforded the luxury of a visitor visa and de-watchlisted. It doesn't appear that we'll be successful with denying him entry tomorrow but maybe we could re-evaluate the matter in the future since the decision to de-watchlist him was made 17 months ago.

Thanks
[REDACTED]

From: [REDACTED]
Sent: Thursday, May 10, 2012 [REDACTED]
To: [REDACTED]
Subject: FW: [REDACTED] traveling from [REDACTED] to [REDACTED] on this [REDACTED] morning
Importance: High

From: [REDACTED]
Sent: Thursday, May 10, 2012 [REDACTED]
To: [REDACTED]
Subject: FW: [REDACTED] traveling from [REDACTED] to [REDACTED] on this [REDACTED] morning
Importance: High

[REDACTED]
Forwarding this to you since I didn't know [REDACTED] left NTC last week.
[REDACTED]

From: [REDACTED]
Sent: Thursday, May 10, 2012 [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: FW: [REDACTED] traveling from [REDACTED] to [REDACTED] on this [REDACTED] morning
Importance: High

I spoke with CBP [REDACTED] who is obviously very familiar with this traveler.

[REDACTED]

I'm of the opinion that [REDACTED] meets the parameters for a refusal based on the three INA 212(a)(3) terrorism charges and that when he enters the US on a B1/B2 for lectures/speeches for organizations or for events where a registration fee is required or admission needs to be paid he should probably be seeking an R-1 or O-1 visa instead. Perhaps one of the reasons that he has not applied for an O-1 visa or R-1 visa is because of the terrorist related questions these forms asks that he would then be forced to answer.

Does NTC have any background information or guidance it can share on the logs or former records this subject has had? Or if he has applied for any waivers of inadmissibility? Does NTC have any objection if CBP [REDACTED] denies admission to [REDACTED] under either terrorism grounds and/or improper nonimmigrant visa?

Based on a review of the statements of the subject, I think it is clear that he meets the definition of endorsing and inciting. If he'd like to enter the US in the future he can seek a waiver to overcome those inadmissibility grounds, but none has been sought to my knowledge.

Thanks

From: [REDACTED]
Sent: Wednesday, May 09, 2012 9:55 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: [REDACTED] traveling from [REDACTED] to [REDACTED] on this [REDACTED] morning
Importance: High

Information already passed to CBP in [REDACTED] - I will follow up tomorrow and let you all know...

From: [REDACTED]
Sent: Wednesday, May 09, 2012 8:20 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: [REDACTED] traveling from [REDACTED] to [REDACTED] on this [REDACTED] morning
Importance: High

Yesterday afternoon, we (HSI [REDACTED] office) received a lead regarding [REDACTED] aka [REDACTED], an Egyptian born Canadian citizen who was a member of the Muslim Brotherhood and close associate of [REDACTED] an individual residing in [REDACTED] who supports Hamas, Hizbollah, and (Palestinian) Islamic Jihad. [REDACTED] has been looked at in secondary inspection several dozen times over the past several years, however he has not been secondaried since [REDACTED] 2010. [REDACTED] has a reservation to depart [REDACTED], Canada at [REDACTED] on this Friday morning for a flight to [REDACTED] that stops in [REDACTED] first. He is schedule to speak at the [REDACTED] conference in [REDACTED] on [REDACTED] night.

I'm passing this writeup to [REDACTED] at HSI [REDACTED] to forward to CBP [REDACTED] regarding possible inadmissibility grounds related to INA 212(a)(3) terrorism charges because of [REDACTED]'s potential inciting, endorsing, and association with terrorists. [REDACTED] been looked at in the past, but hopefully this collection of 20 supporting open source articles will assist with making an informed inadmissibility determination.

Also copying:

-HSI [REDACTED] duty agent [REDACTED]: please pass to the HSI S/As on [REDACTED]-JTTF as an FYI
- [REDACTED] of CBP [REDACTED] author of MOIR on HAMAS that mentions [REDACTED]
-my supervisor, [REDACTED]

Any questions, please let me know.

Thanks

cell: [REDACTED]
Special Agent [REDACTED]
Homeland Security Investigations | [REDACTED] | [REDACTED] | National Security
Investigations

Office: [REDACTED] | Desk: [REDACTED] | Fax: [REDACTED] | e-mail: [REDACTED]