



Homeland Security

January 26, 2012

Edward Hasbrouck
The Identity Project
1736 Franklin Street, FL 9
Oakland, CA 94612

Re: CRCL Complaint 11-01-DHS-0044

Dear Mr. Hasbrouck:

This is in response to your December 8, 2011, correspondence to the U.S. Department of Homeland Security's (DHS) Office for Civil Rights and Civil Liberties (CRCL). In your letter, you make additional requests to CRCL for follow-up to your complaint following your receipt of CRCL's September 30, 2011 letter closing your complaint with our Office.

In response to your request that CRCL inform the public of our human rights role, please see http://www.dhs.gov/xabout/structure/gc_1270753945508.shtm, which includes clear language on this point ("CRCL is the designated Department point of contact for international human rights treaty reporting and coordination under Executive Order 13107"). CRCL works closely with federal agencies and departments to ensure that human rights are considered in policy and programs.

Pursuant to its statutory authority, CRCL must comply with its unique reporting requirements. CRCL must advise Department leadership and personnel about civil rights and civil liberties issues affecting the Department in order to ensure respect for civil rights and civil liberties in decisions related to civil rights and implementation of those decisions. In particular, under 42 U.S.C. § 2000ee-1(f)(2), CRCL is required to report to Congress about the complaints we handle, including "the type of advice provided and the response given to such advice" and "a summary of the impact of CRCL's activities." In addition, under 6 U.S.C. § 345, CRCL must "detail any allegations of civil rights abuses ... and any actions taken by the Department in response to such allegations." In order to comply with this mandate, CRCL sends quarterly reports to Congress detailing the nature of the complaints CRCL receives, as well as any recommendations that result from CRCL investigations.¹ Additionally, CRCL publishes an Annual Report, also submitted to Congress, which includes summaries of complaints that are closed by CRCL with recommendations to Department

¹ To ensure privacy is maintained, those reports do not include any personally identifiable information.

components, as well as summaries of select open complaints.² To read CRCL's past quarterly and annual reports, go to www.dhs.gov/crcl.

Lastly, in response to your concern that one of your issues related to the ICCPR was not addressed due to litigation, CRCL evaluates how to proceed on a case-by-case basis when there is active litigation on a matter. The Department of Homeland Security does not discuss or comment upon ongoing litigation. CRCL may, however, re-evaluate a complaint at a later time following litigation if CRCL deems such review appropriate.

Thank you for your letter. If you have any further concerns, please contact us.

Sincerely,



Tamara Kessler
Acting Officer
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security

² Those summaries also do not include any personally identifiable information. Summaries of complaints closed with recommendations have been consistently reported in the Annual Report starting with the Fiscal Year 2009 Annual Report.