

In the name of God, the Most Compassionate, the Most Merciful.
All praise and thanks belong to God, the Lord of the Worlds.
May peace and prayers be upon Prophet Muhammad and all of God's prophets.



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September 30, 2025

The Honorable Rand Paul, Chair
The Honorable Gary Peters, Ranking Member
Senate Committee on Homeland Security and Governmental Affairs
340 Dirksen Senate Office Building
Washington, D.C. 20510

RE: CAIR Letter for the Record – “Examining the Weaponization of the Quiet Skies Program”

Dear Chair Paul, Ranking Member Peters, and Members of the Committee:

On behalf of the Council on American-Islamic Relations (CAIR), the nation’s largest Muslim civil rights and advocacy organization, I write to commend the Committee for holding this important hearing on the Transportation Security Administration’s *Quiet Skies* program.

The *Quiet Skies* program was one of several administrative “add-ons” created after 9/11. It operated without statutory authority, public oversight, or meaningful accountability to the courts or Congress. Though publicly justified as a tool of aviation security, in reality, it became a vehicle for political favoritism and religious profiling, consuming hundreds of millions of taxpayer dollars while failing to prevent a single terrorist attack. Earlier this year DHS rightly dismantled the program. Its elimination was both necessary and overdue, and it acknowledges what civil rights groups have argued for years: secretive surveillance programs of this nature waste resources, erode constitutional rights, and do not make Americans safer.

Quiet Skies is not the first such program to collapse under scrutiny. The National Security Entry-Exit Registration System (NSEERS), launched in 2002, forced tens of thousands of Muslim and Arab men to register with the government, undergo interrogations, and risk deportation, even though it never produced a single terrorism conviction. NSEERS was widely condemned as discriminatory and ineffective before being dismantled in 2016. The end of NSEERS and the termination of Quiet Skies demonstrate that programs created without clear statutory authority, operating outside of public view, and directed disproportionately at minority communities cannot and should not endure.

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Yet while these two programs have been eliminated, the broader federal watchlist enterprise continues to exist and remains the true source of ongoing constitutional harm.

CAIR's 2023 report [*Twenty Years Too Many*](#) revealed that more than 98 percent of the names on the FBI's 2019 Terrorism Screening Dataset were Muslim. Placement on these lists does not require arrest, charge, or conviction. Instead, it is based on vague suspicion, often tied to religious practice or protected political speech. Individuals are never notified of their placement, are denied access to the government's evidence, and are left without a meaningful process to challenge their status. The results are life-altering: American citizens are denied boarding passes, subjected to humiliating airport searches, stripped of employment opportunities, coerced into becoming informants, and stigmatized as "second-class citizens." These harms are amplified by the widespread dissemination of the lists to airlines, local police, and even foreign governments.

It is vital to underscore that this entire watchlist system is an administrative creation. Congress never authorized it. It was constructed by executive directive and interagency agreement after 2001. Because it was never legislatively created, it must not now be legislatively "fixed." To attempt to codify or modify the watchlist by statute would be to grant permanent legal existence to a program that has always operated outside the law. Just as with Quiet Skies and NSEERS, the proper path forward is administrative dismantlement. The same executive agencies that built this architecture should now be directed to unwind it.

The courts have also begun to recognize the constitutional infirmities of this system. In [*Fikre v. FBI*](#), a case CAIR filed in 2013 together with co-plaintiff Brandon Mayfield and litigated with the pro bono assistance of Jenner & Block LLP, the United States Supreme Court unanimously held in 2023 that the government cannot evade judicial scrutiny of its watchlist practices by removing individuals from the No Fly List only after they file suit. That ruling was a milestone for accountability and an affirmation that secret watchlists implicate fundamental constitutional rights. But litigation alone cannot reform a program of this scale. Congressional oversight and executive action are both necessary to bring this system to an end.

For these reasons, CAIR respectfully recommends that the Committee and Congress:

- Affirm that the federal watchlist system was never authorized by Congress and should not be codified into law in its current form.
- Press the executive branch to dismantle the unconstitutional programs like the Terrorism Screening Dataset, the No Fly List, and related programs through administrative procedures, just as was done with NSEERS and Quiet Skies.
- Reject superficial legislative "fixes" that would grant statutory legitimacy to unconstitutional watchlists.
- Require DHS, DOJ, and FBI to publicly disclose criteria for placement, the number of Americans listed, and the scope of information-sharing with airlines, local law enforcement, and foreign governments.
- Guarantee meaningful due process by ensuring individuals receive notice, access to evidence, and an independent mechanism to challenge their inclusion on any watchlist programs that continue to operate.

- Prohibit reliance on religion, nationality, ethnicity, or protected political speech in security determinations.
- Defund discriminatory and stigmatizing initiatives such as TSA's *Silent Partner* and DHS's CP3 program, which embed suspicion of Muslim communities into ordinary civic life.
- Conduct regular hearings and oversight to ensure that dismantlement occurs and that new programs are not reconstituted under different names.

The end of Quiet Skies and NSEERS shows that discriminatory surveillance programs can be eliminated. Now, the larger watchlist system, the true source of ongoing surveillance and denial of rights to Americans, must be addressed. It is an unconstitutional administrative program that should never have existed and must not be legislated into permanence. We urge the Committee to lead in pressing the executive branch to dismantle it once and for all.

Sincerely,

A handwritten signature in cursive script, appearing to read "Robert S. McCaw".

Robert S. McCaw
Government Affairs Department Director
Council on American-Islamic Relations (CAIR)