



*Congress of the United States
House of Representatives
Washington, D.C. 20515*

*Anna G. Eskoo
Fourteenth District
California*

December 27, 2005

The Honorable Michael Chertoff, Secretary
Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Chertoff,

I'm writing to express my concerns about the Transportation Security Administration's (TSA) No Fly Watch List. While our nation has made great strides since the September 11, 2001 terrorist attacks in improving security measures within our nation's travel industry, I continue to hear from constituents who have endured significant problems with the No Fly Watch List and the vagueness of its implementation.

In 2002 I wrote to Transportation Secretary Norman Mineta about my concerns with the No Fly Watch List and requested information regarding the criteria used to determine who is included on the list; the name of the agency responsible for maintaining the list; the agencies contributing to the list as well as who can access the list. Four years after the dreadful terrorist attacks on the United States, there is still no transparency, and the number of law-abiding citizens that have found themselves placed on the Watch List continues to grow at an alarming rate.

A recent article in the San Jose Mercury News, which I've enclosed, describes the experience of Paul Guerra, a Bay Area resident, after he first learns he's on the Watch List at San Jose International Airport in California. This article is evidence that we must provide some kind of transparency in our security programs. We cannot continue to shape policies in a vacuum without considering the day-to-day implications to citizens.

My office has assisted numerous constituents who have found themselves on the Watch List, and the common concern I've heard is, "how did I end up on the list? I've never done anything wrong." TSA staff are unable to provide my staff with concrete information about why my constituents, whether a grandfather, police officer, or high technology CEO have been added to the list. My constituents are no longer accepting the answer that this program is for their safety and that due to security precautions, the TSA cannot provide us with any information whatsoever.

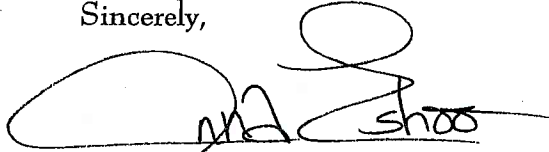
To make matters worse, the process used to remove one's name from the No Fly Watch List is not clear and in many cases it's not clear to airport staff either, though they bear the responsibility of informing travelers whose names have been placed on the list. It's important we continue to implement safety measures for the protection of our country, but I remain concerned

that the No Fly Watch List seriously infringes upon the rights guaranteed by our Constitution to every citizen.

I therefore request that you provide detailed information on the criteria used to determine who is included on the list, how they are placed on the list, the contributing agencies, the steps being taken to ensure the rights of individuals are not being compromised, and steps being taken to better educate the public.

Thank you in advance for your attention to this critical matter and I look forward to your timely response.

Sincerely,

A handwritten signature in black ink, appearing to read 'Anna G. Eshoo', with a large, stylized flourish above the name.

Anna G. Eshoo
Member of Congress

Enclosure

cc: The Honorable Kip Hawley
Administrator of Transportation Security Administration