

August 9, 2004

Via mail and telefax (202) 254-4285

Honorable Clark Kent Ervin
Inspector General
Department of Homeland Security
Washington, DC 20528

Dear Inspector General Ervin:

We are writing to request that your Office of Inspector General (OIG) investigate and report to us on the Department of Homeland Security's (DHS) practices, policies and procedures for handling internal security matters with its employees. DHS's responsibilities and duties include handling and acting on highly classified information about the nation's security and critical infrastructure. It is important that there be full confidence in the trustworthiness of its employees, and that DHS's employees not be subject to actual or potential influence by hostile powers or groups, especially terrorists and their supporters. Moreover, it is crucial that DHS have full and accurate information about the background of its employees so that it can judge whether their work for the Department does not present any threats to security.

Media reports have raised concerns and questions about a particular example of these issues at DHS, the employment and background security investigation of DHS employee Faisal Gill. Mr. Gill is reportedly director of intelligence policy in the Department's Information Analysis and Infrastructure Protection (IAIP) directorate. A person in such a position would likely have access to highly sensitive information about vulnerabilities in the nation's critical infrastructure.

Questions have been raised about Mr. Gill's previous associations with groups and individuals who are known or suspected to be involved with terrorism financing. Moreover, several news reports state that Mr. Gill omitted his association with at least one of these groups, the American Muslim Council (AMC). Mr. Gill apparently once worked for, with or otherwise in association with AMC and its former top official, Abdurahman Alamoudi. Mr. Alamoudi pled guilty on Friday, July 30 to a variety of criminal charges stemming from an investigation of terrorism financing, tax evasion and other matters. Agents with DHS's Immigrations and Customs Enforcement (ICE) have asserted, in sworn court documents, that Mr. Alamoudi retained effective control over the AMC from his related American Muslim Foundation. Moreover, we have received information that suggests Mr. Gill worked for, with or otherwise in association with an entity called "AG Consulting Group" and its principal, Asim Ghafoor. According to public records, Mr. Ghafoor has worked (primarily as a spokesman or attorney) for, with or otherwise in association with individuals and groups whom the United States government has stated are involved in, or suspected of, supporting terrorism:

- Global Relief Foundation (GRF), whose assets were frozen by the Treasury Department in December of 2001;
- Committee to Free Rabih Haddad, an organization supporting Mr. Haddad, who was deported last year and whom the Treasury Department called a senior official with and co-founder of GRF, as well as a member of the Makhtab al-Khidamat (MAK), a precursor to Al Qaeda that was designated as a foreign terrorist organization;

- Care International in Boston, allegedly affiliated with Al Kifah Refugee Center, whose Brooklyn branch was named by prosecutors as the origin of the 1993 World Trade Center bombing; and
- World Assembly of Muslim Youth (WAMY), an organization incorporated in Falls Church, Virginia by a nephew of Osama bin Laden, whose offices in Northern Virginia were raided by federal agents in June of 2004, and whose offices in Pakistan were raised in November of 2001.

The Senate Finance Committee is investigating terrorism financing, including groups and individuals known or suspected to be involved in such activity. The Committee is also conducting oversight of the various government agencies, including DHS, that play a role in combating terrorism financing. Similarly, the Senate Judiciary Committee Subcommittee on Terrorism, Homeland Security and Technology has held several hearings on terrorism finance and the role of radical groups and individuals in supporting terrorism and is continuing this oversight role in respect to DHS and other agencies. Acting through these Congressional bodies, we also consider legislation and legislative proposals regarding terrorism financing and the security practices of Executive Branch agencies.

To help us conduct oversight and consider potential legislation regarding these issues, we have a number of questions that we hope your office can attempt to answer:

- Did Mr. Gill omit from his security clearance form or other sworn submissions his work for, on behalf of or otherwise in relation to AMC and/or Mr. Alamoudi?
- Was the extent and nature of the original security investigation, and any following investigations, of Mr. Gill and his background and associations by the Department thorough and sufficient? Was an expert familiar with and knowledgeable about current cases involving Islamist charities and their financial and other links to terrorism actively engaged?
- What were the results of those investigations?
- Did Mr. Gill omit any other previous employment or association that warrants a security review?
- What is the Department's policy for employees who omit information, especially information considered important or material, from their security clearance background forms and other submitted and sworn statements? Within the context of 18 USC § 1001, is any excuse for omission permissible (e.g. if applicant post facto indicates that associations were under another rubric, name, entity or contractual relationship?)
- If an applicant appeared over an extended period of time, on the public record and in the media, to be, and represented himself as, an official and line employee of an organization or organizations, does any DHS guideline allow such appearances or representation to be omitted or otherwise be deemed to be not a material fact?
- What are the Department's general policies and procedures for considering employment of a person with previous links or associations to individuals or groups who are investigated or prosecuted for suspected crimes, especially terrorism matters; or, who provides services to such individuals or groups (e.g. as an advisor, attorney or consultant)?
- Given that Mr. Gill allegedly claims his work for "American Muslim Council" and "Islamic Institute", et al, was done under the rubric of "AG Consulting Group," have you sought and have you received from the FBI and other Intelligence Community or Law Enforcement sources any information they may have regarding "AG Consulting Group" and its principal, Mr. Ghafoor?

- What was the basis of the Department's decision to reinstate Mr. Gill after he was removed briefly from his position?
- What concerns did the FBI communicate regarding its knowledge of Mr. Gill's previous employment associations?
- Given that DHS Special Agents in ICE and other divisions have extensive knowledge of Mr. Gill's previous employers and associates, notably "AMC" and "Alamoudi", and other clients of "AG Consulting/Ghafoor", did DHS internal security officials consult these experts? If so, what information was provided and what was the result? If not, please explain why DHS internal security officials failed to use this avenue of information.
- At the time of Mr. Gill's association with them, both the American Muslim Council and the Islamic Institute had fewer than a dozen employees combined. In this context, do you assess Mr. Gill's role as "Director of Government Affairs" and "Spokesman" (according to news reports and Internet records) at both entities to have been a senior management role connoting access and knowledge pertaining to the financing, associations and involvements generally of the entities' leadership?
- What are Mr. Gill's qualifications for his current job?
- What was and is Mr. Gill's role in setting "intelligence goals, responsibilities and priorities" for DHS?
- When was his position created, what was the job description, and what was the labor category? If previous persons held this position, how do Mr. Gill's qualifications compare to their qualifications?

If your office is conducting an investigation of this matter, we would appreciate receiving a report and/or briefing as soon as possible. As always, we ask that you report to us if you or your office and this investigation are subject to any untoward interference – official, unofficial, political or otherwise.

Sincerely,

Charles E. Grassley
Chairman
Senate Finance Committee

Jon Kyl
Chairman
Judiciary Subcommittee on Terrorism,
Technology and Homeland Security